



**AGENDA NO: B-1**

**MEETING DATE: October 25, 2022**

**AGENDA CORRESPONDENCE  
RECEIVED BY THE CITY COUNCIL FOR  
PUBLIC REVIEW PRIOR TO THE MEETING**



October 25, 2022

RE: Agenda Item B-1

Honorable Mayor and City Council,

The Morro Bay Chamber is composed of 308 businesses that collectively supply over 3.2k local jobs. Our organization follows a deliberative process to arrive at policy positions. This process includes research into issues facing our members and the business community through our Governmental Affairs Committee, then deliberation and ultimate adoption of policy positions by our Board of Directors who are elected by the Chamber membership each Fall.

Item B-1 on your agenda speaks directly to one of the Chamber's adopted policy positions which is, simply put, that more housing is good business. The current lack of housing creates high business costs, is bad for the environment, and is not sustainable.

The Chamber supports Commercial Heights, Chapter 17.08 of the draft 2018 zoning ordinance, without the amendment before you tonight. Numerous hours of contemplation and investigation in public meetings by the Planning Commission and General Plan Advisory Council arrived at the 37-foot height to incentivize investment in the Downtown core. New development can help to preserve the character of a place and project submittals will be subject to PC review that include adherence to design guidelines. Incremental development will offer more options for smaller, apartment-like dwellings on top of commercial space providing for more year-round foot traffic in the Downtown economic center. Not only is an increase in foot traffic a long-held desire of Downtown business owners, but it is also a critical component to ensuring the vitality of over a dozen new small businesses that have chosen to site their livelihoods and provide jobs Downtown over the last 18 months.

One of the Chamber's guiding principles is to fix problems, and not to fix blame. Lack of housing is a problem. We had hoped that the Chevron and Morro Elementary properties may have moved further along by now, years after the Housing Element was certified. That they haven't can't be placed at the foot of any one person or entity, but it does demonstrate that piecemealing a path out of housing issues is not going to work.

Additionally, our review of the draft zoning ordinance found multiple, overlapping design districts and regulations that greatly complicate development and that contained little zoning ordinance-

level quantitative design regulations and more planning-level, policy language. “Should”, “may”, “can” and “could” statements don’t belong in a zoning ordinance. Additional design overlay zones will further complicate efficiency in development and in providing a clear pathway to project completion.

We encourage the City Council to take this opportunity to meaningfully address higher-density housing needs and to move forward with Chapter 17.08 as drafted in 2018 to vitalize the Downtown and provide a livable community for all income levels.

Thank you,

A handwritten signature in black ink, appearing to read 'Erica Crawford', written in a cursive style.

Erica Crawford  
President/CEO  
Morro Bay Chamber

Attachment:

MB Chamber Zoning Ordinance and Map Comments and Recommendations February 2022



**Morro Bay Chamber of Commerce**  
**2021 Zoning Ordinance and Map Comments and Recommendations**  
**February 2022**

**Background**

The Morro Bay Chamber of Commerce reviewed the draft versions of the General Plan, Local Coastal Program, Zoning Ordinance and the Sign Ordinance in 2019. These documents were developed by the City's consultants, City staff, and have been reviewed by the City's General Plan Advisory Committee, community and the City Planning Commission. The documents have benefitted significantly from those reviews.

More recently, the Chamber reviewed the 2021 draft of the Zoning Ordinance and Zoning Map. Like the 2019 iteration, the Chamber of Commerce has reviewed these documents in detail in the context of business interests and offer the comments and suggestions contained in this correspondence. The Chamber's recommendations were informed by input from the City staff, including City Manager Scott Collins and Community Development Director Scot Graham. We thank them for their time and expertise.

Overall, we'd like to commend the current and previous City Council members for undertaking the important task of updating these documents. Many of the City's existing regulations are antiquated and contain design and development regulations that are counterproductive, or at least unclear. This has resulted in unnecessary work by staff, unclear directions to applicants, and significant delays in projects that otherwise comply with the City's development objectives. The changes proposed by the documents will eliminate unnecessary discretionary reviews, make more processes administrative, eliminate inconsistencies between the various General Plan documents, and inconsistencies between the Zoning Ordinance and the General Plan. We also applaud the new emphasis on mixed use and more housing in the community. Housing is often overlooked as an important element of business success, both as a source of qualified workers and a source of new customers.

