

City of Morro Bay

City Council Agenda

Mission Statement

The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life. The City shall be committed to this purpose and will provide a level of municipal service and safety consistent with and responsive to the needs of the public.

REGULAR MEETING – TUESDAY, MAY 10, 2011

**CLOSED SESSION – TUESDAY, MAY 10, 2011
CITY HALL CONFERENCE ROOM - 5:00 P.M.
595 HARBOR ST., MORRO BAY, CA**

- CS-1 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR**. Conference with City Manager, the City's Designated Representative, for the purpose of reviewing the City's position regarding the terms and compensation paid to the City Employees and giving instructions to the Designated Representative.

**IT IS NOTED THAT THE CONTENTS OF CLOSED SESSION MEETINGS
ARE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE.**

**PUBLIC SESSION – TUESDAY, MAY 10, 2011
VETERANS MEMORIAL HALL - 6:00 P.M.
209 SURF ST., MORRO BAY, CA**

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE
MAYOR AND COUNCILMEMBERS ANNOUNCEMENTS & PRESENTATIONS
CLOSED SESSION REPORT

PUBLIC COMMENT PERIOD - Members of the audience wishing to address the Council on City business matters (other than Public Hearing items under Section B) may do so at this time.

To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

- When recognized by the Mayor, please come forward to the podium and state your name and address for the record. Comments are to be limited to three minutes.
- All remarks shall be addressed to Council, as a whole, and not to any individual member thereof.
- The Council respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the City Council to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in City Council meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (805) 772-6205. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 APPROVAL OF MINUTES FOR THE REGULAR CITY COUNCIL MEETINGS OF APRIL 12, 2011 AND APRIL 26, 2011; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 UPDATE ON CURRENT LEGISLATIVE BILLS PENDING IN SACRAMENTO AND REPORT ON CALIFORNIA LEGISLATIVE ACTION DAYS; (CITY ATTORNEY)

RECOMMENDATION: Review the report, and if there are any pending Legislative Bills that are of interest or concern, discuss them with the City Attorney.

A-3 ACCEPTANCE OF OFFERS OF DEDICATION FOR PROJECTS LOCATED AT 962 PINEY WAY (ST. TIMOTHY'S) AND 1478 QUINTANA ROAD (ROCK HARBOR CHRISTIAN FELLOWSHIP); (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 34-11 accepting the Offer of Dedication for public pedestrian easement purposes for 962 Piney Way; and, adopt Resolution No. 31-11 for Right of Way and Utility Easement purposes for 1478 Quintana Road.

A-4 AWARD OF MARKETING CONTRACT TO BARNETT COX; (ADMINISTRATION)

RECOMMENDATION: This item has been pulled from the agenda.

A-5 PROCLAMATION DECLARING MAY 2011 AS "NATIONAL DROWNING PREVENTION MONTH"; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

A-6 PROCLAMATION DECLARING THE WEEK OF MAY 15 – 21, 2011 AS "POLICE WEEK"; (POLICE)

RECOMMENDATION: Adopt Proclamation.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 REQUEST FOR APPROVAL TO CONSTRUCT A 23-UNIT COMMUNITY HOUSING PROJECT WITH EXCEPTIONS AND ASSOCIATED ENVIRONMENTAL DOCUMENTS LOCATED AT 2400 MAIN STREET (UP0-086, CP0-130, SOO-048); (PUBLIC SERVICES)

RECOMMENDATION: Conditionally approve Tentative Subdivision Map (S00-048), Use Permit (UP0-086) and Coastal Development Permit (CP0-130) subject to the findings contained in Exhibit A and the Conditions of Approval in Exhibit B.

B-2 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 567 REPEALING, AMENDING AND REENACTING CHAPTER 14.48 OF THE CITY OF MORRO BAY MUNICIPAL CODE, ENTITLED ILLICIT DISCHARGE AND STORMWATER MANAGEMENT CONTROL; (PUBLIC SERVICES)

RECOMMENDATION: Approve the introduction and first reading of Ordinance No. 567 by number and title only.

B-3 RESOLUTION NO. 25-11 DECLARING THE INTENTION TO CONTINUE THE PROGRAM AND ASSESSMENTS FOR THE 2011/12 FISCAL YEAR FOR THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Conduct a public hearing, record testimony for/against the continuation of the Morro Bay Tourism Business Improvement District, and adopt/reject/amend Resolution No. 25-11.

B-4 RESOLUTION APPROVING THE ENGINEERS REPORT AND DECLARING THE INTENT TO LEVY THE ANNUAL ASSESSMENT FOR THE CLOISTERS LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 32-11 declaring the intent to levy the annual assessment for the maintenance of the Cloisters Park and Open Space and approving the Engineers Report.

B-5 RESOLUTION APPROVING THE ENGINEERS REPORT AND DECLARING THE INTENT TO LEVY THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

RECOMMENDATION: Adopt Resolution No. 33-11 declaring the intent to levy the annual assessment for the maintenance of the North Point Natural Area and approving the Engineers Report.

C. UNFINISHED BUSINESS – NONE.

D. NEW BUSINESS

D-1 DRAFT SIGN ORDINANCE; (PUBLIC SERVICES)

RECOMMENDATION: Review Draft Ordinance and changes proposed by the Planning Commission and provide direction to staff regarding the final Revised Sign Ordinance.

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

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 CITY HALL FOR ANY REVISIONS OR CALL THE CLERK'S OFFICE AT 772-6200 FOR FURTHER INFORMATION.

MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL LOCATED AT 595 HARBOR STREET; MORRO BAY LIBRARY LOCATED AT 625 HARBOR STREET; AND MILL'S COPY CENTER LOCATED AT 495 MORRO BAY BOULEVARD DURING NORMAL BUSINESS HOURS.

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – APRIL 12, 2011
CITY HALL CONFERENCE ROOM - 5:00 P.M.

Mayor Yates called the meeting to order at 5:00 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember

STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

MOTION: Councilmember Borchard moved the meeting be adjourned to Closed Session. The motion was seconded by Councilmember Johnson and unanimously carried. (5-0)

Mayor Yates read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY

TRANSACTIONS. Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to one (1) parcel.

- Property: 5-acre vacant lot at end of Chorro Creek Road
Negotiating Parties: Wakefield and City of Morro Bay.
Negotiations: Lease Terms and Conditions.

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:45 p.m.

MOTION: Councilmember Borchard moved the meeting be adjourned. The motion was seconded by Councilmember Leage and unanimously carried. (5-0)

The meeting adjourned at 5:45 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 12, 2011
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Yates called the meeting to order at 6:00 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Jamie Boucher	Deputy City Clerk
	Eric Endersby	Harbor Operations Manager
	Susan Lichtenbaum	Harbor Business Manager
	Rob Livick	Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

CLOSED SESSION REPORT - City Attorney Robert Schultz reported the City Council met in Closed Session, and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Christine Johnson, President of Morro Bay Friends of the Library announced this is “National Library Week.” She also announced the library’s book sale will be held on May 14th at 9:00 a.m. and will be held at the Community Center, as well as Friends of the Library members-only event on May 13th at the Morro Bay Wine Cellar. Ms. Johnson introduced Jackie Kinsey, the library’s branch manager.

Jackie Kinsey, Morro Bay Library Branch Manager stated she was appointed as the branch manager in September 2010. She reviewed present and upcoming programs at the library.

Adriane Harris, Director of the Morro Bay National Estuary Program, announced a public hearing on the National Estuary Program Management Plan update will be held April 14th at 6:00 p.m. at the Community Center.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 12, 2011

D’Onna Kennedy thanked the business community and residents for their participation in the City-wide Yard Sale. She announced the Central Coast Veterans Group meets every third Tuesday of each month at 6:00 p.m. at the Eagles Lodge, which provides information regarding services available to veterans.

The following people addressed Item D-3 (Discussion of Policies and Procedures Regarding Absences from Planning Commission) and expressed support for Planning Commissioner John Diodati maintaining his seat on the Planning Commission: Gisele Pulg, Walter Heath, Evan Barbas, David Nelson, Ani Lyne, Richard Harrison, Dana Putnam, Barry Brannon, Zach Snyder, John Zigler, Marcus Jackson, Karen Croley, Roger Ewing, Susan Mullen, Lee Johnson, Richard Margesten, Laura Lathrop, Josh Beckett, Erin Hadley, John Diodati and Chris Christianson.

Bill Shewcheck read a letter from Stan Trapp (owner of Marina Square) expressing support for Item D-4 (Discussion of Reallocation of Harbor Funds for the Embarcadero Banner Project). Mr. Shewcheck also expressed his support stating this is a good investment in the business community of Morro Bay.

David Nelson expressed concern with the removal of the tank farm stating there was a contractual obligation through the lease for the removal of these tanks.

Barry Brannon referred to the MB/CSD JPA meeting scheduled for April 14th stating it is important that citizens get involved and attend this meeting.

John Barta expressed support for Item D-2 (Resolution to Approve Amendment #6 to the Lease Agreement for Lease Site 87-88/87W-88W, The Outrigger Restaurant, Located at 833 Embarcadero). He also referred to Item D-3 stating those who come before the Planning Commission deserves to be heard by the entire Commission. Mr. Barta also noted the Planning Commission serves at the pleasure of the City Council.

Bryan Millard, Morro Bay Police Commander, stated the Tip-a-Cop dinner held on April 8th raised \$5,400 for Special Olympics. He said the Emergency Vehicle Show will be held on April 16th and the proceeds will be benefitting Neighborhood Watch and the Morro Bay Community Foundation.

Brian Stacy requested the City Council consider placing the unfunded salmon disaster on their agenda. He thanked the Mayor for his assistance with the SBA.

Tracy Neil Shewcheck announced Virg’s Landing has moved to 1169 Market Street and they are running salmon trips and rock cod trips will open in May.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 12, 2011

Garry Johnson thanked the Police Department for their efforts during the tsunami warnings. He also stated there are a lot of issues coming before the Planning Commission which will require the full Commission's attention. Mr. Johnson stated the removal of the tank farm has become an environmental issue.

Lynn Meissen, Harbor Advisory Board Member, expressed opposition to Item D-4 stating these funds should be used for safety and maintenance repairs to the infrastructure of the harbor.

Mayor Yates closed the hearing for public comment.

Mayor Yates called for a break at 7:00 p.m.; the meeting resumed at 7:10 p.m.

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 APPROVAL OF MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF MARCH 22, 2011; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF RESOLUTION AUTHORIZING THE CITY OF MORRO BAY TO ENTER INTO VESSEL PUMPOUT INSTALLATION GRANT CONTRACT WITH THE DEPARTMENT OF BOATING AND WATERWAYS; (HARBOR)

RECOMMENDATION: Adopt Resolution 24-11 authorizing execution of grant contract agreement.

A-3 PROCLAMATION DECLARING APRIL 10-16, 2011 AS "CHILDHOOD CANCER AWARENESS WEEK"

RECOMMENDATION: Adopt Proclamation.

A-4 ADOPTION OF RESOLUTION NO. 26-11 APPROVING A ONE-YEAR LICENSE AGREEMENT WITH LIMO AND COURTNEY LONG, DOING BUSINESS AS SOUTH BAY HOOKERS; (HARBOR)

RECOMMENDATION: Adopt Resolution 26-11 approving one-year lease agreement.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 12, 2011

A-5 ANNUAL REPORTING ON THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT AND SCHEDULING OF A PUBLIC HEARING; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Council to acknowledge receipt of the annual report and budgets, and set the date for the public hearing for the renewal of the MBTBID on April 26, 2011, and the adoption of Resolution No. 25-11.

A-6 APPROVAL OF VEHICLE TRANSFER FROM THE POLICE DEPARTMENT TO THE PUBLIC SERVICES DEPARTMENT AND ASSOCIATED FUND TRANSFER; (POLICE)

RECOMMENDATION: Approve vehicle transfer between the Police Department and the Public Services Department.

Mayor Yates pulled Item A-5 from the Consent Calendar.

MOTION: Councilmember Borchard moved the City Council approve the Consent Calendar with the exception of Item A-5. The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

A-5 ANNUAL REPORTING ON THE MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT AND SCHEDULING OF A PUBLIC HEARING; (ADMINISTRATIVE SERVICES)

Mayor Yates recommended scheduling a public hearing for the annual reporting on the Morro Bay Tourism Business Improvement District for the May 10, 2011 City Council meeting.

MOTION: Councilmember Borchard moved the City Council approve Item A-5 of the Consent Calendar. The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 APPEAL OF PLANNING COMMISSION'S DECISION ON MARCH 2, 2011 TO DENY THE APPEAL OF THE REMOVAL AND REPLACEMENT OF 8 TREES LOCATED IN THE CITY RIGHT OF WAY; (PUBLIC SERVICES)

Councilmember Johnson stepped down from discussion on this item due to a conflict of interest.

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Public Services Director Rob Livick stated PG&E owns, operates, and maintains the high voltage electric distribution lines within the City of Morro Bay's Right-of-Way under a franchise easement. On September 22, 2010, a City tree caused a power outage where approximately 6,000 PG&E customers lost power for approximately five hours. State law requires minimum clearances of 10-feet between vegetation and high voltage lines at all times for public safety and system reliability. PG&E currently has a program, "Right Tree Right Place" for removing problem trees which require repeated pruning to comply with this requirement and replacing the tree with a tree suitable for planting near power lines due to power outages. City staff met with PG&E's Vegetation Management Forester, Greg Saenz, on October 12, 2010 to discuss trees which would qualify for this program. Nine trees in the public right-of-way were identified as successful candidates for removal and replacement. Mr. Livick recommended the City Council deny the appeal of the Planning Commission's approval for the removal of eight trees (205 Surf, 214 & 225 Beach, 1129, 1149, 1169 Market and two trees at 1320 Main) within the City right-of-way.

Robin Cole, appellant, stated her initial concern centered on the removal of a Monterey Cypress adjacent to her property, and said PG&E stated this tree interfered with its power lines. She said she was surprised to view a notice for removal nailed to the tree and was encouraged to appeal this removal. Ms. Cole stated the addendum to her appeal includes the eight trees posted for removal that are before the City Council this evening. She reviewed costs of removal and replacement of these trees, and asked why the City wants to remove these healthy, established trees that provide shade, beauty and bird habitats.

Patricia Wilmore, PG&E representative, requested the City Council support staff's recommendation to uphold the Planning Commission's approval for the removal of the eight trees within the City right-of-way.

Mayor Yates opened the hearing for public comment.

David Nelson stated there are many trees in the City that fall under utility lines, and asked if they are also going to be removed. He expressed concern with the use of galvanized nails to post notices in the trees that are being removed by PG&E. Mr. Nelson stated some of these trees can be saved by trimming the limbs away from the utility lines.

Debbie Heifel stated there is no compelling reason to comply with PG&E's request to remove all eight trees, because their rules state that trees are removed when they pose a hazard to their workers. She asked that the City not make a blanket policy of removing all trees and that each tree is inspected individually. Ms. Heifel read a letter from Monique Nelson who expressed opposition to the removal of all of these trees, and that each tree is inspected individually by an independent arborist for the health and safety of each tree.

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Betty Winholtz shared pictures of trees in Morro Bay that touch utility lines. She expressed support of this appeal filed against the Planning Commission's approval for the removal of the eight trees within the City right-of-way. She said it is important for a plan to be in place for the management of these trees.

Roger Ewing expressed his support of this appeal. He said a tree is a living ecosystem that benefits the environment and ecology that allows the City to post the "Tree City" signs. Mr. Ewing stated his concern is to destroy all of the trees that will leave a vacant view shed that will be a shock to the ecosystem. He suggested the removal of one tree at a time, and put a plan in place to manage the removal of the trees that are a problem to PG&E.

Mayor Yates closed the hearing for public comment.

Mayor Yates expressed support of the Planning Commission's approval for the removal of the eight trees within the City right-of-way; Councilmember Borchard and Councilmember Leage concurred.

Councilmember Smukler stated the City should not start this process without having an Urban Forest Management Plan in place. He expressed concern with the removal of trees that are in a cluster that maintain a canopy, and will leave barren sections of the City if removed all at once.

MOTION: Mayor Yates moved the City Council deny the appeal of the Planning Commission's approval for the removal of eight trees (205 Surf, 214 & 225 Beach, 1129, 1149, 1169 Market and two trees at 1320 Main) within the City right-of-way. Council further directed staff to develop an Urban Forest Management Plan prior to the approval of any further tree removals in the next year. The motion was seconded by Councilmember Borchard and carried with Councilmember Smukler voting no. (3-1-1)

B-2 RESOLUTION NO. 28-11 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE CLOISTERS PARK AND OPEN SPACE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods stated Resolution No. 28-11 initiates the proceedings to levy the annual assessment, and ordering the preparation of an Engineer's Report detailing the expenses projected for Fiscal Year 2011-12 for the maintenance of the Cloisters Park and Open Space. In conformance with Proposition 218 the Right to Vote on Taxes Act, passed in 1996 by the voters in the State of California; the Cloisters Landscaping and Lighting Maintenance Assessment District was approved by one hundred percent (100%) of the owners for which the assessment is to be levied.

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All property owners were fully apprised of the costs and benefits associated with the district, prior to its approval by them. Resolution No. 28-11 serves as the initiation of the annual assessment proceedings and orders an Engineer's Report detailing the proposed costs for the maintenance of the Cloisters Park and Open Space for the purpose of assessing private property owners of Tract Map No. 1996 (excluding the City's property). The Resolution also gives notice that a public hearing on the intent to levy the assessment, review and acceptance of the Engineer's Report, will be held on May 10, 2011. Mr. Woods recommended the City Council adopt Resolution No. 28-11, ordering the preparation of an Engineer's Report for the Cloisters Park and Open Space Landscaping and Lighting Maintenance Assessment District.

Mayor Yates opened the hearing for public comment; there were no comments, and the hearing for public comment was closed.

MOTION: Councilmember Johnson moved the City Council adopt Resolution No. 28-11 initiating proceedings to levy the annual assessment for the Cloisters Park and Open Space Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

B-3 RESOLUTION NO. 29-11 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods stated Resolution No. 29-11 initiates the proceedings to levy the annual assessment, and ordering the preparation of an Engineer's Report detailing the expenses projected for Fiscal Year 2011-12 for the maintenance of the North Point Natural Area. In conformance with Proposition 218, "The Right to Vote on Taxes Act", passed in 1996 by the voters in the State of California, the North Point Natural Area Landscaping and Lighting Maintenance Assessment District was approved by one hundred percent (100%) of the owners for which the assessment is to be levied. All property owners were fully apprised of the costs and benefits associated with the district, prior to its approval by them. Resolution No. 29-11 serves as the initiation to the annual assessment proceedings and orders an Engineer's Report detailing the proposed costs for the maintenance of the North Point Natural Area for the purpose of assessing private property owners of Tract Map No. 2110 (excluding the City's property). The Resolution also gives notice that a public hearing on the intent to levy the assessment, review and accept the Engineer's Report will be held on May 10, 2011. Mr. Woods recommended the City Council adopt Resolution No. 29-11, ordering the preparation of an Engineer's Report for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District.

Mayor Yates opened the hearing for public comment; there were no comments, and the hearing for public comment was closed.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 12, 2011

MOTION: Councilmember Borchard moved the City Council adopt Resolution No. 29-11 initiating proceedings to levy the annual assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

B-4 REQUEST FOR A USE PERMIT TO ALLOW INSTALLATION OF A DOCK SYSTEM AND ASSOCIATED FACILITIES AT LEASE SITES 105.1W/105.2W LOCATED AT 1001 FRONT STREET; (PUBLIC SERVICES)

Councilmember Leage stepped down from discussion on this item due to a conflict of interest.

Assistant Planner Sierra Davis stated this project is located on Lease Sites 105.1W and 105.2W adjacent to 1001 Front Street, and is zoned Harbor and governed by the Waterfront Master Plan. The upland portion of the project site is located within the Waterfront/Planned Development Zoning District, with an S.4 overlay, and is governed by the Waterfront Master Plan. The existing building includes Giovanni's Fish Market and take out window, a restaurant, and a clothing store. No improvements to the existing building are proposed with this project. Since the project is located in the Planned Development overlay area, the Municipal Code requires a Concept Plan for all projects over an acre in size or for projects on public land; as such the use permit under consideration is for a Concept Plan (MBMC 17.40.030). This Concept Plan was heard by the Planning Commission on March 16, 2011. The Concept Plan shall be approved by the City Council prior to the applicant applying to the California Coastal Commission for a Coastal Development Permit. Should the Coastal Commission grant a Coastal Development Permit, then the applicant will return with the Precise Plan. The proposed project consists of the installation of a new head float, the addition of four finger docks, landing and gangway and the installation of an awning system over the public outdoor dining area. Ms. Davis recommended the City Council support the Planning Commission's approval of Conditional Use Permit #UP0-284 and the adoption of the Mitigated Negative Declaration for the construction of a new dock, gangway, landing, awning and parking lot at 1001 Front Street with findings and conditions as amended by the Planning Commission.

Cathy Novak, representing the applicant, stated this project has three components, the awning, the floating docks and the parking lot. The awning as proposed will be a benefit to the public seating area because it will offer more protection from the elements during inclement weather. The floating docks will have an addition of approximately 74 linear feet to the main head float and the installation of four finger style slips and a new gangway since access to the dock is limited to the ladder from the wharf. A configuration change from the existing side tie method to the individual slips will provide a better tie up system and protection for the boats.

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The last component of this project is the parking lot. With staff help, a new parking configuration has been developed that answer's the City's concerns and is also acceptable to the applicant.

Ms. Novak stated there are three project conditions that are of concern and they are:

1. Planning Condition # 8: the ADA space;
2. Planning Condition # 9: the Street frontage; and
3. Engineering Condition # 1: the public improvements.

Ms. Novak suggested the following modifications to these conditions:

1. Planning Condition #8 which is the ADA parking space would change to “meet the State and Federal ADA standards”.
2. Planning Condition #9, the street frontage landscaping, would be deleted.
3. Planning Condition #11 is the landscape plan and if the Council does not require the landscaping then this condition should be eliminated.
4. Engineering Condition #1, the deferment of the public improvements would be modified so that the public improvements will be completed when a major or comprehensive re-development on the site is done.
5. That Council grants the additional historical parking credits for the side tie use of the previous floating dock to offset this dock project.

Mayor Yates opened the hearing for public comment; there were no comments, and Mayor Yates closed the public comment hearing.

Mayor Yates stated he will be supporting the removal of Planning Condition #4 - Liveboards, and Planning Condition #6 - Parking Space Labels, stating these conditions are too restrictive.

Councilmember Smukler stated he is supportive of the Planning Commission's conditions with some consideration to the landscape plan that would be compatible with the parking area. He would like to move in the direction of 8-foot sidewalks connecting the north and south-ends of the Embarcadero.

Councilmember Borchard stated she is not supportive of removing Planning Condition #4 regarding liveboards because it would change the dynamics of the parking and she does not want to make exceptions to the rules. She said she supports on-site improvements to the existing landscape area as well as comprehensive redevelopment site improvements such as the extension of the sidewalks. Councilmember Borchard stated she supports the changes to Planning Condition #8, #9 and #11. She referred to Planning Condition #6 and recommended the following amendment: “... At no time shall equipment, delivery trucks, or marine storage tanks, nor the like be **permanently** placed in the parking spaces.”

MINUTES - MORRO BAY CITY COUNCIL
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Councilmember Johnson stated she agrees the 8-foot sidewalk should be considered at another time. She suggested placing wood in front of the chain link fence. Councilmember Johnson stated the Waterfront Master Plan will be considered with major new development.

Mayor Yates called for a break at 9:40 p.m.; the meeting resumed at 9:50 p.m.

MOTION: Mayor Yates moved the City Council support the Planning Commission's approval of Conditional Use Permit #UP0-284 and the adoption of the Mitigated Negative Declaration for the construction of a new dock, gangway, landing, awning and parking lot at 1001 Front Street, with the following amendments: 1) Planning Condition #6 – Parking Space Labels: ~~The parking spaces reserved for the docks shall be labeled and open and available for people using the docks.~~ At no time shall equipment, delivery trucks, or marine storage tanks, nor the like be **permanently** placed in the parking spaces; 2) Planning Condition #8 – Accessible Parking Space: The van accessible parking space shall **meet State and Federal standards**; 3) Planning Condition #9: Street Frontage – (remove entirely); 4) Planning Condition #11: Landscape Plan - (remove entirely); 5) Engineering Condition #1 – to include language “at which time there is a comprehensive redevelopment of the site”; and 6) grant a total of five historic parking credits to the property. The motion was seconded by Councilmember Johnson and carried with Councilmember Smukler voting no. (3-1-1)

B-5 RECOMMENDATION ON THE FUTURE OF THE VISITORS CENTER, INCLUDING DISCUSSION ON A MARKETING SPECIALIST, AND THE COMBINING OF THE COMMUNITY PROMOTIONS COMMITTEE (CPC) AND THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID); (ADMINISTRATION)

Mayor Yates recommended this item be continued to the April 26, 2011 or May 10, 2011 City Council meeting; Council concurred.

There was no further action taken on this item.

C. UNFINISHED BUSINESS

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 12, 2011

D. NEW BUSINESS

D-1 APPROVAL OF THE SERVICE RETIREMENT INCENTIVE PROGRAM FOR FISCAL YEAR 2011/12 BUDGET; (ADMINISTRATION)

City Manager Andrea Lueker stated in recent years, a number of cities have structured retirement incentives as a means of short-term and long-term savings. Staff considered and evaluated various retirement incentive options and programs, and is presenting a one-time, lump-sum service retirement incentive program. Ms. Lueker recommended the City Council consider the options presented by staff, and approve the Service Retirement Incentive Program for fiscal year 2011/12.

MOTION: Councilmember Borchard moved the City Council approve the Service Retirement Incentive Program for fiscal year 2011/12. The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

D-2 RESOLUTION TO APPROVE AMENDMENT #6 TO THE LEASE AGREEMENT TOR LEASE SITE 87-88/87W-88W, THE OUTRIGGER RESTAURANT, LOCATED AT 833 EMBARCADERO; (HARBOR)

Councilmember Leage stepped down from discussion on this item due to a conflict of interest.

Harbor Business Manager Sue Lichtenbaum stated the proposed amendment extends the term of the lease agreement for Lease Site 87-88/87W-88W from December 31, 2011 to March 31, 2018, makes a change to the notification process, adds a 10% penalty for past due rent payment, reduces the percentage of gross sales on bar/cocktail lounge sales from 10% to 5%, and includes a schedule of required repairs/improvements to the site. Ms. Lichtenbaum recommended the City Council adopt Resolution No. 27-11 to approve Amendment #6 to the lease agreement for Lease Site 87-88/87W-88W, the Outrigger Restaurant, located at 833 Embarcadero.

MOTION: Councilmember Borchard moved the City Council adopt Resolution No. 27-11 to approve Amendment #6 to the lease agreement for Lease Site 87-88/87W-88W, the Outrigger Restaurant, located at 833 Embarcadero. The motion was seconded by Councilmember Smukler and carried unanimously. (4-0-1)

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 12, 2011

D-3 DISCUSSION OF POLICIES AND PROCEDURES REGARDING ABSENCES
FROM PLANNING COMMISSION; (CITY COUNCIL)

Councilmember Borchard stated the Planning Commission allows for members to formally request permission to be absent from three regular meetings per year pursuant to Morro Bay Municipal Code Section 2.28.100. Similarly City Council Resolution 10-06 addresses attendance requirements for boards, stating absence of four meetings in a consecutive 12-month period will constitute the voluntary resignation of the absent member. At the March 16th Planning Commission meeting, a request was made and granted to Planning Commissioner Diodati to be excused (or be late) for the next five Planning Commission meetings. The concern regarding the issue is twofold. First, this action would set a precedent in allowing a Board or Commission to override the set policies of the City on absenteeism as outlined in Resolution 10-06. Second, in regard to “doing the business of the City”, the Planning Commission plays a vital role in land use decisions. It is important, when possible, that the applicant appearing before the Commission have a full board, hearing their project request. Councilmember Borchard recommended the City Council require the Planning Commissioner to adhere to the policies for advisory bodies and meet the attendance requirement or declare the position vacant.

Mayor Yates stated everyone respects John Diodati as a valuable citizen, and no one questions his integrity. He said the City’s municipal code states the Planning Commission serves at the discretion of the City Council.

Councilmember Borchard stated she did vote for John Diodati’s appointment to the Planning Commission two years ago, and she did not support his removal from the Planning Commission last December when there were two remaining Commissioners. Councilmember Borchard stated this issue is about the attendance requirement, and providing due process to the community and applicants with a full Planning Commission. She referred to Morro Bay Municipal Code Section 2.28.100 that states: “Absence of a member from three regular meetings during the calendar year without formal consent of the planning commission noted in its official minutes constitutes the voluntary resignation of such absent member and the position shall be declared vacant.” Councilmember Borchard stated Commissioner Diodati’s request to arrive late to Planning Commission meetings would not provide him the information from public comment or discussions that the other Commissioners would have received prior to his arrival that they would be voting on.

Councilmember Johnson stated this has nothing to do with Commissioner Diodati’s character or ability to perform his duties as a Planning Commissioner. She said applicants that come before a Planning Commission deserves the attention of a full Commission. Councilmember Johnson stated by accepting a commitment to be a member of a City commission or board, especially the Planning Commission, you must be available to attend the meetings.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 12, 2011

Councilmember Leage stated this issue is not about integrity, but about taking responsibility to the commitment of being on the Planning Commission.

Councilmember Smukler stated the City Council created a conflict by changing the meeting dates of the Planning Commission without consulting them, and the Council should reconsider this issue as a one-time event.

MOTION: Councilmember Borchard moved the City Council request the Planning Commissioners attend the required Planning Commission meetings when the meeting is called to order, with no more than three (3) absences per year; if not, declare the position vacant. The motion was seconded by Councilmember Johnson and carried with Councilmember Smukler voting no. (4-1)

**D-4 DISCUSSION OF REALLOCATION OF HARBOR FUNDS FOR THE
EMBARCADERO BANNER PROJECT; (CITY COUNCIL)**

Mayor Yates stated for the past several months the City as well as other local groups have focused on repair, maintenance and beautification efforts on streets, sidewalks, parks and planters to make the City more attractive to both residents and visitors. Within the next few weeks, PG&E will be repainting the street lights along the Embarcadero. The next proposed step for beautification is installing colorful banners along the Embarcadero on these poles. The goal of the banner committee is to secure the banners, hardware, and installation at the lowest possible price while keeping quality (longevity) in mind. Should the City Council agree to this expenditure, it will be scheduled to occur prior to Memorial Day 2011. Mayor Yates recommended the City Council approve up to \$25,000 of funds from the Harbor Budget for the purchase of four sets of decorative banners for the Embarcadero street light poles.

MOTION: Mayor Yates moved the City Council approve up to \$25,000 of funds from the Harbor Budget for the purchase of four sets of decorative banners for the Embarcadero street light poles, brackets and installation. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS

Mayor Yates requested the regulations on A-Frame Signs be scheduled for the April 26, 2011 City Council meeting.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 12, 2011

ADJOURNMENT

The meeting adjourned at 10:45 p.m.

Recorded by:

Jamie Boucher
Deputy City Clerk

AGENDA NO: A-1

MEETING DATE: 05/10/11

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 26, 2011
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Yates called the meeting to order at 6:00 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Kessling	City Clerk
	Eric Endersby	Harbor Operations Manager
	Susan Lichtenbaum	Harbor Business Manager
	Rob Livick	Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

CLOSED SESSION REPORT – there was no Closed Session agenda.

PUBLIC COMMENT

Craig Schmidt, Morro Bay Chamber of Commerce, announced the Morro Bay Kite Festival will be held this coming weekend, April 30th – May 1st. He also announced May is designated as National Tourism Month.

Cathy Weaver, owner of Undercover Shop, stated her store is located at 895 Embarcadero and invited everyone to come see her shop.

Andrea Klipfel announced Relay for Life will be held on August 6th and 7th at Morro Bay High School; an informational/team captain meeting will be held on May 10th at 6:00 p.m. at the Embarcadero Grill. She noted at this time there are 12 teams that have signed up to participate.

Garry Johnson stated there will be two professional photographers available at the Chamber of Commerce to show people how to take pictures of kites at the Kite Festival.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 26, 2011

Stan Trapp expressed support for Item D-1 (Enforcement of Regulations Prohibiting A-frame Signs) stating the A-frame signs have become pollutants on the Embarcadero, and he thanked Council for considering the alternative of pub signs which are more appealing and effective.

Bill Shewcheck addressed Item D-1 stating he counted 39 A-frame signs on the Embarcadero and 22 in North Morro Bay. He said being in an upper level store, there is no other way to attract customers into a business. Mr. Shewcheck stated he followed City policy for his sign but did not receive a permit.

Bill Martony referred to the 10-acre surplus property on Yerba Buena Street and recommended the City consider this property for the City's Wastewater Treatment Plant.