**Why We Care**

The Chamber's comments on the Zoning Ordinance update are based on a number of foundational issues that are key to the economic success of our business. We care about the Zoning Ordinance and other development regulations because:

Housing is Good Business. Business has an interest in the stability and growth of consumer demand that is not existential. Business owners have invested significant capital in the community and are risking their life savings on these business investments. The City is empowered to effectively set the table for housing to be built by the private sector. Housing policies and regulations, such as those contained in

the Zoning Code, have an effect on resident population growth and, accordingly, consumer demand. A stable, year-round population in the community's neighborhoods is critical to sustain consumer demand, as is providing feasible opportunities for growth and development.

Housing is also critical to workforce. To date, Morro Bay has lagged in the production of housing needed for its workforce, including housing needs of the city organization itself. Our members report that Morro Bay is an expensive place to do business because of high employee turnover. Employers take on a new employee, invest in their training and onboarding, then lose them to a job found closer to their place of residence and must start the cycle again. This is not sustainable.

Beyond the workforce need, Morro Bay's businesses stand to benefit from an increase in year-round residents that would stabilize the peaks and troughs of our seasonal, tourism-driven economy. Economic Development is the creation of wealth from which community benefits are realized. Such creation of wealth from year-round business activity would enhance community benefit for all residents. Housing availability is at the crux of wealth creation that benefits the community as a whole.

By-Right Housing. Housing gets built if a project is in an attractive and marketable community or neighborhood, where there are adequate sites, and where the entitlement process is consistent and predictable. Quality development occurs because of good, written development standards developed through an inclusive public process. Development standards answer the question about what performance and operational issues are associated with different scales and sizes of development, and what are the appropriate development conditions. The Zoning Ordinance is the mechanism through which the city sets the table for housing development. It is critical that Morro Bay's Zoning Code gets this right.

Appropriate Regulations. Business and private investment is what implements the General Plan/LCP and Zoning Ordinance. The business community is uniquely qualified to assess what is feasible and bankable, and what is not. New housing and new commercial projects like hotels, restaurants, and offices are built where there are clear regulations and identifiable market opportunity. By some estimates, compliance with development regulations can be up to 40 percent of the cost of a development project as investors activate financial, legal, and technical teams to execute a project. Regulations should be appropriate, and not excessive, to mitigate real or potential problems associated with development projects. If development regulations such as building height, parking, development density, and setbacks are arbitrarily set, then the cost of investing and re-investing in the community will be unnecessarily high. Our businesses already struggle with high utility costs, higher labor turnover, higher labor costs, odd-shaped lots, and challenging geography and physical constraints. Appropriate, and not excessive, regulation should be the goal.

Economic development depends on good development regulations. The City Council, via its goals setting process, has committed to increasing and enhancing the City's businesses. That can only happen with adequate and reasonable development regulations, sites that are adequately located, zoned and served by infrastructure, policies that encourage the expansion of tourism, and policies that encourage the expansion of housing opportunities (both for job-housing balance, and for local consumer demand). The City relies on business activity to adequately fund government services to those businesses and local citizens. While business do the actual building and development, it is the City's responsibility to do an adequate level of planning and implementation to "set the table" for that development to take place.

Be fair. Be fast. Be consistent. Insist on excellence. Community development investors should be able to clearly navigate through the planning process with clear and consistent development regulations, clear timelines and clear pathways to project completion. City staff reports that the existing overlapping and sometimes inconsistent of development regulations is one of the key constraints to more efficient and expeditious permit processing. Efficiency does not have to come at the expense of excellence. Clarity and consistency will result in great projects.

Clarity leads to efficiency. For years the community has struggled with an inadequate and antiquated Zoning Ordinance and Zoning Map. Businesses and investors make decisions to locate or expand a use based on their understanding of local development regulations. Local project proposers reported to the Chamber that the current Zoning Ordinance includes convoluted or hidden requirements and “gotchas”. Similarly, staff has reported that the current Zoning Ordinance and map are inadequate to effectively communicate, and enforce, the community’s design regulations. Clearing up the Zoning Ordinance is one of the Chamber’s top recommendations to improve permit processing.