Gay Skivalaskis, representing San Luis Obispo County Regional Ride Share, expressed appreciation for Council's consideration of Item A-3 (Proclamation Declaring May 2011 as "Bike Month" and May 16 to May 20, 2011 as "Bike to Work and School Week"). She reviewed activities and workshops that will take place during the month of May to celebrate "Bike Month."

Amy Burton stated Del Mar Elementary School will be celebrating Bike Week and encouraging students to ride their bikes to school during that week; they will also be entering the Morro Bay 4th of July Bike Parade. She said biking provides benefits for the individual as well as a positive impact on the City as a whole.

John Diodati stated due to action taken by Council on April 12, 2011, he is resigning his position on the Planning Commission immediately.

Barry Brannon announced a website labeled www.cwwmb.info regarding Citizens for an Affordable Wastewater Treatment Plant for Morro Bay; this website will allow for citizens input.

Liz Bednorz, owner of Beach House Bistro, referred to Item D-1 and expressed the importance of A-frame signs in North Morro Bay and requested Council's consideration of these businesses when reviewing this item.

Christopher Rocci suggested placing a board in front of buildings with several businesses listing each business in place of A-frame signs.

Laura Rapsinski, owner of Harbor Floral, referred to Item D-1 and said A-frame signs are an inexpensive way to advertise.

Allen Rackov referred to Item D-1 and said his business is in a location that is hard to find and it is important to have an A-frame sign to direct customers to his business.

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Ken Vesterfelt stated the first Emergency Vehicle Show was a great success. He announced the Cruisin' Morro Bay Car Show will be held May 6-8th. He referred to Item D-1 stating A-frame signs are blight in the City.

Tracy Neil Shewcheck of Virg's Landing, referred to Item D-1 and said A-frame signs are sometimes necessary to direct customers to businesses.

Susan Stewart stated business owners are concerned with promoting their businesses and should be given alternatives regarding signage.

Mayor Yates closed the hearing for public comment.

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 QUARTERLY FINANCIAL STATUS REPORT FOR THE FISCAL YEAR ENDED MARCH 31, 2011; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Accept the report as presented.

A-2 RECIPROCAL AGREEMENT TO PARTICIPATE IN THE FRANCHISE TAX BOARD'S CITY BUSINESS TAX PROGRAM; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution No. 30-11 reaffirming the City's participation in the Franchise Tax Board City Business Tax Program.

A-3 PROCLAMATION DECLARING MAY 2011 AS "BIKE MONTH" AND MAY 16 TO MAY 20, 2011 AS "BIKE TO WORK AND SCHOOL WEEK"; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

A-4 PROCLAMATION DECLARING MAY 2011 AS "NATIONAL TOURISM MONTH"; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

Councilmember Borchard pulled Item A-1 from the Consent Calendar.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 26, 2011

MOTION: Councilmember Johnson moved the City Council approve the Consent Calendar with the exception of Item A-1. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

A-1 QUARTERLY FINANCIAL STATUS REPORT FOR THE FISCAL YEAR ENDED MARCH 31, 2011; (ADMINISTRATIVE SERVICES)

Councilmember Borchard requested clarification relating to issues on transit, Measure Q funds and risk management. Administrative Services Director Susan Slayton responded to Councilmember Borchard's questions.

MOTION: Councilmember Borchard moved the City Council approve Item A-1 of the Consent Calendar. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

Mayor Yates called for a break at 6:55 p.m.; the meeting resumed at 7:10 p.m.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 CONSIDERATION OF AN AMENDMENT TO MORRO BAY MUNICIPAL CODE TITLE 5 ADDING CHAPTER 5.50 ESTABLISHING REGULATIONS AND PROCEDURES ENTITLED "MEDICAL MARIJUANA COLLECTIVES AND COOPERATIVES"; (CITY ATTORNEY)

City Attorney Robert Schultz stated at the March 8, 2011 Council meeting, the entire Council was concerned with the recently elected SLO County Sheriff's position on medical marijuana enforcement and the longstanding inconsistencies between state and federal law. The SLO County Sheriff's Department is still in the process of developing their position in regard to medical marijuana enforcement and is also preparing new guidelines. The draft ordinance attempts to best suit the scale of Morro Bay by providing the possibility of two medical marijuana dispensaries under specific circumstances and a detailed permitting process. Mr. Schultz recommended the City Council review the draft ordinance and directs the City Attorney on how to proceed.

Mayor Yates opened the hearing for public comment.

Ken Vesterfelt requested the City does its homework regarding regulations on this issue.

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REGULAR MEETING – APRIL 26, 2011

Rich Donald - Chairman of Americans for Safe Access of San Luis Obispo County, stated the proposed ordinance puts all responsibility to justify the safety and legal compliance of a dispensary on the applicant; it is then reviewed and accepted or rejected by the City Council. He said the Council should consider the vote of the people by moving forward and approving the first reading and introduction of this ordinance.

John Stephens – Go Green Compassionate Care Collective in Grover Beach, stated he would like to open a Go Green Café in Morro Bay that creates holistic healing where cannabis comes into play.

Catherine Ford - San Luis Obispo, stated she is a medical marijuana cardholder, and explained that due to injuries sustained in an accident, she use to take several prescription drugs that caused side affects; now she uses medical marijuana which has eliminated those side effects. She said she would like to be able to purchase medical marijuana legally, and Santa Barbara is the closest dispensary at this time.

Lauren Stephens – Go Green Compassionate Care Collective in Grover Beach, stated it is important to be able to provide this service to those who are in need of a natural medical remedy.

Bill Martony asked for clarification on the selection process and location for a business that may produce a large amount of money.

Brandon Morris – Santa Barbara, stated dispensaries are required to be non-profit organizations. He quoted citations relating to the legality of medical marijuana dispensaries. Mr. Morris stated the City is within the State of California and should follow state law.

Rick Morris – Fresno, stated the proposed ordinance should include regulations for preparation of edible cannabis product, as well as delivery services and doctor verifications. He said he would like the inspection of dispensaries to be taken away from public safety and have it inspected by public health.

Roger Ewing – Morro Bay, noted the majority of speakers on this issue are from out of town. He stated it was the citizens that made this happen and Morro Bay demonstrates their commitment to compassion and caring for their fellow citizens. Mr. Ewing stated it is easy to regulate the implementation of this ordinance to the point where it takes forever to receive the benefits of medical marijuana vs. the toxicity of pharmaceutical drugs.

Mike Mudget – Fresno, stated those from out of town are bringing their experience to Morro Bay.

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Pete Weir - Grover Beach, requested the City allow safe access to a medical marijuana dispensary by approving this ordinance.

Wanda Durick – Morro Bay, reviewed an experience that she and her husband witnessed from outside the previous dispensary that was obviously from someone purchasing marijuana that was not for medicinal purposes.

Taylor Newton – Morro Bay, expressed the importance of acknowledging people’s “rights” on issues such as medical marijuana.

Jim Pauley – Morro Bay, stated as a citizen of Morro Bay he is opposed to marijuana being sold in Morro Bay.

Curt Ashman – San Clemente, stated the City is being very forward thinking with the consideration of this issue. He said the City Attorney has done a thorough job on this ordinance.

Michael Durick – Morro Bay, stated the voters of Morro Bay voted against a ban of a medical marijuana dispensary, but not for a medical marijuana dispensary. He also referred to the number of out-of-town speakers vs. Morro Bay speakers who addressed Council on this issue. Mr. Durick stated it is the City Council’s responsibility to protect its citizens, and to uphold the Constitution of the United States. He said Council is dealing with the distribution of a Schedule 1 illegal narcotic under federal law. Mr. Durick stated he would have no problem if this drug was prescribed by a doctor and issued by a legitimate pharmacist at a pharmacy, but not at a dispensary.

Eli Compast – Morro Bay, stated there appears to be a fear of abuse in bringing a medical marijuana dispensary in town. He said misinformation is the biggest problem and people need to educate themselves on the benefits of this drug.

Mayor Yates closed the public comment hearing.

Mayor Yates stated the people voted not to ban dispensaries in Morro Bay, and based on that he will vote in support of this ordinance. He said he will not support a medical marijuana dispensary being placed on the main corner of the downtown area, and expressed concern with the location of these dispensaries.

MOTION: Councilmember Leage moved the City Council forbid any medical marijuana dispensaries to be placed in the City of Morro Bay.

The motion died for lack of a second.

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Councilmember Borchard referred to the staff report that states: “Under current federal law however, the use, sale or possession of marijuana, whether medically prescribed or not, is still unlawful and carries significant criminal penalties.” She said she is not supportive of this ordinance.

Councilmember Smukler stated the goal in Morro Bay is safe access. He said the best option is to follow the ordinance prepared by the City Attorney, fine tune it along the process, and pursue the zoning amendment.

Councilmember Johnson stated the people voted to not ban dispensaries and she agrees that the best option is to follow the ordinance prepared by the City Attorney, fine tune it along the process, and pursue the zoning amendment.

MOTION: Councilmember Smukler moved the City Council direct staff to initiate an amendment to the zoning ordinance that will give a better management policy for location of the potential medicinal marijuana dispensaries. The motion was seconded by Councilmember Borchard.

Mayor Yates stated he will not support this motion.

VOTE: The motion failed with Councilmember Johnson, Councilmember Leage and Mayor Yates voting no. (2-3)

MOTION: Mayor Yates moved the City Council approve the proposed Ordinance and bring it back for introduction and first reading.

The motion died for lack of a second.

MOTION: Mayor Yates moved the City Council discontinue further consideration of medical marijuana dispensaries in Morro Bay. The motion was seconded by Councilmember Borchard and carried with Mayor Yates and Councilmember Smukler voting no. (3-2)

Mayor Yates called for a break at 8:30 p.m.; the meeting resumed at 8:50 p.m.

C. UNFINISHED BUSINESS – None.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – APRIL 26, 2011

D. NEW BUSINESS

D-1 ENFORCEMENT OF REGULATIONS PROHIBITING A-FRAME SIGNS;
(CITY COUNCIL)

Mayor Yates stated A-frame signs in Morro Bay, particularly on the Embarcadero, have become a visual blight, an impediment to pedestrian traffic, and are counter to Council's on-going efforts to clean up the waterfront. Although it may be controversial with some business owners, prohibition of these signs *is* a business friendly move. Mayor Yates presented photographs of pub signs, which are small signs that overhang the sidewalk, as an alternative to the A-frame sign. He noted pub signs keep the sidewalk clear while allowing businesses to promote their business. Mayor Yates recommended the City Council consider immediate enforcement of Morro Bay Municipal Code Section 17.68.030 prohibiting A-frame signs and rescinding the A-frame sign exception.

Council discussed the A-frame signs located throughout the City; and reviewed alternative signs, such as pub signs that will attract customers.

MOTION: Councilmember Borchard moved the City Council approve enforcement of Morro Bay Municipal Code Section 17.68.030 prohibiting A-frame signs and rescinding the A-frame sign exception with a 30-day time limit. The motion was seconded by Mayor Yates.

Councilmember Smukler stated he will not support this motion because more thought needs to be given to the North Main Street businesses.

VOTE: The motion carried with Councilmember Smukler voting no. (4-1)

D-2 ANNUAL REVIEW OF HARBOR LEASE SITE BUSINESSES; (HARBOR)

Harbor Business Manager Sue Lichtenbaum stated the City manages the Tidelands Granted properties on the west side of the Embarcadero under lease agreements. The leases are made in accordance with State Tidelands policies. Following the severe recession that started in 2008, the City has taken action on two separate occasions aimed at supporting businesses and preventing vacancies on the Embarcadero Lease Sites. Ms. Lichtenbaum recommended the City Council consider the annual review of Harbor Lease Site businesses and to consider implementation of a monthly rental payment for Harbor Lease Sites for the next two fiscal years.

MOTION: Mayor Yates moved the City Council direct the Harbor Business Manager bring back a resolution implementing a monthly rental payment to the City for Harbor Lease Sites with a 10% penalty after ten (10) days late with provisions for default. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

D-3 DISCUSSION OF A BIKE RACKS WITH DEDICATION PLAQUES PROGRAM; (PUBLIC SERVICES)

Public Services Director Rob Livick stated this proposed program can provide needed short-term bicycle parking. As proposed, the donors would pay for the rack, plaque, installation and maintenance for a powder-coating of the rack in the future, and donations are tax deductible. The donation of racks would be subject to the City's donation policies. Bike rack locations within the public right-of-way or on City property will need to be approved by City staff prior to installation to insure that the rack does not interfere with pedestrian traffic or parking. Mr. Livick recommended the City Council discuss the proposed Bike Racks with Dedication Plaques Program, and direct staff accordingly.

MOTION: Councilmember Smukler moved the City Council direct staff to implement the Bike Racks with Dedication Plaques Program as proposed. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS – None.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Recorded by:

Bridgett Kessling
City Clerk



AGENDA NO: A-2

MEETING DATE: May 10, 2011

Staff Report

TO: Honorable Mayor and City Council **Date:** May 4, 2011
FROM: Robert Schultz, City Attorney
SUBJECT: Update on Current Legislative Bills Pending in Sacramento and Report on California Legislative Action Days

RECOMMENDATION:

It is recommended that you review this report and if there are any pending Legislative Bills that are of interest or concern, discuss them with your City Attorney.

BACKGROUND:

During the annual evaluation of the City Attorney last year, City Council directed the City Attorney to become more involved in state legislative issues and provide the City Council with reports on pending legislation. In order to accomplish this goal, the City Attorney applied for and was appointed by the President of the League of California Cities to sit on the Administrative Services and the Housing, Community and Economic Policy Committees. These Committees meet four times a year and are composed of city officials from around the state. The Committees help to make League policy by reviewing legislation, suggesting broad new policy guidelines and studying key issues impacting cities.

Another powerful tool in keeping abreast of state legislative issues is my attendance at the League of California Cities Legislative Action Days on May 18–20. Legislative Action Days offer briefings from League staff on the year's most pressing legislative issues and time to meet with our legislators and other state officials. The City Attorney currently has appointments set to meet with Senator Sam Blakeslee and Assembly Member Katcho Achadjian.

Prepared By: _____ Dept Review: _____
City Manager Review: _____
City Attorney Review: _____

DISCUSSION

Attached hereto the Council packet only (public may obtain attachment at ASAP Reprographics or City Hall) is a summary of the Legislative Bills (1,184) currently pending. These legislative Bills are being tracked by the League of California Cities and the City Attorney. The following is a brief discussion of the most important pending legislative Bills that the City Attorney will be discussing with our Legislature and staff at the Legislative Action Days:

1. SB 588 (Evans) Coastal resources: California Coastal Act of 1976: enforcement: penalties. *Oppose*

This Bill would allow the California Coastal Commission to impose civil administrative penalties in amounts no less than \$5,000 per violation, and as much as \$50,000 per violation. Currently, only a court has the power to impose monetary penalties for a violation of the Coastal Act.

2. AB 206 (Harkey), Coastal resources: fireworks displays. *Support*

This bill would provide that a fireworks display conducted by a public entity does not constitute “development” as defined by the Coastal Act.

3. AB 400 (Ma) Employment. Paid Sick Day. *Oppose*

Provides that any employee, whether part-time, temporary, or seasonal, who works for seven or more days in a calendar year is entitled to paid sick days, which are accrued at a rate of one hour for every 30 hours worked. This bill does not apply to employees covered by a collective bargaining that provides for paid sick days.

4. AB 646 (Atkins) Public Employee Organizations. Impasse Procedures. *Oppose*

Undermines a local agency's authority to establish local rules for resolving an impasse by imposing mandatory fact-finding and mediation under the Meyers-Milias-Bown Act, which will likely delay the conclusion of contract negotiations.

5. AB 66 (Chesbro) Vehicle License Fees. *Support*

Extends the 0.15 percent VLF increase for Citizens Option for Public Safety programs, booking fee subventions, and county law enforcement programs indefinitely, deleting the current sunset date of June 30, 2011.

6. AB 604 (Skinner) Hypodermic Needles and Syringes. *Oppose*

Allows the state Department of Public Health to authorize local health clinics to provide needle and syringe exchange services, pre-empting the current local decision making powers of the city or county.

7. SB 49 (Strickland) Local Government Emergency Response Fees. *Oppose*

Repeals local agencies' authority, including charter cities, to levy an emergency response fee except for limited circumstances.

8. AB 1354 (Huber) Retention Proceeds. *Oppose*

Removes the authority of public entities to decide the appropriate amount of retention. This bill would require that contract retention proceeds not exceed 5 percent of the payment of all contracts between a public entity and an original contractor, between an original contractor and a subcontractor, and between all subcontractors.

9. AB 579 (Monning) Mobilehome Parks: Liability: Attorney's Fees. *Support*

Allows cities to recover attorney's fees when they have successfully defended their mobilehome rent control ordinance and provides the courts with a special motion to dismiss proceedings that have no reasonable basis.

10. AB 1220 (Alejo) Land Use: Cause of Actions: Time Limitations. *Oppose*

Seeks to change the decision of a Court of Appeal (*Urban Habitat v. city of Pleasanton*). The bill would create a five year statute of limitations to challenge land use planning decisions.

11. SB 184 (Leno) Land Use: Zoning Regulations. *Support*

In response to *Palmer/Sixth Street Properties L.P. v. city of Los Angeles*, seeks to clarify that the Costa-Hawkins Act does not apply to inclusionary housing programs. This would make clear that inclusionary zoning is a permissible land use power.

12. SB 444 (Evans) Land Use: Subdivisions: Rental Mobilehome Park Conversion. *Support*

Allows an application to convert a mobilehome park from rental to resident-owned to be subject to all requirements of the Subdivision Map Act, thus allowing local governments the opportunity to mitigate the economic displacement of residents.

13. SB 469 (Vargas) Land Use: Development Project Review: Superstores. *Oppose*

Requires a city or county prior to approving or disapproving a "superstore retailer" to require, at applicant expense, a private consultant to prepare an exhaustive economic impact report examining 17 different detailed conditions. A "superstore" is defined as over 90,000 square feet, selling a wide range of consumer goods, and where 10 percent of the total floor area is devoted to selling non-taxable food items. This measure contains an exemption for "discount warehouses" (with no square foot limitations) that sell over half of their items in bulk and require a membership fee.

14. AB 438 (Williams) County Free Libraries: Withdrawal. *Oppose*

15. AB 23 (Smyth). Local agency meetings: simultaneous meetings: prohibition. *Oppose unless modified*

This bill would prohibit members of a legislative body, during a meeting of that legislative body, from convening simultaneous or serial order meetings of any other legislative body for which the members of the convened legislative body constitute at least a quorum. With suggested amendments, this measure will be consistent with the proposed principles. League Staff is working with the author to address concerns about receiving multiple stipends from simultaneous meetings, while continuing to enable cities' to hold consecutive meetings.

16. AB 148 (Smyth) Local government: ethics training: disclosure. *Oppose unless modified*

This bill adds agencies compensation setting guidelines to the required ethics training curriculum. Requires local agencies to post records of ethics training on websites and submit copies of training records to the Controller. Requires local agencies with written attendance compensation or reimbursement policies to post them on its website and submit copies to the Controller. Bill keyed as State mandated local program. This measure appears to be consistent with the proposed principles encouraging transparency. League Staff is working with the author and addressing some technical issues, including: Timing of record submittal; Narrow the scope of the bill to elected and appointed officials

17. AB 527 (Hernandez–D) Public officials: financial interests *Support*

This bill amends the conflict of interest statutes to prohibit any state, county, district, judicial district, and city officers or employees from authorizing the expenditure of public funds, regardless of whether a contract is made in furtherance of the expenditure, if any member of the body or board is financially interested in the person or entity that receives the expenditure. This bill also, requires a legislative body at a public meeting to note in its official record an officer's remote interest in a contract that the legislative body enters into and requires the counsel or other legal advisor of the body or board to identify at a public meeting the statutory basis for classifying the interest as remote. This measure appears to be consistent with the proposed principles. League Staff is working with the author address concerns raised by the committee.

18. AB 582 (Pan). Open meetings: local agencies. *Support*

This bill would amend the Ralph M. Brown Act to require that proposed compensation increases for unrepresented employees be publically noticed twice. The first notice will be for general notice and nonvoting discussion. The compensation increase, if deemed necessary by the legislative body must be noticed a second time, no less than 12 days after the first notice, announcing a vote on the matter. The measure is consistent with City and League principles. League Staff is working with the author to address the need for this legislation.

19. AB 785 (Mendoza). Public officers: contracts: financial interest. *Support*

This bill provides that a member of a legislative body has a financial interest in a decision if his or her immediate family member has a financial interest in the decision. A person lobbying on behalf of a third party with business before a legislative body is deemed an agent of that party and has a financial interest in the business before that legislative body. The bill defines “immediate family member” to include spouse or domestic partner, child, sibling, parent, or spouse or domestic partner of a child, sibling, or parent. “Lobbying” is not further defined in this measure. The measure is consistent with City and League principles. League Staff is working with the author to address concerns and develop amendments.

20. AB 834 (Hernandez) Local Government. Contracts. *Oppose unless modified*

This bill would require a legislative body to review any private party contract with an automatic renewal clause before the annual date the contract may be rescinded. Prior to renewal of the contract the legislative body must make findings on the record whether the contract contains updated information and whether the contract fits the needs of the legislative body. The measure is consistent with City and League principles. However, League Staff is currently working with the author the automatic renewal clauses annually?

21. AB 1355 (Lara) City officials: standards. *Oppose*

This bill requires the Secretary of State to develop recommendations for minimal educational and certification standards for city clerks, managers and treasurers and to post these standards on his/her website. The measure is consistent with the proposed policy principles. However, portions of AB 1355 are inconsistent with principles, given that it may not be appropriate or practical to have state-developed standards. League Staff is working with author on technical amendments to allow cities to post their own existing job requirements for these positions.

22. AB 392 (Alejo–D) Ralph M. Brown Act: posting agendas. *Oppose*

This bill would require agencies to post, along with the agenda, 72 hours in advance of a public meeting any “writing” that relates to an item on the agenda and also requires the writing to be posted on the agency’s website if one exists. The League worked on a substantially similar bill in 2007. League Staff will continue to work with the author on numerous concerns.

23. AB 441 (Monning). State Planning. *Oppose*

This bill requires that the California Transportation Commission (CTC) and the Governor’s Office of Planning and Research (OPR) to develop guidelines that contain advice on how local and regional agencies can incorporate health issues into local or regional general plans. These Guidelines are regulatory; therefore, adding new provisions will effectively create a new mandate on local and regional governments. League recommends an oppose position on the bill, and instead support the discussions at SGC where all considerations and issues can be appropriately balanced.

24. AB 1220 (Alejo). Land use and planning. Cause of actions. Time limitations. *Oppose*

This bill would have extended the time for which a lawsuit could challenge a housing element, density bonus determination, and other affordable housing decisions to include a five year statute of limitations. League recommends an oppose position unless modify to a two-year statute of limitations. Also recommend the following items for requested amendments: Narrowing the bill to impact the Housing Element only. Narrowing the bill to challenges on Low- and Very Low-income housing. Setting an effective date of January 1, 2012.

CONCLUSION:

After reviewing this report and the summary of the 1,184 pending legislative Bills, if there any legislative Bills of special interest to you, contact the City Attorney.



AGENDA NO: A-3
MEETING DATE: May 10, 2011

Staff Report

TO: Honorable Mayor and City Council **DATE:** May 3, 2011

FROM: Rob Livick, PE/PLS - Public Services Director

SUBJECT: Acceptance of Offers of Dedication for projects located at 962 Piney Way (St. Timothy's) and 1478 Quintana Road (Rock Harbor Christian Fellowship).

RECOMMENDATION

Staff recommends City Council, adopt Resolution No. 34-11, Attachment 1, accepting the Offer of Dedication for public pedestrian easement purposes on Kennedy Way for 962 Piney Way (APN 066-280-019), and Resolution No. 31-11, Attachment 2, for Right of Way and Utility Easement purposes for 1478 Quintana Road (APN 068-441-003).

FISCAL IMPACT

There is no fiscal impact associated with the offers of dedication. In the case of 962 Piney Way the owner will pay for installation of sidewalks and other required frontage improvements. In the case of 1478 Quintana Road the Offer of Dedication saves the City and property owner significant surveying and potential legal fees in trying to resolve the property line discrepancy.

DISCUSSION

On March 11, 2011 Building Permit B00-029-347 was issued for an addition and remodel of St. Timothy's Church both interior and exterior with main entrance changes. Kennedy Way is a collector street as defined in the City's General Plan, with a 55 foot Right of Way width. The Applicant was conditioned to dedicate to the City, 3 foot width of the Kennedy Way frontage at the two driveway locations (240 sq. ft.) for public pedestrian easement purposes. The existing Kennedy Way pedestrian path adjacent to the driveways is not compliant with ADA standards. The owner has been conditioned to perform the necessary ADA improvements. The Owner has made the attached Irrevocable Offer to Dedicate an easement for the required street improvements as described in Exhibit A and B and shown on Exhibit C attached as Attachment 3.

On September 9, 2010 Building Permit B00-029-214 was issued for the construction of a cellular tower. As a condition of approval, the City requested the Offer of Dedication for Right of Way and Utility Easement from Rock Harbor Church's parent organization. Accepting this Offer of Dedication, which dedicates a portion of APN 068-441-003, will provide an easement for the construction of the necessary improvements to Lift Station 3. The easement granted by the Offer of Dedication resolves a property line conflict discovered during surveying efforts for Lift Station 3.

Prepared By: _____ Dept Review: _____
City Manager Review: _____
City Attorney Review: _____

The Owner has made the attached Irrevocable Offer to Dedicate an easement for the required utility improvements as described in Exhibit A and shown on Exhibit B attached as Attachment 4, which resolves the property line conflict.

Attachment 1: Resolution 34-11

Attachment 2: Resolution 31-11

Attachment 3: Offer of Dedication for 962 Piney Way

Attachment 4: Offer of Dedication for 1478 Quintana Road

RESOLUTION NO. 31-11

**RESOLUTION ACCEPTING AN OFFER OF DEDICATION
FOR RIGHT OF WAY AND PUBLIC UTILITY PURPOSES
ALONG THE EAST SIDE OF QUINTANA ROAD
AT SOUTH BAY BOULEVARD**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, on September 9, 2010 a Building Permit and Regular Coastal Development Permit, B00-029-214/CP0-000-298 was issued to construct a cellular tower at 1475 Quintana Road; and

WHEREAS, a conflict arose regarding the precise location of the Northerly Quintana Road Right of Way line; and

WHEREAS, the reconstruction of Sewer Lift Station 3 requires adequate right of way for said facilities; and

WHEREAS, the City requested an Offer of Dedication for right of Way and Public Utility purposes; and

WHEREAS, the Owner, Transformation Ministries has made an irrevocable and perpetual offer to dedicate the required easement to the City; and

WHEREAS, it is in the public interest to accept the offer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that the attached offer of dedication is hereby accepted on behalf of the public.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 10th day of May 2011 by the following vote:

AYES:

NOES:

ABSENT:

WILLIAM YATES, Mayor

BRIDGETT KESSLING, City Clerk

RESOLUTION NO. 34-11

**RESOLUTION ACCEPTING AN OFFER OF DEDICATION
OF AN EASEMENT FOR PUBLIC PEDESTRIAN PURPOSES ALONG THE
EAST FRONTAGE OF KENNEDY WAY AT 962 PINEY WAY**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, on March 11, 2011 a Building Permit and Regular Coastal Development Permit, B00-029-347/CP0-000-314 was issued to construct and remodel St. Timothy's Church both interior and exterior with main entrance changes at 962 Piney Way; and

WHEREAS, the East frontage of Kennedy Way at 962 Piney Way requires an offer of dedication to the City for public pedestrian easement purposes; and

WHEREAS, the Owner, Thomas Riordan has made an irrevocable and perpetual offer to dedicate the required easement to the City; and

WHEREAS, it is in the public interest to accept the offer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that the attached offer of dedication is hereby accepted on behalf of the public.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 10th day of May 2011 by the following vote:

AYES:

NOES:

ABSENT:

WILLIAM YATES, Mayor

BRIDGETT KESSLING, City Clerk

**RECORDING REQUESTED BY: and
WHEN RECORDED MAIL TO:**

City of Morro Bay Public Services
955 Shasta Avenue
Morro Bay, CA 93442

OFFER OF DEDICATION
(for Right of Way and Utility Easement purpose)

A.P.N. 068-441-003

For a valuable consideration, receipt of which is hereby acknowledged, Transformation Ministries, a Corporation (Owners), the undersigned, being present fee title owner(s) of record of the herein described parcel of land, do hereby make an irrevocable offer of dedication to the City of Morro Bay and its successors or assigns, for right of way and utility purposes, the real property situated in the City of Morro Bay, County of San Luis Obispo, State of California, as described in EHIBIT "A" and shown on Exhibit "B" attached hereto.

It is understood and agreed that the City of Morro Bay and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City of Morro Bay.

The provisions hereof shall insure to the benefit of and be binding upon heirs, successors, assigns and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, these presents have executed this instrument this 11th day of April 2011.

By: G. Ross Chenot

Printed Name/Title: _____

By: _____

Printed Name/Title: _____

By: _____

Printed Name/Title: _____

(All Signatures Shall be Notarized)

NOTARY PUBLIC CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO Los Angeles

On April 11, 2011 before me, Amanda Sparks Notary Public
personally appeared Ross Chenot who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Amanda Sparks



NOTARY PUBLIC CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

On _____ before me, _____,
personally appeared _____ who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

NOTARY PUBLIC CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

On _____ before me, _____,
personally appeared _____ who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Exhibit "A"
LEGAL DESCRIPTION
OFFER TO DEDICATE

File no: 0032-0009 (0200)

April 21, 2010

A portion of Lot 11 of the Subdivisions of the Rancho San Bernardo in the City of Morro Bay, County of San Luis Obispo, State of California according to the map filed in Book 1 of Maps at Page 6 in the Office of the County Recorder of San Luis Obispo County, also being a portion of the land described in that Grant Deed dated September 24, 1963 to Southern California Baptist Convention, a Corporation, recorded in Book 1263 at page 161 of Official Records in said County Recorder's Office, said portion lying southerly of the following described line:

Commencing at the one inch iron pipe with plastic plug stamped "LS 5751" marking the most easterly corner of the parcel shown on the Corner Record Document Number 2003-116 indexed in Book 20 at Page 146 in the San Luis Obispo County Department of Public Work's Office, said monument bearing south 53° 19' 21" east 128.65 feet (S 55° 20' 16" E 128.58 feet per 20/CR/146) from the one inch iron pipe and plastic plug stamped "LS 5751" marking the most northerly corner of said parcel;

Thence north 27°49'59" east 82.63 feet to the **True Point of Beginning**;

Thence north 53°41'04" west 112.21 feet;

Thence north 62°40'31" west 29.27 feet;

Thence south 38°46'22" west 32.77 feet to a point bearing north 05°25'48" east 50.80 feet from last said monument.

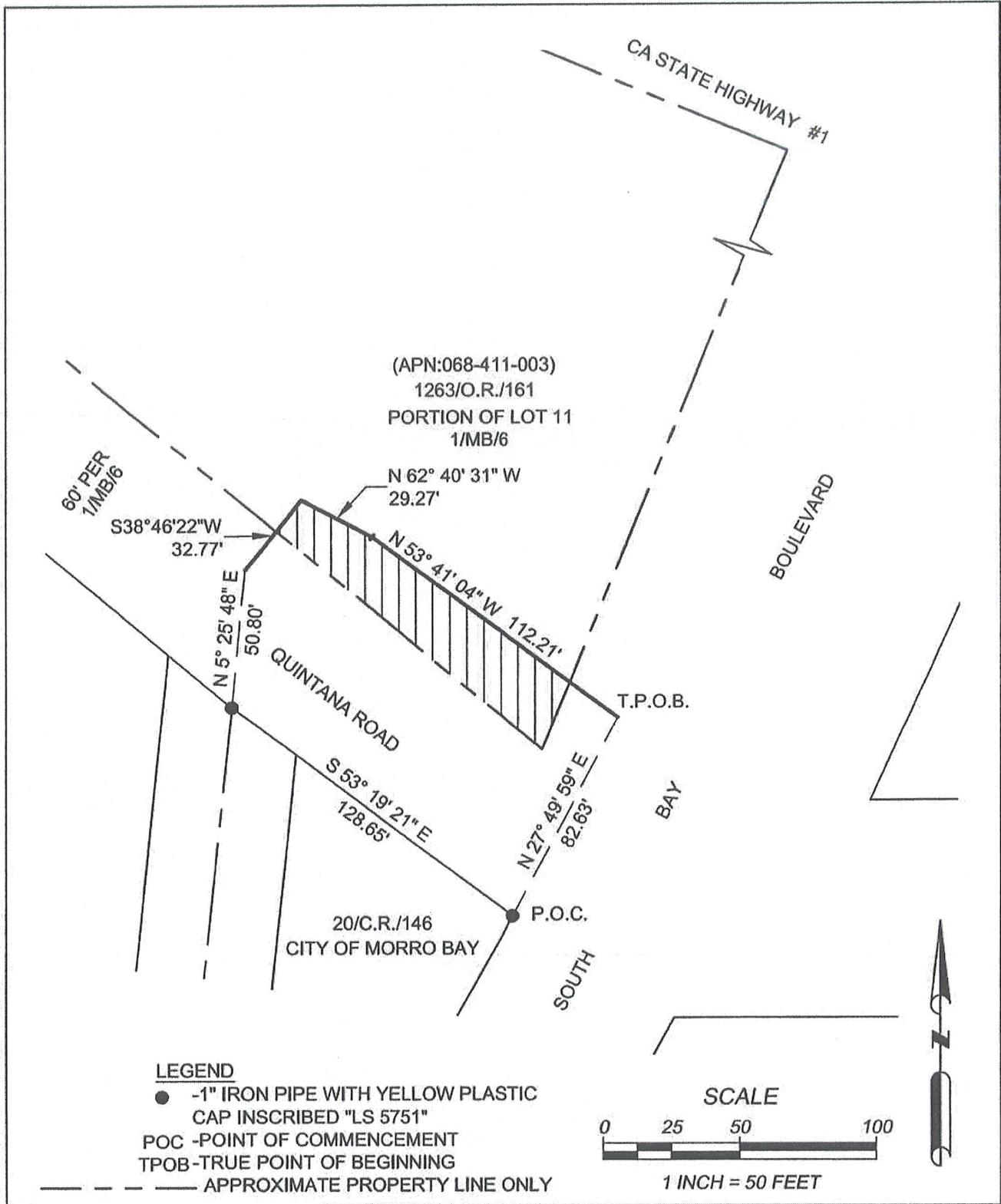
The above-described parcel of land is graphically shown on Exhibit "B" attached hereto and made a part hereof.