### **Recommendations**

Please see the specific recommendations on the attached spreadsheet which has been supplied to City Community Development staff. The Chamber considers each of these items as important to change in the current draft to address. Based on our most recent review, we observe that while improvements have been made, the job is not done and further work needs to be done to meet the community’s expectations. The attached comment matrix provides comments on specific sections, and includes generalized comments that need to be addressed to achieve the efficiency, design excellence and consistency that should result from a comprehensive Zoning Ordinance Update. Major issues that need to be addressed:

Zoning Ordinance Map. The Zoning Map is the usual starting point for anyone trying to determine what they can build, where they can build and the applicable development regulations. The current map does not include a number of very important overlay zones and design districts that have substantial impact on permitted land uses, permit processes, and design regulations. This document should be the “key map” or “index map” to the City’s design regulations.

Multiple, Overlapping Design Districts and Regulations. There are areas of the community that have multiple, overlapping design and land use districts that greatly complicate development. These include familiar ones such as the Waterfront Master Plan, Beach Street and North Main areas, and the Downtown Waterfront Strategic Plan, and undefined ones like the “Embarcadero”, “Midway Marina”, “Quintana” districts. Some of the “plans” or “regulations” are actually policy documents and contain little zoning-ordinance level quantitative design regulations. The City should digest these as much as possible and/or provide a matrix of regulations that can be easily understood by the public and community investors. Some plans seem to be integrated in their entirety by reference even though they are planning level documents with lots of “should”, “may”, “can” and “could” statements that don’t belong in a Zoning Ordinance. These documents also include development concepts that are no longer supported by General Plan. Many of these design overlay zones were done 25 to 30 years ago and are now of limited utility.

Affordable Accommodations Policy. The General Plan’s technical studies concluded that approximately two-thirds of the City’s lodging inventory (including camp grounds, VRs and lower cost hotels and motels), qualify as Lower Cost Accommodations. However, the City’s Lower Cost Accommodation

policies require the development of additional such properties, and in particular in the Tidelands Trust properties where there are already significant costs and special development regulations. The City, Coastal Commission, and Chamber agreed that this matter was to be addressed in the Zoning Ordinance. Before it gets away or forgotten, this matter should be resolved during the final update of the Zoning Ordinance. The Morro Bay Chamber asks to be involved in the development of drafts of these regulations, and that it be provided an opportunity to formally comment on any draft proposals. Definitions Matter. While a mundane and trivial matter, the feasibility of a certain use at a certain location depends on a definition. Is it “Clearly Incidental”? Is it a “medical office” or a “medical clinic”? Or, is that a distinction without a substantive difference? Is it in the “Midway Marina” district and subject to special regulations in Section 17.11.050? Is it subject to the sign regulations in the “Quintana Road” district (whatever properties that includes)? The definitions of all terms should be clearly and unambiguously set forth and the locations of all of the special design districts easily decipherable to the lay public and development applicants. Currently they are not.

Embarcadero Master Lease Holders (EML) Comments. The EML group has gone to the extraordinary effort of retaining legal counsel and a professional planner to advise them on how the GP/LCP and Zoning will impact their businesses and development plans. We join and support their comments.

*Sign Ordinance Regulations. Businesses are highly sensitive to sign regulations. Rather than opine on these at this time, it is recommended that the Chamber convene a task force with representatives from the four major businesses center to review the proposed regulations and advise the Chamber on an appropriate position.*

*Housing and Residential Zone Regulations. It is also recommended that the Chamber convene a group of members to advise it to what degree the new zoning regulations are practical and feasible and if they implement the GP/LCP and Housing Element.*

**From:** [Derek Dahlgren](#)  
**To:** [Council](#)  
**Subject:** Response to Section B Public Hearing Items for October 25 City Council Meeting Agenda  
**Date:** Tuesday, October 25, 2022 8:56:23 AM  
**Attachments:** [Exhibit A .pdf](#)

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

I plan to speak on Section B Public Hearing Items at the City Council meeting schedule for October 25, 2022. Below is the subject mater to be presented and have attached a PDF with the a proper notification for the changes with the current California Government related sections for notifications on Zoning Changes.

Derek Dahlgren

Derek E. Dahlgren

733 Harbor St.

Morro Bay, CA 93442



Speaking on behalf of all owners of 733 and 741 Harbor Street.

### Request

That the city council not take any action regarding the Planning Commission's recommendations for zoning amendments to title 17 of the Morro Bay Municipal code.

### Reasoning

The proposed amendments effect permitted uses or intensity of the uses of real property within the city limits. In addition, as a direct consequence of the changes the entire population of the city is affected because the changes shape the future growth of the city and its tourist attracting waterfront. Additionally, effects not only future construction projects but also projects involving modification of existing structures and overall appearance of the city. In addition, the amendments effect the population's

access to housing within the city, what types are acceptable and, where in the city they may be constructed.

The proposed amendments were developed by the planning commission without notice to the real property owners effected by the changes and to the general public as a whole. Attached exhibit "A" page 3 clearly states that the planning commission must give real property owners notice by mail or personal service of any hearings it may schedule regarding modifications of existing codes effecting permitted uses or intensity of uses of real property. The proposed amendments meet the criteria.

#### History of 733 and 741 Harbor Street and present owners.

733 Harbor Street was originally purchase by Jess and Prima Martinez in 1977. The present owners Jess Martinez Jr., Sandra Martinez and Cynthia Dahlgren are the children of Jess and Prima Martinez. Title was passed to the siblings with the passing of Jess and Prima Martinez. Derek Dahlgren, the husband of Cynthia Dahlgren purchased the adjacent vacant lot 741 Harbor Street in July 2020. Prior to the purchase Derek and Cynthia Dahlgren spoke with the planning department in mid-February 2020. We outlined our plans on developing an ADU and garaged off street parking for both residences. There were no objections and the lot next door became available in early June and was purchased.

In September 2020 an architect was hired, plans were drawn up and soils testing was done. The architect consulted with the city and was told "plans are OK."

In March of 2022 Derek and Cynthia Dahlgren signed an application for a building permit prepared by our architect. Within the same day we were informed by our architect the plans were no longer acceptable to the city. It was explained to us the zoning had been changed and our plans were now non-conforming. We were all shocked to find out this had had occurred without any of us receiving personal notice of the proposed changes. Since we live in Morro Bay none of us had the need to read the SLO Tribune. It must be noted this was happening during the pandemic shutdown. The planning department was closed and papers were circulated by a box by the front door of the planning department. At times, communications with the planning department were slow or non-existing.

Therefore, it is requested the City Council take no action on this matter until the council is assured real property owners were given proper notice. Additionally, all

residents were made aware of the pending rezoning and its effect on the accessibility to housing and overall development of new housing or modifications of existing effected structures. As an alternative refer the matter back to the planning commission to ensure proper notification is given to real property owners and residents of the city. Adopting these changes at this time may result in future litigation due to the lack of notice issue. Therefore, it may be considered wise to take no action until the issue of proper notice is resolved.

## Exhibit "A"

<b>PLANNING AND ZONING</b>					
CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 65853 65854 65090 65091 65092 65094	Notice of <i>Planning Commission's</i> public hearing for <i>adoption or amendment to zoning ordinance</i> which changes zoning on property or imposes any regulation listed in Govt. Code 65850	General public	At least 10 days before hearing	Publish in newspaper of general circulation within the city  If there is no newspaper of general circulation, post in 3 public places within city	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Place of public hearing</li> <li>• Hearing body or officer</li> <li>• General explanation of matter</li> <li>• General description of the location of real property subject to hearing</li> </ul>
		Persons who file written request for notice	At least 10 days before hearing	Mail	Same as above
	If proposal affects permitted uses or intensity of uses of real property, follow above rules and:	Property owner or agent and project applicant	At least 10 days before hearing	Mail or deliver	Same as above
		Real property owners within 300 feet of subject real property on latest assessment roll or more recent County records	At least 10 days before hearing	Mail or deliver	Same as above
		ALTERNATIVE - If number of real property owners exceeds 1000	At least 10 days before hearing	Publish 1/8 page display advertisement in newspaper of general circulation within city	Same as above
	If other local agency's ability to provide water, sewage, streets, roads, schools, or other essential facilities may be significantly affected	Affected local agency	At least 10 days before hearing	Mail or deliver and publish in newspaper of general circulation in city or post in three public places including one in area affected	Same as above