End Description

Joseph T. Morris

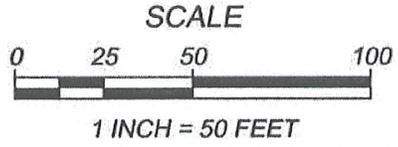
Joseph T. Morris P.L.S. 6192
License expires 3/31/12

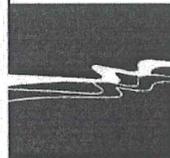




LEGEND

- -1" IRON PIPE WITH YELLOW PLASTIC CAP INSCRIBED "LS 5751"
- POC -POINT OF COMMENCEMENT
- TPOB-TRUE POINT OF BEGINNING
- APPROXIMATE PROPERTY LINE ONLY





 612 CLARION COURT
 SAN LUIS OBISPO, CA 93401
 T 805 544-4011
 F 805 544-4294
 www.wallacegroup.us

EXHIBIT B
PORTION LOT 11, 1263/OR/161
CITY OF MORRO BAY
COUNTY OF SAN LUIS OBISPO, CA

JOB #: 032-009
DWG: EXH.
DRAWN BY: MM
DATE : 4/21/2010
SCALE : 1"=50'

**RECORDING REQUESTED BY: and
WHEN RECORDED MAIL TO:**

City of Morro Bay Public Services
955 Shasta Avenue
Morro Bay, CA 93442

OFFER OF DEDICATION
(for public pedestrian easement purposes)
A.P.N. 066-280-019



For a valuable consideration, receipt of which is hereby acknowledged, The Roman Catholic ~~Church~~ ^{Bishop} of Monterey, a corporation sole, the undersigned, owner(s) of the "Property" described in Exhibit "A" attached hereto, do hereby make an irrevocable offer of dedication to the City of Morro Bay and its successors or assigns, an easement for public pedestrian purposes, being situated in the City of Morro Bay, County of San Luis Obispo, State of California, as described in Exhibit "B" and shown on Exhibit "C" attached hereto.

It is understood and agreed that the City of Morro Bay and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City of Morro Bay.

The provisions hereof shall insure to the benefit of and be binding upon heirs, successors, assigns and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, these presents have executed this instrument this 9 day of March, 2011.

By: [Signature]

Printed Name/Title: Thomas H. Burdow
Finance officer

Date _____ 20__

By: _____

Printed Name/Title: _____

By: _____

Printed Name/Title: _____

NOTARY PUBLIC CERTIFICATE

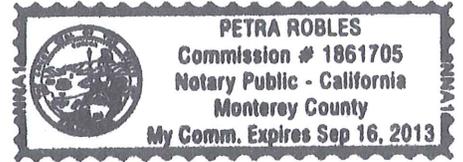
STATE OF CALIFORNIA
COUNTY OF Monterey

On March 9, 2011 before me, Petra Robles, Notary Public,
personally appeared Thomas Hugh Riordan who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.





NOTARY PUBLIC CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF

On _____ before me, _____,
personally appeared _____ who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

EXHIBIT "A"**Legal Description
of
"Property"**

That part of Lot 10 of the Rancho San Bernardo, according to map filed for record January 5, 1907, in the office of the County Recorder of said County, described as follows:

Beginning at a 2" iron pipe set at the intersection of the southwesterly line of said Lot 10 and the northerly extension of the east boundary line of Piney Way as shown on the map of Block No. 1 of Morro Heights, recorded October 27, 1928, in Book 3 of Maps, at page 111, records of said County, said point being the most southerly corner of the property conveyed to The Roman Catholic Bishop of Monterey-Fresno, a corporation sole, by deed dated August 4, 1947, and recorded August 12, 1947, in Book 448 of Official Records, at page 381, records of said County; thence along the easterly and northerly line of the property so conveyed, North $0^{\circ}15'15''$ West, 225.90 feet and North $62^{\circ}33'$ West 149.78 feet to the most northerly corner of the property so conveyed, said northerly corner being in the southeasterly line of the property conveyed to the Morro Union School District by deed dated November 25, 1946, and recorded November 29, 1949, in Book 428 of Official Records, at page 213, records of said County; thence North $27^{\circ}27'$ East along said southeasterly line, 250 feet; thence South $62^{\circ}33'$ East 254.80 feet; thence South $27^{\circ}27'$ West, 450 feet to the point of beginning.

EXHIBIT " B"

**Legal Description
for
PUBLIC PEDESTRIAN EASEMENTS**

PARCEL 1

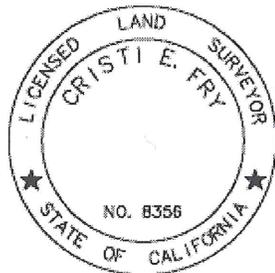
The northwesterly 3.00 feet of the southwesterly 45.00 feet of the northeasterly 58.65 feet of said property.

Containing: 135 square feet, more or less

PARCEL 2

The northwesterly 3.00 feet of the southwesterly 35.00 feet of the northeasterly 238.64 feet of said property.

Containing: 105 square feet, more or less



Legal Description prepared by
or under the supervision of:

A handwritten signature in black ink that reads "Cristi E. Fry".

Cristi E. Fry, LS 8356

EXHIBIT "C"
PUBLIC PEDESTRIAN EASEMENTS

PARCEL 1
BLOCK 38
47 PM 3

PARCEL 1

3.00'

POR. LOT 10
A MAPS 5
595 O.R. 439

145.00' 58.65'

238.64'

428 O.R. 213
KENNEDY WAY

40'

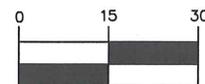
55' R/W

3.00'

PARCEL 2

35.00'

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



RW
11.00547



AGENDA NO.: A-4
Meeting Date: 5/10/11

THIS ITEM HAS

BEEN PULLED FROM

THE AGENDA

AGENDA NO: A-5

MEETING DATE: 05/10/11

**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DECLARING MAY 2011 AS
"NATIONAL DROWNING PREVENTION MONTH"**

**CITY COUNCIL
City of Morro Bay, California**

WHEREAS, drowning is the leading cause of injury-related deaths among children in California under the age of five; and

WHEREAS, a large number of near-drowning accidents occur in California, which can result in serious and permanent injuries; and

WHEREAS, half of all child drowning accidents occur in home swimming pools, which emphasize the importance of being extremely vigilant when our children are playing in or around the pool; and

WHEREAS, drowning incidents are often preventable through the implementation of Layers of Protections such as installing barriers around pools, providing swim lessons, warning children of the potential dangers and keeping them under adult supervision at all times; and

WHEREAS, the Department of Developmental Services, in partnership with the Drowning Prevention Foundation and the Department of Public Health, has created a helpful awareness program and website with information to prevent drowning accidents at www.dds.ca.gov/drowning; and

WHEREAS, our safety is essential, and together we can achieve our goal of reducing these occurrences in our community.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay does hereby encourage all citizens to take necessary and sensible precautions to prevent drowning accidents, as well as share their wisdom with others, by observing May 2011 as "National Drowning Prevention Month."

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
seal of the City of Morro Bay to be
affixed this 10th day of May, 2011

WILLIAM YATES, Mayor
City of Morro Bay, California

AGENDA NO: A-6

MEETING DATE: 05/10/11

**PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DECLARING THE WEEK OF MAY 15 – 21, 2011 AS
“POLICE WEEK”**

**CITY COUNCIL
City of Morro Bay, California**

WHEREAS, The Congress and President of the United States designated May 15th as Peace Officers’ Memorial Day, and the week in which May 15 falls as National Police Week; and

WHEREAS, the members of the Morro Bay Police Department have worked devotedly and selflessly in behalf of the people of our Community, regardless of the peril or hazard to themselves; and

WHEREAS, these officers have safeguarded the lives and property of all our citizens and due to their proactive efforts, have kept the crime in Morro Bay the lowest in the County; and

WHEREAS, by the enforcement of our laws and providing a vital public service, these same officers have given our community and country internal freedom from fear and the violence and civil disorder that is presently affecting other nations; and

WHEREAS, these men and women by their patriotic service and their dedicated efforts have earned our gratitude and support;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Morro Bay that we hereby call upon all citizens of Morro Bay to observe the week of May 15 – 21, 2011 as “Police Week” with appropriate ceremonies and observances in which all of our citizens may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to our Morro Bay community and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the City of Morro Bay to be affixed this 10th day of May, 2011,

William Yates, Mayor
City of Morro Bay, California



AGENDA NO: B-1
MEETING DATE: May 10, 2011

Staff Report

TO: Mayor Yates and City Council Members **DATE:** May 10, 2011

FROM: Kathleen Wold, Planning Manager

SUBJECT: Request for Approval to Construct a 23-Unit Community Housing Project with Exceptions and associated Environmental Documents Located at 2400 Main Street (UP0-086, CP0-130, SOO-048)

RECOMMENDATION:

Staff recommends that the City Council conditionally approved Tentative Subdivision Map (S00-048), Use Permit (UP0-086) and Coastal Development Permit (CP0-130) subject to the Findings contained in Exhibit A and the Conditions of Approval in Exhibit B.

FISCAL IMPACT:

The project is located on private property and will be funded entirely with private funds. The City of Morro Bay does not have an economic interest in this project; however the project will create additional fee title parcels. Once there is development of these parcels the City should see additional property tax revenue.

SUMMARY:

The project consists of construction of a 23 unit community housing project on individual lots clustered in seven groups and one lot for common access, landscaping and general common area. The proposed project seeks exceptions for the following: interior yard setbacks between units, lot coverage, lot size, reduced open space, reduced parking and the commercial requirement for mixed-use (commercial/residential) area "F". The proposal includes the provision of 2.3 units of affordable housing to meet the City's inclusionary requirements with two affordable units at the moderate rate and the .3 unit to be provided via the City's in-lieu fee program.

BACKGROUND:

The project was heard before Planning Commission at a regularly scheduled public hearing on April 6, 2011. The project was presented and various individuals and group representatives commented during public comment regarding the lack of adequate parking on site with the existing impacted parking in the area, the density of project, and the lack of community benefits of this project. The Planning Commission then closed the public hearing and discussed the following issues.

Prepared By: _____	Dept Review: _____
City Manager Review: _____	
City Attorney Review: _____	

- The lack of a commercial component to the project and the General Plan and zoning requirements for mixed use;
- The affordability condition of 2.3 units and the procedure for developing when there is a fractional requirement. The City Council in the past has allowed fractional units to be paid as an in-lieu fee. Wold clarified how the provision of additional affordable housing units could enable the Applicant to overcome the commercial requirement; and
- The parking requirement of 49 spaces versus the Applicant's proposed 43 spaces.
- The conflicts in the code between compact infill development and community housing guidelines and the exceptions requested by the Applicant; and
- The parking requirements for the project and whether to condition an additional 3 parking spaces for a total of 46 spaces.

The Planning Commission forwarded a favorable recommendation to City Council with the Finding and Conditions of Approval as found in Exhibit A and Exhibit B of this staff report. The following are recommended amendments to the project from the Planning Commission.

1. Add 3 extra parking spaces, and they can use it with pavers and so it can be used as also as common outdoor area, sort of overflow parking and;
2. The applicant to be charged the 2.4 housing units for inclusionary in the affordable housing.

City Council may approve the project as proposed, approve the project as amended by Planning Commission, or take other action as they deem necessary.

A Mitigated Negative Declaration was circulated from October 28, 2010 to November 28, 2010. Mitigations were recommended and accepted by the applicant for Aesthetics, Air Quality, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Noise, Public Services, Recreation, Transportation and Traffic and Utility/Service Systems. The mitigations contained in this document have been incorporated into the Conditions of Approval.

DISCUSSION:

The staff report prepared for the Planning Commission contains a full background of the project and project analysis. Please refer to Attachment A for the April 6, 2011 Planning Commission Staff Report.

CONCLUSION:

As designed, the proposed residential development requires multiple exceptions to City standards including by not limited to elimination of commercial uses, reduced common opens space, zero-setbacks between units, reduction of parking stalls below the minimum required. Staff recommends that the City Council conditionally approved Tentative Subdivision Map (S00-048), Use Permit (UP0-086) and Coastal Development Permit (CP0-130) subject to the Findings contained in Exhibit A and the Conditions of Approval in Exhibit B.

ATTACHMENTS:

Attachment A – April 6, 2011 Planning Commission staff report

EXHIBIT A

FINDINGS FOR APPROVAL

**Tentative Subdivision Map (S00-048), Use Permit (UP0-086) and
Coastal Development (CP0-130)**

California Environmental Quality Act (CEQA)

That for purposes of the California Environmental Quality Act, for the project described as Morro Mist --Tentative Subdivision Map (S00-048), Use Permit (UP0-086) and Coastal Development Permit (CP0-130) a Mitigated Negative Declaration has been adopted finding that with the incorporation of mitigations the project will not have a significant effect on the environment.

Conditional Use Permit (UP0-086) and Coastal Development Permit (CPO-130).

- A. That the project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on the analysis; and
- B. The establishment, maintenance, or operation of the use applied for will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the project is consistent with all applicable zoning and planning requirements; and
- C. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be consistent with all applicable City regulations; and
- D. That the Planning Commission has reviewed the Mixed Use project and considered the following criteria in that review. Provisions of private outdoor space for residences; provision of separate access for residences; and the compatibility of the commercial use component with the residential use and the surrounding neighborhood.

Community Housing Project Findings

- A. All provisions of the Community Housing Project and the Zoning Ordinance have been met. The project as conditioned and after approval of all requested exceptions will meet the provisions of the Zoning Ordinance including Section 17.49 "Community Housing Project".
- B. The proposed project is consistent with the General Plan and the Coastal Land Use Plan. The project has been conditioned and with the inclusion of these conditions will be consistent with the General Plan and Local Coastal Plan.
- C. There exists facts adequate to make the findings required under Government Code Sections 66473.5 and 66474. The project's tentative map is consistent with the General Plan, Local Coastal Plan and the North Main Street Specific Plan.
- D. Project characteristics requirements are met: the overall design and physical condition of the project will result in a project which is aesthetically attractive, safe, and of quality construction and; the project design results in a project which is attractive, safe and will meet all minimum requirements for construction.

- E. Affordable housing (Section 17.50.020) requirements are met: The City requirements for the provision of affordable housing contained in Section 17.50.020 have been met.

Compact In-fill Development

- A. Modification of development standards is warranted to promote orderly and harmonious development. The modifications of development standards promotes a creative design which provides for maximization of the site.
- B. Modification of development standards will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area. The project as designed will provide home ownership opportunities in a type of housing not common in the area and allows the site to accommodate a larger number of units thereby fully utilizing the vacant parcel.