## PLANNING AND ZONING

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 65853 65856 65090 65092	Notice of <i>City Council's</i> public hearing on <u>adoption or amendment to zoning ordinance</u> which changes zoning on property; or imposes any regulation listed in Govt. Code 65850; or <u>appeal of Planning Commission's recommendation to deny rezoning</u>	General public	At least 10 days before hearing	Publish in newspaper of general circulation within the city  If there is no newspaper of general circulation, post in 3 public places within city	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Place</li> <li>• Hearing body</li> <li>• General explanation of matter</li> <li>• General description of the location of real property subject of hearing</li> <li>• Recommendation of Planning Commission</li> </ul>
		Persons who file written request for notice	At least 10 days before hearing	Mail	Same as above
Govt. Code 65090 65091	Any permits, approvals, ordinances or policies related to drive-through facilities.	The blind, aged, and disabled communities.	At least 10 days before hearing on permits and approvals.	Publish or post Mail or deliver  (Note: Must incorporate notice procedures to facilitate participation of the blind, aged and disabled (reasonable accommodation under ADA))	Same as above, as appropriate to any disability

## PLANNING AND ZONING

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 65353 65090 65091 65092 65094	<u>Planning Commission</u> public hearing re: recommendation on <u>adoption or amendment of</u> <u>General Plan</u>	General public	At least 10 days before hearing	Publish in newspaper of general circulation within the city  If there is no newspaper of general circulation, post in 3 public places within city	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Location</li> <li>• Hearing body or officer</li> <li>• General explanation of matter</li> <li>• General description of the location of real property subject of hearing</li> </ul>
		Persons who file written request for notice	At least 10 days before hearing	Mail	Same as above
	If General Plan or amendment affects permitted uses or intensity of uses of real property	Property owner or agent and applicant	At least 10 days before hearing	Mail or deliver	Same as above
		Real property owners within 300 feet on latest assessment roll	At least 10 days before hearing	Mail or deliver	Same as above
		ALTERNATIVE - If number of real property owners exceeds 1000	At least 10 days before hearing	Publish 1/8 page display advertisement in newspaper of general circulation within city	Same as above
		Persons who file written request for notice	At least 10 days before hearing	Mail	Same as above
	If other local agency's ability to provide water, sewage, streets, roads, schools, or other essential facilities may be significantly affected	Affected local agency	At least 10 days before hearing	Mail or deliver <u>and</u> publish in newspaper of general circulation in city or post in three public places including one in area affected	Same as above

## PLANNING AND ZONING

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 65355 65090 65092	<u>City Council</u> public hearing re: <u>adoption or amendment of General Plan</u>	General public	At least 10 days before hearing	Publish in newspaper of general circulation within the city	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Location</li> <li>• Hearing body or officer</li> <li>• General explanation of matter</li> <li>• General description of the location of real property subject of hearing</li> <li>• Recommendation of Planning Commission</li> </ul>
				If there is no newspaper of general circulation, post in 3 public places within city	
		Persons who file written request for notice	At least 10 days before hearing	Mail	Same as above
Govt. Code 65858 65090 65092	Public hearing re: adoption of <u>Interim Ordinance as urgency measure to prohibit use in conflict with contemplated General Plan, specific plan, or zoning proposal</u> ; adoption of extensions	General public	At least 10 days before hearing	Publish in newspaper of general circulation within the city	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Location</li> <li>• Hearing body or officer</li> <li>• General explanation of matter</li> <li>• General description of the location of real property subject of hearing</li> </ul>
				If there is no newspaper of general circulation, post in 3 public places within city	
		Persons who file written request for notice	At least 10 days before hearing	Mail	Same as above
	<p><b>NOTE:</b> Notice is not required to adopt an interim ordinance lasting 45 days. If none is provided, the 1st extension after public hearing is for 10 months, 15 days; and the 2nd for 1 year. If a noticed public hearing is provided upon initial adoption, then the 1st extension is for 22 months, 15 days.</p>				

## PLANNING AND ZONING

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 65867 65090 65091 65092	Public hearing re: <u>approval, amendment or                      cancellation of a                      Development Agreement</u>  <b>(NOTES:</b> This applies for hearing before both the Planning Commission and City Council  This notice is in addition to any other notice required by law for other actions to be considered concurrently with the Development Agreement)	General public	At least 10 days before hearing	Publish in newspaper of general circulation within the city  If there is no newspaper of general circulation, post in 3 public places within city	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Place</li> <li>• Hearing body</li> <li>• General explanation of matter</li> <li>• General description of the location of real property subject of hearing</li> </ul>
		Persons who file written request for notice	At least 10 days before hearing	Mail	Same as above
		Property owner or agent and applicant	At least 10 days before hearing	Mail and deliver	Same as above
		Real property owners within 300 feet on latest assessment roll	At least 10 days before hearing	Mail and deliver	Same as above
		ALTERNATIVE - If number of real property owners exceeds 1000	At least 10 days before hearing	Publish 1/8 page display advertisement in newspaper of general circulation within city	Same as above
	If other local agency's ability to provide water, sewage, streets, roads, schools, or other essential facilities may be significantly affected	Affected local agency	At least 10 days before hearing	Mail or deliver <u>and</u> publish in newspaper of general circulation in city <u>or</u> post in three public places including one in area affected	Same as above

## PLANNING AND ZONING

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 65905 65091 65092	Notice of public hearing regarding applications, revocation or modification for <u>variance, conditional use permit, or equivalent development permit, or appeal of action thereon, generally</u>	Property owner or agent and applicant	At least 10 days before hearing	Mail or deliver	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Place</li> <li>• Hearing body</li> <li>• General explanation of matter</li> <li>• General description of the location of real property subject of hearing</li> </ul>
		Real property owners within 300 feet on latest assessment roll	At least 10 days before hearing	Mail or deliver <u>and</u> publish in newspaper of general circulation in city <u>or</u> post in three public places including one in area affected	Same as above
		ALTERNATIVE - If number of real property owners exceeds 1000	At least 10 days before hearing	Publish 1/8 page display advertisement in newspaper of general circulation within city	Same as above
		Persons who file written request for notice	At least 10 days before hearing	Mail	Same as above
	If other local agency's ability to provide water, sewage, streets, roads, schools, or other essential facilities may be significantly affected	Affected local agency	At least 10 days before hearing	Mail or deliver	Same as above
	Any permits, approvals, ordinances or policies related to drive-through facilities.	The blind, aged, and disabled communities.	At same time as otherwise required. At least 10 days before hearing on permits and approvals.	Publish or Post Mail or deliver  (Note: Must incorporate notice procedures to facilitate participation of the blind, aged and disabled (reasonable accommodation under ADA))	Same as above, as appropriate to any disability.

## PLANNING AND ZONING

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 50485.5	Adoption of airport zoning regulations	General Public	Once a week for two successive weeks with at least five days in between	Newspaper of general circulation	Contents of the notice are not specified, but at minimum, should contain a description of the action, and the date, time and place for the hearing
Govt. Code 56755 56153 56154	Resolution of application to LAFCO for annexation of territory	General Public	21 days prior to the hearing	Newspaper of general circulation	Contents of the notice are not specified, but at minimum, should contain a description of the action, and the date, time and place for the hearing
Govt. Code 56425	Adoption of agreement between city and county to change sphere of influence after LAFCO approval	General Public	The timeframe for the notice is not specified, but should likely follow the 21 day notice required in §56154	The place for notice is not specified, but should likely be in a newspaper of general circulation as required by §56153	Contents of the notice are not specified, but at minimum, should contain a description of the action, and the date, time and place for the hearing

**State of California**

**GOVERNMENT CODE**

**Section 65353**

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65353. (a) When the city or county has a planning commission authorized by local ordinance or resolution to review and recommend action on a proposed general plan or proposed amendments to the general plan, the commission shall hold at least one public hearing before approving a recommendation on the adoption or amendment of a general plan. Notice of the hearing shall be given pursuant to Section 65090.

(b) If a proposed general plan or amendments to a general plan would affect the permitted uses or intensity of uses of real property, notice of the hearing shall also be given pursuant to paragraphs (1) and (3) of subdivision (a) of Section 65091.

(c) If the number of owners to whom notice would be mailed or delivered pursuant to subdivision (b) is greater than 1,000, a local agency may, in lieu of mailed or delivered notice, provide notice by publishing notice pursuant to paragraph (4) of subdivision (a) of Section 65091.

(d) If the hearings held under this section are held at the same time as hearings under Section 65854, the notice of the hearing may be combined.