Subdivision Map Act Findings

- D. The proposed Vesting Tentative Tract Map to create 23 residential lots and one common lot is consistent with General Plan, Local Coastal Plan and the North Main Street Specific plans.
- E. The site is physically suitable for the type and density of development proposed because the site is zoned for MCR/R4 which allows for up to 31 units on a 1.14 acre parcel. The project as proposed exceeds the minimum but not the maximum density allowed.
- F. The design of the subdivision and related improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because all precautions will be implemented to catch and direct all runoff.
- G. The design of the subdivision and improvements will not cause serious public health problems.
- H. The design of the subdivision and related improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because no easements are required for the public.
- I. As conditioned, the design, architectural treatment, and general appearance of all buildings and open space areas will be in keeping with the character of the surrounding area pursuant to 17.48.200, and will not be incompatible with the uses permitted in the surrounding areas and zoning district.
- J. The City has available adequate water to serve the proposed subdivision based upon the water regulations and the annual water report, enforced at the time of approval of the Vesting Tentative Parcel Map pursuant to the certified Water Management Plan and General Plan LU-22.1.

EXHIBIT B

CONDITIONS OF APPROVAL

Tentative Subdivision Map (S00-048), Use Permit (UP0-086) and Coastal Development (CP0-130)

STANDARD CONDITIONS

1. This Conditional Use /Concept Plan permit is granted for the use as described in the staff report and the plans received by the Public Services Department, (“Exhibit ” of the staff reports) and subject to these conditions of approval. The Vesting Tentative Tract Map 2812 dated February 14, 2011 is granted approval subject to these conditions of approval..
2. Inaugurate Within Two Years: If the approved use is not established within two (2) years of the effective date of this approval, this approval will automatically become null and void. However, upon written request by the applicant prior to the expiration date of this approval, up to two (2) one-year time extensions may be granted. Said extensions may be granted by the Public Services 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: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an amendment subject to Planning Commission review. Minor changes will be subject to Minor 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. 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.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant’s establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services 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. Utility Services: All water and sewer impact fees shall be paid at the time the building permit is issued.

8. Property Line Verification. It is owner's responsibility to verify lot lines. Prior to foundation inspection the lot corners shall be staked and setbacks marked by a licensed professional.
9. Park In-lieu Fee. Prior to recordation of the Final Map requirements of the City of Morro Bay for dedication of land for park purposes and/or payment of fee-in-lieu thereof shall be met (MBMC Section 16.13.005).

PUBLIC WORKS CONDITIONS

1. Tract Map: The City Master Fee Schedule requires the Applicant/Developer pay a Tract Map Fee. The final map shall be furnished on mylar and in electric format. The files need to be in the format of .dwg or .dxf. PDFs are not required but may be submitted in addition to confirm record of original drawings.
2. Landscape Improvement Fee: \$480.64 prior to map recordation. Pursuant to Section 17.71.050C a Landscape Improvement fee of two dollars per linear foot of Main Street frontage shall be paid and placed in a special fund to be used for the implementation of landscaping projects on North Main Street. $\$2.00/\text{ft} \times 240.32\text{ft} = \480.64
3. Traffic Impact Fee: \$12,016 prior to map recordation. Pursuant to the Circulation Element of the General Plan, Applicant/Developer is responsible for circulation system improvements on the basis of the development's impact. A fee shall be paid proportionate to the percentage increase in daily traffic flows at the Main San Jacinto, Highway 41 Main Street and Radcliff Main Street intersection areas which have an identified cost of \$620,000, \$980,000, and \$1,000,000 respectively for construction of future intersection and channelization improvements. The fee is proportionate to the increased in daily traffic flows at the intersections as generated by the proposed project as determined by the Engineering Division per Institute of Transportation Engineers Handbook data.
4. Sewer and Water Master Plan Impact Fees: Municipal sewer improvements are found to be at capacity, as determined by the Engineering Division in accordance with the Water and Sewer System Master Plan, the developer shall build the improvements and enter into an agreement for reimbursement. Or if the upgrades are performed by the City the Developer shall pay their pro-rate fair share to the City as an impact fee toward the municipal sewer improvements.
5. Public Improvements: \$411 Plan Check Fee deposit with improvement plan submittal. Public Improvements are required as set forth in MBMC Chapter 16 – Subdivisions. All improvement work shall conform to the City's Standard Drawings and Specifications. The Applicant/Developer shall: (1) submit \$411 minimum Plan Check Fee with public improvement plans designed by a civil engineer registered in California. Existing improvements may remain except for portions in need of repair, or which do not meet City standards. (2) include the City's general notes on the improvement plans. (3) submit Engineering Cost Estimate. (4) complete the City's improvement agreement and it's insurance requirements, (5) deposit a financial security with the City in the amount of 150% of the estimated construction cost of the public improvements. (6) acquire encroachment permits. (7) prior to project completion sign off by Public Works, asbuilt drawings shall be furnished on mylar and in electronic format CD. The files need to be in the format of .dwg or .dxf. PDFs are not required but may be submitted in addition to confirm record of original drawings. The Applicant/Developer shall pay any additional costs incurred for Public Works staff services

which exceed two site visits/inspections and four total hours for plan check, office/counter meetings, telephone, copies, email, etc.

6. Applicant/Developer is responsible for undergrounding of utilities on Bonita and Main. The underground utilities shall extend to the extent of the property lines. If new power poles have to be set they shall be set on the adjacent properties, if feasible as determined by the City Engineer. Street frontages, concrete curb, gutter, handicap ramp, sidewalk, street trees and driveway; required a.c. street section (provide a street section for Main and Bonita St.), striping, street signs, street and cross walk striping.
7. Driveway approaches: All driveway approaches used for 2-way traffic shall be a minimum of 24 ft wide.
8. Abandonment: The proposed right-of-way abandonment on Main St. shall include a dedication for 5 ft Public Utility Easement (PUE).
9. Submit Grading & Drainage Plans to the Building Division: Per separate package, please submit on site grading, drainage, retaining wall, and other related plans to the Building Division for review and approval. The Public Works division reviews the public improvement plans which are approved by the City Engineer.
10. Stormwater Pollution Prevention Plan (SWPPP): The SWPPP is required because the site is over one acre in size. Prior to the issuance of a grading or building permit the owner shall submit an Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) and develop a SWPPP according to the requirements of section A of the Construction General Permit. A copy of the SWPPP with the referenced WDID shall be submitted.
11. Encroachment Permits: The Applicant/Developer is responsible for acquiring encroachment permits. The permits are required and issued by Public Works Department prior to any construction in or use of land in the City right-of-way including traffic and erosion control plans.
12. Post Construction Stormwater Controls: To reduce pollution to creek, bay and ocean waters, the Applicant/Developer shall conform to MBMC section 14.48 – stormwater control. Stormwater runoff from all improved areas of a development or redevelopment site resulting in two thousand five hundred square feet of impervious surface shall be treated in accordance with the Best Management Practices (BMP) published in the most current edition of the California Stormwater Quality Association's Best Management Practices Handbook. For the purpose of water quality design, peak flows BMPs shall be designed to treat the runoff from twenty-eight percent of the two-year storm event and volumetric BMPs shall be designed to treat the runoff from a one-inch/twenty-four hour storm event. For the purposes of water quantity design, peak runoff shall be managed to prevent any significant increase in downstream peak flows, including two-year, ten-year, fifty-year, and one hundred year events. Significant is an increase of over five percent at and immediately downstream of the project site. Provide drainage analysis, runoff calculations, and justification of drainage facilities prepared by a Registered Civil Engineer. The responsible Soils Engineer shall review and submit a letter of approval for all proposed underground storage and infiltration systems.

13. Street Tree: Street trees shall be planted between 3 and 10 feet behind the back of the sidewalks along Main St and Bonita St. Omit the tree cut outs at the back of the sidewalks. One street tree is required per 50 ft of frontage.
14. Repair & Replacement of Public Improvements: Prior to project completion the Applicant/Developer shall repair curb, street, sewer line, water line, or any public improvements which were damaged as a result of construction operations for this project.

FIRE CONDITIONS

1. Project Address. Building Plan submittal shall include project addresses. Provide premises (address) identification of all 23 structures.
2. Building Type. Identify the appropriate type of building construction, Type V-A or V-B (Sprinklered).
3. Occupancy Classification. Please classify the buildings into one or more occupancy groups. (CBC 302.1)
4. Solid Waste Enclosure. The trellis shall be constructed of noncombustible construction materials, in accordance with 2007 California Fire Code (Section 304.3.3).
5. Fire Lanes-Turning Radius. Turns in fire lanes shall be constructed with a minimum radius of 25 feet at the inside curb line and a minimum radius if 50 feet at the outside curb line. (NFPA 1141 Section 5.4.3)
6. Fire Hydrants. Three (3) private fire hydrants shall be provided by applicant, and as a condition of the SRB meeting on 3/15/2006. One fire hydrant shall be installed at the Bonita Street entrance to the project site. (See Sheet C-3 #7)
7. Access Roadway. Fire apparatus access roads shall be designed, constructed, and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. (CFC 503 and NFPA 1141 Sec. 5.2.1)
8. Access Roadways. Fire apparatus roads shall have an unobstructed width of not less than 20 feet; preferably, 24 feet to allow passing and 26 feet in the vicinity of fire hydrants or points of aerial access, and an unobstructed vertical clearance of not less the 13 feet 6 inches. (CFC 503.2.1)
9. Fire Lane Parking. Fire apparatus roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. (CFC 503.4)
10. Fire Lane Markings. Approved signs or other notices (painted curbs) shall be provided for fire apparatus access roads to identify such roads or prohibit obstruction thereof. Signs or notice (painted curbs) shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. (CFC 503.3)

PLANNING CONDITIONS

11. 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 and implementation of any protective measures as determined by the Director of Public Services.
12. Maintenance of Common Area: Provision for an Home Owners Association (HOA) or similar entity to hold responsibility for maintenance of common areas. Maintenance responsibilities, schedules, routine and standards, and fee sharing shall be established in the maintenance agreements. Agreements shall include provisions to maintain all common facilities by qualified professionals including roads, drainage and detention structures, tract landscaping, and mitigation and monitoring for conservation areas.
13. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities including electrical, telephone and cable television shall be installed underground.
14. Common Driveway Access and Maintenance: An easement or covenant consistent with Section 17.44.030 E shall be recorded for all parcels to have access to the common driveway and backing areas over parcels to allow for access to the parking provided. The easement or covenant shall include the responsibilities of maintaining the roadway.
15. Landscape and Irrigation Plan: Prior to the issuance of a building permit, a final tract landscaping plan, prepared and stamped by a licensed Landscape Professional, (i.e., Landscape Architect, Architect, or Landscape Contractor) shall be submitted for review and approval by the Director of Public Services in accordance with all requirements of Section 17.48.290 of the MBMC. Said plan shall be consistent with the preliminary landscape plan and include a planting plan showing the species, number, size, water usage, and location of all plant materials. An irrigation plan shall include the proposed method and location of irrigation. Native and/or drought tolerant plant and tree species shall be used to the maximum extent feasible. Street trees shall be selected from the Master City Street Tree List prepared by the Public Works Department. The landscape plans shall also include fencing details.
16. Timing of Landscaping: Prior to issuance of any final Certificate of Occupancy associated with the project all required landscaping and irrigation systems associated with the common areas shall be installed. Landscaping associated with each individual unit shall be installed prior to the issuance of the Certificate of Occupancy for that unit.
17. Occupancy of a Unit: No unit shall be occupied until a Certificate of Occupancy has been issued by the City.
18. Maintenance of Landscaping: All landscaping shall be cared for, maintained, watered, pruned and kept in a healthy growing condition for the life of the project. Where required plant(s) have not survived, it shall be promptly replaced with new plant materials of similar species, functional, size, and characteristics as specified in the approved landscape plant notes.
19. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet

containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

20. Bicycle Facilities: The project shall provide lockable bicycle facilities for the accommodation of 2 bicycles. These facilities shall be located in the common area.
21. Affordable Housing Units: The project shall provide 3 affordable housing units or if approved by City Council 2 full housing units and the payment of .3 of a unit in-lieu fees. The payment of fees shall be paid prior to issuance of a building permit (MBMC 17.50.060). All affordable units shall be deed restricted for Moderate Income and for a minimum of 30 years. Said restriction shall be reviewed and approved by the City Attorney prior to recordation and recordation shall occur prior to the issuance of a certificate of occupancy for any unit.
22. Private Open Space: Each private open space shall have at least two weatherproofed electrical outlets.
23. Facades: Façades facing the street (Main or Bonita) shall be designed as the front facades with all appropriate design features. (MBMC 16.-10.003(J))
24. Affordable Housing Units: A deed restriction shall be recorded on the property indicating that no further subdivision of the property can occur (MBMC-16-10.003(K))
25. Smoke Detectors: Each unit shall be furnished with approved smoke detectors mounted on the ceiling or wall at a point centrally located in the area giving access to rooms used for sleeping purposes.
26. Fire Protection Systems: All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protection appliances shall be retained in an operable condition at all times and shall otherwise comply with current City standards.
27. Sound Transmission/Shock Mounting of Mechanical Equipment: All permanent mechanical equipment determined by the building official to be a source of structural vibration or structureborne noise shall be shock mounted with inertial blocks or bases and/or vibration isolators, as approved.
28. Noise Standards: Walls and floor/ceiling assemblies between units and common or service areas shall be capable of achieving a sound reduction equivalent to a sound transmission calls of thirty. Such reduction of sound transmission may be demonstrated by reference to accepted published material relating sound transmission loss to the type of construction or by field measurement by a qualified acoustical technician or engineer.
29. Thermal Insulation: Exterior walls and ceiling/roof assemblies of occupied portions of dwellings shall have thermal insulation in compliance with the current California Energy Standards.
30. Utility Metering: The consumption of gas, electricity, and water within each unit shall be separately metered and there shall be circuit breakers and shutoff valves for each unit.

31. Storage: Each unit shall be provided with at least three hundred cubic feet of enclosed, weatherproofed, and lockable private storage space, exclusive of cabinets and closets within the unit. This space shall be for the sole use of the unit owner.
32. Laundry Facilities: A laundry area shall be provided in each unit or in common laundry areas. Common laundry facilities shall consist of at least one washer and dryer for each five units or fraction thereof.
33. Storage Space: Prior to the issuance of a building permit plans shall be submitted which show the provision of one hundred fifty cubic feet of enclosed storage space for each residential unit having only a one car garage. The storage space shall be on ground floor and not within the habitable space of the residential unit.
34. Mixed Use: Unless an exception is granted to eliminate all commercial use on site, the project shall be redesigned to include a minimum of 50% commercial use. This redesigned site plan shall include all necessary improvement including parking and circulation to meet code for a commercial/residential project.

ENVIRONMENTAL CONDITIONS

Aesthetics

Mitigation and Residual Impact:

1-1. Mitigations Aesthetics c-d. The project shall receive approval on a Conditional Use Permit and adhere to all conditions of approval as well as complying with all code requirements relating to lighting and glare. A photometric plan shall be submitted at the time of building plan submittal to demonstrate that the project's light meets all code requirements and project conditions. With the incorporation of this mitigation the residual impact will be less than significant.

Monitoring. The Public Services Planning Divisions shall be responsible for review and approval of these details prior to issuance of permits for any site or construction work, as applicable and that the resulting lighting and building constructed on site as shown on the approved building plans prior to the granting a final approval.

Air Quality

Mitigation and Residual Impact:

- 3-1. The project construction has the potential to exceed APCD thresholds for the emission of ROG, NOx, Diesel Particulate Matter, and Fugitive Particulate Matter (PM10). The following are the standard mitigation measures required to be in compliance with the San Luis Obispo APCD Clean Air Plan:
 - a. Maintain all construction equipment in proper tune according to manufacturer's specifications.
 - b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
 - c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation.

- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance.
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted.
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
- i. Electrify equipment when feasible.
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
- k. Use alternatively fueled construction equipment on-site where feasible.
- l. Reduce the amount of disturbed area where possible.
- m. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency is required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used if available.
- n. All dirt stock-pile areas shall be sprayed daily as needed.
- o. All access ways to be paved shall be completed in the initial project phases, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- p. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

With the implementation of these mitigation measures potential impacts to air quality resulting from the project would be reduced to less than significant levels.

Monitoring: All required mitigation measures shall be included as notes on project-related plans, to the satisfaction of the Public Services Department. Public Services staff shall verify compliance during routine site inspections

Cultural Resources

Mitigation and Residual Impact:

5-1. If archeological resources are discovered during construction all activities shall cease, resuming only once the Public Service Director makes findings established in Section 17.48.310 of the Municipal Code.

With the implementation of this mitigation measure potential impacts to cultural resources would be reduced to less than significant levels.