(Amended by Stats. 2011, Ch. 382, Sec. 5. (SB 194) Effective January 1, 2012.)

**State of California**

**GOVERNMENT CODE**

**Section 65090**

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65090. (a) When a provision of this title requires notice of a public hearing to be given pursuant to this section, notice shall be published pursuant to Section 6061 in at least one newspaper of general circulation within the jurisdiction of the local agency which is conducting the proceeding at least 10 days prior to the hearing, or if there is no such newspaper of general circulation, the notice shall be posted at least 10 days prior to the hearing in at least three public places within the jurisdiction of the local agency.

(b) The notice shall include the information specified in Section 65094.

(c) In addition to the notice required by this section, a local agency may give notice of the hearing in any other manner it deems necessary or desirable.

(d) Whenever a local agency considers the adoption or amendment of policies or ordinances affecting drive-through facilities, the local agency shall incorporate, where necessary, notice procedures to the blind, aged, and disabled communities in order to facilitate their participation. The Legislature finds that access restrictions to commercial establishments affecting the blind, aged, or disabled is a critical statewide problem; therefore, this subdivision shall be applicable to charter cities.

(Amended by Stats. 2000, Ch. 785, Sec. 1. Effective January 1, 2001.)

**State of California**

**GOVERNMENT CODE**

**Section 65091**

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65091. (a) When a provision of this title requires notice of a public hearing to be given pursuant to this section, notice shall be given in all of the following ways:

(1) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the owner of the subject real property as shown on the latest equalized assessment roll. Instead of using the assessment roll, the local agency may use records of the county assessor or tax collector if those records contain more recent information than the information contained on the assessment roll. Notice shall also be mailed to the owner's duly authorized agent, if any, and to the project applicant.

(2) When the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7) requires notice of a public hearing to be given pursuant to this section, notice shall also be given to any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code.

(3) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

(4) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing. In lieu of using the assessment roll, the local agency may use records of the county assessor or tax collector which contain more recent information than the assessment roll. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph or paragraph (1) is greater than 1,000, a local agency, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the local agency in which the proceeding is conducted at least 10 days prior to the hearing.

(5) If the notice is mailed or delivered pursuant to paragraph (4), the notice shall also either be:

(A) Published pursuant to Section 6061 in at least one newspaper of general circulation within the local agency which is conducting the proceeding at least 10 days prior to the hearing.

(B) Posted at least 10 days prior to the hearing in at least three public places within the boundaries of the local agency, including one public place in the area directly affected by the proceeding.

(b) The notice shall include the information specified in Section 65094.

(c) In addition to the notice required by this section, a local agency may give notice of the hearing in any other manner it deems necessary or desirable.

(d) Whenever a hearing is held regarding a permit for a drive-through facility, or modification of an existing drive-through facility permit, the local agency shall incorporate, where necessary, notice procedures to the blind, aged, and disabled communities in order to facilitate their participation in any hearing on, or appeal of the denial of, a drive-through facility permit. The Legislature finds that access restrictions to commercial establishments affecting the blind, aged, or disabled, is a critical statewide problem; therefore, this subdivision shall be applicable to charter cities.

(Amended by Stats. 2016, Ch. 366, Sec. 13. (SB 974) Effective January 1, 2017.)

**State of California**

**GOVERNMENT CODE**

**Section 65092**

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65092. (a) When a provision of this title requires notice of a public hearing to be given pursuant to Section 65090 or 65091, the notice shall also be mailed or delivered at least 10 days prior to the hearing to any person who has filed a written request for notice with either the clerk of the governing body or with any other person designated by the governing body to receive these requests. The local agency may charge a fee which is reasonably related to the costs of providing this service and the local agency may require each request to be annually renewed.

(b) As used in this chapter, “person” includes a California Native American tribe that is on the contact list maintained by the Native American Heritage Commission.

(Amended by Stats. 2004, Ch. 905, Sec. 4. Effective January 1, 2005.)

**State of California**

**GOVERNMENT CODE**

**Section 65094**

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65094. As used in this title, “notice of a public hearing” means a notice that includes the date, time, and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.

(Added by Stats. 1984, Ch. 1009, Sec. 2.)

October 25, 2022

RE: Agenda Item B-1

Dear Mayor and City Council Members:

My name is Kirk Najarian and I am writing this letter to show my support to 37-foot height limit for downtown structures.

If we really want people to invest in the downtown area and create affordable housing one of the best ways is mixed use buildings. In order to make such an endeavor feasible one would need to have up to 37-feet to construct a 3-story building with a proper roof pitch and exterior esthetics.

Enough time, energy and money has been spent to come up with the 37-foot height limit proposal and we need to keep moving forward not keep stalling and creating more studies and meetings.

Respectfully,

A handwritten signature in black ink that reads "Kirk Najarian". The signature is written in a cursive, flowing style.

Kirk Najarian

October 17, 2022

To all at Planning and City Council:

It has come to my attention that you have plans to change my zoning on my property at 1129 Market Street.

You have decided to take away my visitor serving status and change the usage rules on my property to suit your needs. I bought this property because it could be used for visitor serving. I will be consulting my attorney. But maybe you could explain why you think this is ok. What if it were your property?

Please make these changes so that I will have the same opportunities that I did when I bought the property.

Thank you for responding soon,

Paula Radke  
1129 Market Avenue  
Morro Bay, CA 93442

## Dana Swanson

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**From:** Krista Jeffries <krista@yimbyaction.org>  
**Sent:** Tuesday, October 25, 2022 11:45 AM  
**To:** Council; Scot Graham; Scott Collins  
**Subject:** Morro Bay Zoning Code Update

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

Hello City Council,

I've reviewed the zoning code updates proposed in the staff report for tonight. Please find my notes below.

-Go with the 37ft for downtown; I doubt it will make much difference overall for most projects, as costs go up as the building gets taller. If there are concerns about visual impacts, mandate that anything above 3 stories be stepped back a bit from the first story. It's more historically accurate to have no step back, but that may placate the people who are opposed to raising the height.

-Remove the conditional use permit for mobile home parks. There's no reason for it except to give established residents a way to shout down affordable housing. Make the objective standards more clear instead of subjecting it to public approvals.

-Inclusionary Ordinance. I really wish that this had been left absolutely last. There is so much more to be done in the development code before you can reasonably establish what kind of effect an IHO will have, and they're really easy to get wrong, especially if everything else in the code isn't fixed yet. Overall, though, it's not terrible. I do have a few suggestions.

1. Including condo conversions is great. This leads directly to displacement and homelessness. It should cost the full \$25/sq ft. SLO neglected to do this and I told them they were missing out on this important factor.
2. The minimum size for single-family to contribute to the IHO should be shrunk down to 2,000 square feet. Building an ADU is a great alternative to package with this policy.
3. The flexibility of choosing the income bracket is a great one. This means that duplex/triplex/other missing middle projects may actually pencil out with a moderate-income deed restriction. Consider what the incentives are for a builder/owner to choose the lower income bracket deed restrictions, though. What would the density bonus get for a developer if they picked low- or very-low income? How does a builder/owner go about deed-restricting a unit, and what does that cost them? Most people don't know anything about it. Provide some digestible info about it on the city's website.
4. Does the in-lieu fee apply to the units the builder chooses NOT to deed restrict, or the square footage of the whole project? The staff report did not make that clear.
5. I strongly urge you to consider exempting multifamily projects of 2-10 units (maybe even 15). These projects are the exact kind that is sorely needed for multiple city goals (economic vibrancy, diversity/equity/inclusion, climate action, etc). They are also very difficult to finance and their profits aren't anywhere near as high as a single-family subdivision. There are very few builders with the energy and desire to make these sorely needed projects happen. They need to be incentivized at every opportunity.

6. I am a little concerned about the \$25/sq ft in-lieu fee. Perhaps with the option of moderate-income deed-restriction, it's a moot point, but I only see fees that high in places like Seattle, LA and SF. A range of \$5-\$10 seems more appropriate for this area. For an in-lieu fee like that to pencil out in this time of very high interest rates, you'd need to really scrap a lot of discretionary approval processes and realign your impact fee schedule. Consider allowing the builder to pay in-lieu fees after certificate of occupancy (with a time limit of 2-3 years after entitlements are received).

Please don't hesitate to call me with any questions.

Krista Jeffries  
[SLO County YIMBY](#)  
Lead Organizer  
805.904.7325