Monitoring: No monitoring required unless resources are discovered. If resources are discovered the City will ensure that the project is in compliance with Section 17.48.310 and all State requirements.

Geology/Soils

Mitigation and Residual Impact:

6-1. The applicant shall apply to the Regional Water Quality control Board for a Construction General Permit which requires the developer to develop a Storm water Pollution Prevention Plan (SWPPP). A SWPPP identifies all potential sources of pollution, identifies control measures to provide protection against erosion and prevention of sedimentation or debris from entering the City right of way, adjacent properties, and any harbor, waterway or ecological sensitive area. After the Regional Water Quality Control Board issues the permit, the applicant shall submit the SWPPP to the City of Morro Bay for review and approval prior to issuance of a building permit. All recommendations of the Soils Engineering Update Report prepared by Geosolutions, Inc. (October 10, 2008) shall be incorporated into the project design. With the incorporation of this mitigation the residual impact will be less than significant.

Monitoring: The Public Works and Building divisions shall be responsible for reviewing and approval of all permits and plans and including site inspections to ensure compliance.

Greenhouse Gas Emissions

Mitigation and Residual Impact:

7-1 Compliance with Municipal Code standards and mitigation measures included in Section 3: Air Quality, pertaining to vehicle maintenance and operations, will reduce any potential impacts to a level of insignificance.

Monitoring: All required mitigation measures for air quality and green house gas mitigation shall be included as notes on project-related plans, to the satisfaction of the Public Services Department. Public Services staff shall verify compliance during routine site inspections.

Hydrology and Water Quality

Mitigation and Residual Impact:

9.1 A storm water drainage plan demonstrating the control runoff rates and volumes and to prevent negative impacts caused by quantity and the quality of the runoff prior to the issuance of any building permit. With the incorporation of this mitigation the residual impact will be less than significant.

Monitoring: Public Services will review and approve the plan prior issuance of a building permit and perform inspections during construction to ensure that construction activities are in conformance with the approved plan.

Noise

Mitigation and Residual Impact:

12-1. Prior to issuance of any building permit for the project, the applicant shall submit a noise report which details the project's compliance with Table N-4 including the noise exposure limit to the outdoor activity areas as well as the interior noise levels. With the incorporation of this mitigation the residual impact will be less than significant.

Monitoring: The Public Services Department will review the above required mitigation and inspect the

project as built to ensure compliance with all recommendations of the noise report.

Public Services

Mitigation and Residual Impact:

14-1. The applicant shall pay all park in-lieu fees prior to recordation of the final map. The park-in-lieu fees shall be calculated as established by ordinance. With the incorporation of this mitigation the residual impact will be less than significant.

Monitoring: Prior to recording of tract map Recreation and Parks and Public Services departments shall ensure fees have been paid.

Recreation

Mitigation and Residual Impact:

15-1. The applicant shall pay all park in-lieu fees prior to recordation of the final map. The park-in-lieu fees shall be calculated as established by ordinance. With the incorporation of this mitigation the residual impact will be less than significant.

Monitoring: Prior to recording of tract map Recreation and Parks and Public Services departments shall ensure fees have been paid.

Transportation and Traffic

Mitigation and Residual Impact:

16-1. Prior to issuance of a building permit the applicant shall pay all traffic impact fees including those associated with the North Main Street Specific Plan. With the incorporation of this mitigation the residual impact will be less than significant.

Monitoring. Public Services will ensure the payment of all traffic fees at the time of building permit issuance.

Utility/Service Systems

Mitigation and Residual Impact:

17.1. The developer shall make the upgrades identified in the master plan or if the upgrades are performed by the City, The developer shall pay their fair share for the improvements prior to issuance of a building permit. Improvements shall be in place prior to the occupancy of any dwelling unit. The developer shall enter into an agreement for the reimbursement pursuant to Municipal Code Section 16-14.008 (Over sizing improvements Reimbursements) of the Morro Bay Municipal Code and pay their fair share of the remaining downstream sewer collection improvements identified in the City of Morro Bay *Sewer Collection System Master Plan update* dated May 2006. With the incorporation of this mitigation the residual impact will be less than significant.

Monitoring

Public Services shall ensure that the necessary sewer collection improvements have been completed.



AGENDA NO: B-2

MEETING DATE: May 10, 2011

Staff Report

TO: Honorable Mayor and City Council **DATE:** May 3, 2011

FROM: Rob Livick, PE/PLS - Public Services Director/City Engineer
Damaris Hanson, CPESC - Engineering Technician III

SUBJECT: Introduction and First Reading of Ordinance No. 567 Repealing, Amending and Reenacting Chapter 14.48 of the City of Morro Bay Municipal Code, Entitled Illicit Discharge and Stormwater Management Control.

RECOMMENDATION:

Staff recommends the City Council introduce the ordinance by number and title only, Ordinance No. 567 entitled Illicit Discharge and Stormwater Management Control.

FISCAL IMPACT:

Ordinance: There are no known direct costs to the City associated with the ordinance, but staff time will be needed to administer and enforce the ordinance.

Stormwater Management Plan Update: The cost of hiring a consultant to write a Wasteload Allocation Attainment Plan (WAAP) for the City is estimated at \$20,000. The additional staff resources to implement various new Best Management Practices to reduce Pathogen loads are not known at this time. The water quality monitoring is estimated at \$7,000 - \$10,000/year. This is an estimate for hard cost only, and doesn't account for staff time to conduct the monitoring.

SUMMARY:

Ordinance:

The National Pollutant Discharge Elimination System (NPDES) permit for Stormwater discharges requires the City to adopt an ordinance prohibiting illicit discharges with enforcement provisions. The ordinance is required to include provisions for non-stormwater illicit discharges, animal wastes and stormwater management control.

Stormwater Management Plan Update:

Since the City’s adopted Stormwater Management Plan was adopted by council and permitted by the Water Board on February 17, 2009, the City has been implementing the SWMP. One of the implementing measures required in the SWMP is the Illicit Discharge Ordinance discussed in further detail below. The City’s first annual report was submitted to the Central Coast Water Board and on February 8, 2011 the City received a response letter from the Water Board. The letter states several modifications and other various changes required.

BACKGROUND:

In 1987, Congress specifically mandated the Environmental Protection Agency (EPA) to establish storm water programs that address the introduction of pollutants into water bodies from storm water runoff. Stormwater was identified in the original Clean Water Act of 1972 to be a significant source of pollution.

Phase I stormwater programs began in 1990 and targeted municipalities with populations of 100,000 or greater. In 2003 the State of California adopted a Phase II program to address stormwater from municipalities with populations of 100,000 or less. Unlike the Phase I regulations which issued an individual National Pollutant Discharge Elimination System (NPDES) permit to each entity, the Phase II program is a general statewide permit which applies to all municipalities equally, but requires the development of a Storm Water Management Plan (SWMP) specific to each municipality. These programs are generally referred to as Phase II Municipal Separate Storm Sewer System permits or MS4.

The Environmental Protection Agency, acts through the State Water Quality Control Board and Regional Water Quality Control Boards (Water Board) to implement the provisions of the Clean Water Act. The City is one of several small communities most recently enrolled into this national effort to improve water quality.

On August 25, 2003, the City Council passed resolution No. 43-03, which adopted the City’s Stormwater Management Plan (SWMP) pursuant to the NPDES program requirements. The City submitted the SWMP to the Water Board prior to the deadline of October 27, 2003. The Water Board reviewed the SWMP and did not grant the City a permit to discharge at that time.

On February 15, 2008, the City received a letter from the Water Board regarding the revised enrollment process for small Municipal Separate Storm Sewer Systems (MS4s). This letter required the City to submit a revised Stormwater Management Plan (SWMP), including the addition of hydromodification control measures. Staff brought the revised (SWMP) to Council on June 3, 2008. The Water Board permitted the City on February 17, 2009.

Prepared By: _____	Dept Review: _____
City Manager Review: _____	
City Attorney Review: _____	

On October 20, 2009 the City received another letter from the Central Coast water Board notifying the City of the opportunity to participate in a Joint Effort program for developing Hydromodification control criteria. The Central Coast Water Board had secured a \$600,000 funding allocation to begin developing hydromodification control criteria. Staff brought the joint effort proposal and some modifications to the SWMP to Council January 25, 2010. Council decided to participate in the joint effort rather than opt out and develop interim and long-term hydromodification criteria on our own. The Joint Effort Program participants include Santa Cruz, San Benito, Monterey, San Luis Obispo and Santa Barbara counties, including all Cities within these Counties.

As part of participating with Joint Effort the City has Best Management Practices that have to be completed. The Best Management Practices are required to ensure that the City will be able to implement the hydromodification control criteria by the end of Stormwater Plan year two. The following are some of the Best Management Practice to be complete by the City:

1. Develop and or modify Municipal Codes to effectively implement hydromodification control and low impact development standards. This includes removing conflicting code sections or ensuring that code sections complement each other. For example, low impact development codes and fire codes need to be synchronized so that life and health can be protected along with water quality.
2. Develop hydromodification control criteria by the end of Stormwater Plan year two.
3. Develop applicability thresholds in order to determine the specific conditions if a project is subject to hydromodification control.
4. Develop and enact a strategy for implementing Low Impact Development and hydromodification control for new and redevelopment projects. The following are specific milestones for completing this Best Management Practice:
 - a. Develop, advertise and make available Low Impact Design guidance suitable for all stakeholders.
 - b. Develop specific guidance on how to prepare and demonstrate compliance with the new requirements and make the guidance available by the end of the joint hydromodification effort.
 - c. Conduct an education and outreach program to support Low Impact Development and hydromodification control requirements.
 - d. Implement Low Impact Development preceding the availability of an enforceable mechanism for Low Impact Development Projects (essentially the Water Board wants to see grassy swales and other low impact design features on projects prior to having ordinances in place.)

Staff has conducted the required “gap analysis” for the current code to determine if there are any code sections that prohibit the implementation of LID (satisfying #1 from above). Staff has been participating in the San Luis Obispo County Hydromodification Technical Advisory Committee (SLOHMTAC). The SLOHMTAC has now developed interim hydromodification/LID control measure (satisfying #2, 3 and 4 from above) for developers to follow and incorporate these

measures into their projects. The Joint Effort's interim hydromodification/LID control measure requires applicants to incorporate LID and Hydromodification into their projects. The City currently has water quality and quantity requirements, these interim LID and Hydromodification control measure are additional requirements. Currently the City is incorporating the Interim Hydromodification/LID requirements in the Engineering Standards (Attachment A).

DISCUSSION:

Illicit Discharge and Stormwater Management Control Ordinance:

The Draft Ordinance was presented to Planning Commission on April 20, 2011. The Planning Commission recommended approval and the Draft Ordinance to be forwarded to City Council.

The SWMP outlines Best Management Practices (BMPs) the City must undertake over the permit cycle (Feb. 2009-Feb. 2014). The BMPs contain a timeframe in which the City must comply with in order to not receive a Notice of Violation which leads to eventual fines. Several of the BMPs in the SWMP require the City to adopt ordinances. The following are the requirements in which the City is fulfilling with the proposed ordinance:

1. Adopt an ordinance prohibiting illicit discharges and including enforcement provisions. The ordinance will include a system of enforcement and penalties. Model ordinances will be used to help draft this ordinance.
 - A. 17 categories of non-stormwater discharges or flows (i.e., authorized non-stormwater discharges) will be addressed only where they are identified as significant contributors of pollutants to the Small MS4. If any of the 17 non stormwater discharges are deemed significantly contributors to stormwater pollution, BMPs will be added to remediate these individual negative impacts
2. Adopt and enforce a Pet Waste Management Ordinance to be incorporated within the illicit discharge ordinance.
3. Conduct an analysis of all applicable codes, regulations, standards, and/or specifications that identifies modifications and/or additions necessary to effectively implement hydromodification controls and LID.
 - A. Approved new and/or modified enforceable mechanisms (i.e. ordinance) that effectively resolve regulatory conflicts and implement hydromodification controls and LID for new and redevelopment projects.

Staff is proposing to develop all of the above requirements into one ordinance (Attachment B), since there is the common thread of water quality.

Ordinance Requirements:

The MS4 General Permit and the Water Board ultimately holds the City responsible for the water quality of the watercourses within the City limits. The General Permit states “The Permittee shall maintain, implement, and enforce an effective SWMP designed to reduce the discharge of pollutants from the regulated Small MS4 to the Maximum Extent Practicable (MEP) and to protect water quality. An illegal discharge is assumed to have occurred if a pollutant is placed, blown, washed, tracked or in any way allowed to accumulate in any part of the MS4 so that it can be conveyed by stormwater. The MS4 is defined as a conveyance or system of conveyances; including roads, ditches, man-made channels, or storm drains, designed or used for collecting or conveying stormwater, which is not a combined sewer and which is not part of a Publicly Owned Treatment Works. The ordinance does have exemptions to discharge; section 14.48.090 lists various exemptions allowed by the Water Board and the 17 non-storm water discharges in which the City has determined to not be a significant source of pollution.

The following non-storm water discharges or flows not regulated at this time:

- Water line flushing
- Landscape irrigation
- Diverted stream flows
- Rising ground waters
- Uncontaminated ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensation
- Irrigation water
- Springs
- Water from crawl space pumps
- Footing drains
- Lawn watering
- Individual residential car washing
- Flows from riparian habitats and wetlands
- Declorinated swimming pool discharges
- Discharges from fire fighting activities
- All permitted discharges with NPDES permit
- Agriculture discharges regulated by the Water Board

The proposed ordinance also regulates animal wastes. The City currently has a Municipal Code Chapter, 7.08.25 which deals with dog waste. The Water Board requires the ordinance to include other animal waste other than just dogs; therefore the proposed ordinance has section 14.48.130 regarding animals included in the proposed ordinance.

How the ordinance will affect the citizens and business owners:

The prohibition of disposing anything other than rainwater in the storm drain system or MS4 means a citizen blowing leaves into the street or a business owner sweeping or hosing down the sidewalks in front of their place of business would be in violation. To avoid causing a violation citizen will have to pick up any swept items before they enter the street, or in the case of hosing, sidewalks the wash water will have to be collected prior to entering the street or storm drain system and disposed of properly. The wash water from the washing of restaurant floor mats will also have to be contained and disposed of, so that no wash water reaches the storm drain system.

Enforcement will be governed by the Administrative Citation Code section 1.03. This code section allows the City to give a warning, to educate citizens, prior to issuance of a citation and levy of fines. The proposed ordinance and the Administrative code section also allows the City to take immediate action on any issue that is a threat to safety or well being of the public and recoup costs.

How the Ordinance/Engineering Standards will affect the construct and development industry:

State law currently requires larger construction sites (over 1 acre) to prepare and submit a Stormwater Pollution Prevention Plan (SWPPP). The Water Board requires the city to enforce erosion and sediment controls on smaller sites. Also the Water Board requires the City to require Low Impact Development (LID)/Hydromodification control requirements and the requirements found in “Attachment 4” of the MS4 General Permit to new and redevelopment projects. This proposed ordinance relocates the stormwater control and erosion and sediment control requirements to the Engineering Standards so that more detail can be included in the requirements. Also these are interim requirements and once the Joint Effort has completed these final requirements they will need to be updated.

Current regulation is already in place requiring developers to have erosion and sediment controls and implement stormwater controls. The proposed ordinance relocates the contents of 14.48 - stormwater controls and erosion and sediment control requirements to the Engineering Standards so that more information can be included to assist developers. The addition to the Engineering Standards, in draft form, is included as attachment A.

Section 14.48.150 of the proposed ordinance also addresses the maintenance for the stormwater control structures and devices. The structures or devices require ongoing maintenance responsibilities or the structure/devices quickly becomes useless if not properly maintained. The ordinance speaks to the maintenance of the erosion and sediment controls, they “...shall be maintained as required to ensure proper operation. Failure to maintain construction BMPs will result in a stop work order being issued until the site is in conformance with the requirements of this chapter.” Also the maintenance of the new and redevelopment standards or post-construction stormwater structures is addressed. The applicant/developer is required to submit a maintenance plan or manufacturer’s maintenance guide. In addition the property owner shall submit an annual inspection/maintenance report to confirm continued compliance.

Deny adoption of Illicit Discharge Detection and Elimination and Stormwater Ordinance

Due to the extensive laws and regulations that currently exist to mandate stormwater quality, staff doesn't consider this to be a viable alternative. If the City chooses not to adopt the ordinance, the Water Board may impose civil liability for such violations of up to \$10,000 per day for each violation. If the Water Board elects to refer this matter to the Attorney General, the superior court may impose civil liability of up to \$25,000 per day for each violation (Water Code 13385(b)).

Stormwater Management Plan update:

The City is required to submit an Annual Report to the Water Board in June of each year. On February 8, 2011, the city received a letter from the central coast RWQCB in response to the annual report submitted in June 2010. The letter stated various modifications to existing BMP's in the SWMP along with required SWMP modifications. Attachment C contains the required SWMP modifications.

Modification A. Total Maximum Daily Loads, will require a consultant to write a Wasteload Allocation Attainment Plan (WAAP) for the City (\$20,000). The City will be required to implement various new Best Management Practices aimed at reducing Pathogen loads. Also, the City is being required to develop a monitoring program, since the WAAP is not yet developed, the amount of water quality monitoring is not yet determined. The water quality monitoring is estimated at \$7,000 - \$10,000/year. This is an estimate for hard cost, lab testing, only; this doesn't account for staff time. Modification B. Source Control Requirements, is currently being developed with the Joint Effort Interim Hydromodification/LID Control Requirements and is being incorporated into the Engineering Standards (Attachment A).

CONCLUSION:

Staff recommends the City Council introduce the ordinance by number and title only, Ordinance No. 567 entitled Illicit Discharge and Stormwater Management Control.

Attachments:

Attachment A – Engineering Standards

Attachment B – Illicit Discharge and Stormwater Management Control Ordinance No. 567

Attachment C - SWMP modification required by the Central Coast Water Board

Stormwater Management for New and Redevelopment Projects within the City of Morro Bay

The purpose of this section is to assist project applicants to understand the basic steps involved to successfully integrate stormwater management into project design. The goals of comprehensive stormwater management are:

- protect environment
- prevent flooding
- reduce downstream erosion
- recharge local aquifers
- prevent pollution of our creeks, bays and the ocean

The section is divided into three parts that cover the main categories of stormwater management:

1. Protection of Water Quality
2. Runoff Volume Control
3. Peak Runoff Flow (Flood) Control

This section incorporates interim design guidelines for Low Impact Development (LID), a development approach that primarily addresses runoff volume control issues but also benefits water quality.

Applicability thresholds:

All new development or redevelopment projects that create or replace more than 2,500 square feet of impervious surfaces are subject to at least some of the design standards outlined in this document. Certain types of projects or those with larger impact will have additional requirements also outlined herein. Detailed applicability thresholds and exemptions are described in each section

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Part 1: Protection of Water Quality

Applicability Thresholds:

- All new development or redevelopment projects that create or replace more than 2,500 square feet of impervious surfaces are subject to the **water quality treatment design standards** discussed in **Part 1.1**
- All new development or redevelopment projects that create or replace more than 2,500 square feet of impervious surfaces and fall into one of the following categories are subject to **additional design standards** discussed in **Part 1.2**
 - Single-Family Hillside Residences (over 25% slopes)
 - 100,000 Square Foot Commercial Developments
 - Automotive Repair Shops
 - Retail Gasoline Outlets
 - Restaurants
 - Home Subdivisions with 10 or more housing units
 - Parking lots 5,000 square feet or more or with 25 or more parking spaces.

Goal:

The general goal for protection of water quality is to remove pollutants from stormwater runoff from project sites. Specific objectives and methods for achieving this goal are discussed below.

Methods:

The best way to assure that polluted runoff does not leave the project site is to keep pollutants out of the runoff in the first place. There are a number of **Site Planning** and **Source Control** measures that can be employed to reduce contact between pollutant sources and stormwater runoff. Some of these measures also reduce the quantity of runoff that leaves the project site, thereby also reducing the pollutant load.

Site Planning measures are discussed more thoroughly in Part 2, in the context of Low Impact Development (LID) design guidelines. LID practices (BMPs) also reduce the volume of runoff leaving a project site. Implementation of **LID BMPs** and **Site Planning** guidelines have the potential of greatly reducing the amount of runoff to be treated for the removal of pollutants.

Source Control measures are site specific measures that are designed to keep pollutants out of stormwater. Source control measures are discussed in greater detail under Part 1.2 as additional requirements. Though not all projects are required to implement the additional requirements of Part 1.2, incorporation of these principles into project design will likely reduce the size of water quality treatment facilities, increase their effectiveness, and simplify maintenance requirements.

Treatment Control measures are stormwater facilities designed to remove pollutants from runoff. Design standards for water quality treatment facilities are described in Part 1.1.

PART 1.1: Water Quality Treatment Design Standards:

There are three treatment design methods available for water quality treatment. These methods are based on either surface area, runoff volume, or stormwater flow. All methods serve to remove pollutants from stormwater runoff by infiltration, filtration or mechanical treatment.

- **Surface Area method:** This simple method works best on relatively flat terrain. Treatment is achieved when impervious surfaces are routed to pervious surfaces at a ratio of no greater than 2:1 (impervious:pervious). The pervious surfaces must be relatively flat with a minimum 2" berm or curb around the perimeter.
- **Runoff volume method:** Treatment facilities designed using this method must accommodate runoff from the 85th percentile 24-hour rainfall event. In Morro Bay, the rainfall depth for this event is 0.75".
- **Stormwater flow method:** Treatment facilities designed using this method must accommodate the flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area. In Morro Bay, this is $2 \times 0.193 \text{ in/hr} = 0.385 \text{ in/hr}$.

Runoff calculations for volume and flow-based treatment methods shall follow guidelines included with the public domain Basin Sizer program developed by Sacramento State University for Caltrans. Treatment facility design criteria shall follow the recommendations in the California Stormwater BMP Handbook: Development and Redevelopment (2003).

PART 1.2: Additional Design Standards

Conserve Natural Areas

If applicable, the following items shall be implemented in the site layout during the subdivision design and approval process, consistent with applicable General Plan and Local Coastal Plan policies:

- 1) Concentrate or cluster Development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- 2) Limit clearing and grading of native vegetation at a site to the minimum amount needed to build lots, allow access, and provide fire protection.
- 3) Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- 4) Promote natural vegetation by using parking lot islands and other landscaped areas.
- 5) Preserve riparian areas and wetlands.

Minimize Storm Water Pollutants of Concern

Storm water runoff from a site has the potential to contribute oil and grease, suspended solids, metals, gasoline, pesticides, and pathogens to the storm water conveyance system. The development must be designed so as to minimize, to the maximum extent practicable, the introduction of pollutants of concern that may result in significant impacts, generated from site runoff of directly connected impervious areas (DCIA), to the storm water conveyance system as approved by the building official. Pollutants of concern consist of any pollutants that exhibit one or more of the following characteristics: current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water, elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bioaccumulate in organisms therein, or the detectable inputs of the pollutant are at concentrations or loads considered potentially toxic to humans and/or flora and fauna.

In meeting this specific requirement, "minimization of the pollutants of concern" will require the incorporation of a BMP or combination of BMPs best suited to maximize the reduction of pollutant loadings in that runoff to the Maximum Extent Practicable.

Those BMPs best suited for that purpose are those listed in the *California Storm Water Best Management Practices Handbooks*; *Caltrans Storm Water Quality Handbook: Planning and Design Staff Guide*; *Manual for Storm Water Management in Washington State*; *The Maryland Stormwater Design Manual*; *Florida Development Manual: A Guide to Sound Land and Water Management*; *Denver Urban Storm Drainage Criteria Manual, Volume 3 – Best Management Practices and Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters*, USEPA Report No. EPA-840-B-92-002, as "likely to have significant impact" beneficial to water quality for targeted pollutants that are of concern at the site in question. However, it is possible that a combination of BMPs not so designated, may in a particular circumstance, be better suited to maximize the reduction of the pollutants.

Protect Slopes and Channels

Project plans shall include BMPs consistent with local codes, ordinances, or other regulatory mechanism and the Design Standards to decrease the potential of slopes and/or channels from eroding and impacting storm water runoff:

- 1) Convey runoff safely from the tops of slopes and stabilize disturbed slopes.
- 2) Utilize natural drainage systems to the maximum extent practicable.
- 3) Stabilize permanent channel crossings.
- 4) Vegetate slopes with native or drought tolerant vegetation, as appropriate.
- 5) Install energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion, with the approval of all agencies with jurisdiction, e.g., the U.S. Army Corps of Engineers and the California Department of Fish and Game

Provide Storm Drain System Stenciling and Signage

Storm drain stencils are highly visible source controls that are typically placed directly adjacent to storm drain inlets. The stencil contains a brief statement that prohibits the dumping of improper materials into the storm water conveyance system.

Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna, are effective supplements to the anti-dumping message. All storm drain inlets and catch basins within the project area must be marked with prohibitive language ("Dump No Waste – DRAINS TO OCEAN or Morro Bay") to discourage illegal dumping. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. The City will provide graphical icons for marking catch basins and storm drain inlets.

Properly Design Outdoor Material Storage Areas

Outdoor material storage areas refer to storage areas or storage facilities solely for the storage of materials. Improper storage of materials outdoors may provide an opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the storm water conveyance system. Where proposed project plans include outdoor areas for storage of materials that may contribute pollutants to the storm water conveyance system, the following Structural or Treatment BMPs are required:

- 1) Materials with the potential to contaminate storm water must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to

the storm water conveyance system; or protected by secondary containment structures such as berms, dikes, or curbs.

- 2) The storage area must be paved and sufficiently impervious to contain leaks and spills.
- 3) The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.

Properly Design Trash Storage Areas

A trash storage area refers to an area where a trash receptacle or receptacles are located for use as a repository for solid wastes. Loose trash and debris can be easily transported by the forces of water or wind into nearby storm drain inlets, channels, and/or creeks. All trash container areas must meet the following Structural or Treatment Control BMP requirements (individual single family residences are exempt from these requirements):

- 1) Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s).
- 2) Trash container areas must be screened or walled to prevent off-site transport of trash.
- 3) Provisions Applicable to Individual Priority Project Categories

100,000 Square Foot Commercial Developments

1) Properly Design Loading/Unloading Dock Areas

Loading/unloading dock areas have the potential for material spills to be quickly transported to the storm water conveyance system. To minimize this potential, the following design criteria are required:

- a) Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.
- b) Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

2) Properly Design Repair/Maintenance Bays

Oil and grease, solvents, car battery acid, coolant and gasoline from the repair/maintenance bays can negatively impact storm water if allowed to come into contact with storm water runoff.

Therefore, design plans for repair bays must include the following:

- a) Repair/maintenance bays must be indoors or designed in such a way that doesn't allow storm water runoff or contact with storm water runoff.
- b) Design a repair/maintenance bay drainage system to capture all washwater, leaks and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. If required by local jurisdiction, obtain an Industrial Waste Discharge Permit.

Properly Design Vehicle/Equipment Wash Areas

The activity of vehicle/equipment washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the project plans an area for washing/steam cleaning of vehicles and equipment. The area in the site design must be:

- a) Self-contained and/ or covered, equipped with a clarifier, or other pretreatment facility, and
- b) Properly connected to a sanitary sewer or other appropriately permitted disposal facility.

Restaurants

1) Properly Design Equipment/Accessory Wash Areas

The activity of outdoor equipment/accessory washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance

system. Include in the project plans an area for the washing/steam cleaning of equipment and accessories. This area must be:

- a) Self-contained, equipped with a grease trap, and properly connected to a sanitary sewer.
- b) If the wash area is to be located outdoors, it must be covered, paved, have secondary containment, and be connected to the sanitary sewer or other appropriately permitted disposal facility.

Retail Gasoline Outlets

1) Properly Design Fueling Area

Fueling areas have the potential to contribute oil and grease, solvents, car battery acid, coolant and gasoline to the storm water conveyance system. The project plans must include the following BMPs:

- a) The fuel dispensing area must be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions must be equal to or greater than the area within the grade break. The canopy must not drain onto the fuel dispensing area, and the canopy downspouts must be routed to prevent drainage across the fueling area.
- b) The fuel dispensing area must be paved with Portland cement concrete (or equivalent smooth impervious surface), and the use of asphalt concrete shall be prohibited.
- c) The fuel dispensing area must have a 2% to 4% slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents runoff of storm water to the extent practicable.
- d) At a minimum, the concrete fuel dispensing area must extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot (0.3 meter), whichever is less.

Automotive Repair Shops

1) Properly Design Fueling Area

Fueling areas have the potential to contribute oil and grease, solvents, car battery acid, coolant and gasoline to the storm water conveyance system. Therefore, design plans, which include fueling areas, must contain the following BMPs:

- a. The fuel dispensing area must be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions must be equal to or greater than the area within the grade break. The canopy must not drain onto the fuel dispensing area, and the canopy downspouts must be routed to prevent drainage across the fueling area.
- b. The fuel dispensing area must be paved with Portland cement concrete (or equivalent smooth impervious surface), and the use of asphalt concrete shall be prohibited.
- c. The fuel dispensing area must have a 2% to 4% slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents runoff of storm water to the extent practicable.
- d. At a minimum, the concrete fuel dispensing area must extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot (0.3 meter), whichever is less.

2) Properly Design Repair/Maintenance Bays

Oil and grease, solvents, car battery acid, coolant and gasoline from the repair/maintenance bays can negatively impact storm water if allowed to come into contact with storm water runoff. Therefore, design plans for repair bays must include the following:

- a) Repair/maintenance bays must be indoors or designed in such a way that doesn't allow storm water run-on or contact with storm water runoff.
- b) Design a repair/maintenance bay drainage system to capture all wash-water, leaks and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. If required by local jurisdiction, obtain an Industrial Waste Discharge Permit.

3) Properly Design Vehicle/Equipment Wash Areas

The activity of vehicle/equipment washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the project plans an area for washing/steam cleaning of vehicles and equipment. This area must be:

a) Self-contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to a sanitary sewer or other appropriately permitted disposal facility.

4) Properly Design Loading/Unloading Dock Areas

Loading/unloading dock areas have the potential for material spills to be quickly transported to the storm water conveyance system. To minimize this potential, the following design criteria are required:

a) Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.

b) Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

Parking Lots

1) Properly Design Parking Area

Parking lots contain pollutants such as heavy metals, oil and grease, and polycyclic aromatic hydrocarbons that are deposited on parking lot surfaces by motor-vehicles. These pollutants are directly transported to surface waters. To minimize the offsite transport of pollutants, the following design criteria are required:

a) Reduce impervious land coverage of parking areas.

b) Infiltrate or treat runoff.

2) Properly Design To Limit Oil Contamination and Perform Maintenance

Parking lots may accumulate oil, grease, and water insoluble hydrocarbons from vehicle drippings and engine system leaks:

a) Treat to remove oil and petroleum hydrocarbons at parking lots that are heavily used (e.g. fast food outlets, lots with 25 or more parking spaces, sports event parking lots, shopping malls, grocery stores, discount warehouse stores).

b) Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal, and system fouling and plugging prevention control.

Part 2: Runoff Volume Controls

Low Impact Development (LID) for Runoff Control: Interim Design Requirements

The purpose of this Part is to assist project applicants to understand the basic steps involved to successfully integrate LID into a project design. These interim guidelines act as a transition during the development of long-term stormwater management regulations, a joint effort activity sponsored by Region 3 municipalities and the Central Coast Regional Water Quality Control Board, and as such are subject to change.

Applicability Thresholds

- Exempt projects: Project that create less than 2,500 square feet of impervious surface are exempt from these guidelines, though encouraged to incorporate LID principles.
- Tier 1 Projects: Projects that create between 2,500 and 5,000 square feet of impervious surface should incorporate LID into site planning and to implement at least one LID structural practice into the project. Refer to the brochure *Interim Low Impact Development Guidelines* for further information and references for LID design.
- Tier 2 Projects: Projects that create over 5,000 square feet of impervious surface should incorporate LID into site planning and to implement at least two City-approved LID structural practices into the project. Refer to the brochure *Interim Low Impact Development Guidelines* for further information and references for LID design.
- Tier 3 Projects: Any of the following projects should comply with the interim guidance set forth in the subsequent pages of this document
 - Commercial developments of over 100,000 square feet of impervious surface
 - Residential projects with a potential of 10 or more units and over 10,000 square feet of impervious surface
 - Parking lots with 25 spaces or more than 5,000 square feet of impervious surface

There is a general understanding that LID is a type of site design that strives to protect the natural hydrology once the site is developed. However, there is a common misconception that LID is only about the use of structural practices such as rain gardens, pervious pavements, and bioswales. In fact, a good LID design incorporates both site planning principles and structural practices to achieve site performance objectives. Neglecting to incorporate LID design principles throughout the site planning and design process often results in the designer attempting to fit LID structural practices to the site after all other site design has been defined. This can result in higher costs as well as a reduced ability to meet stormwater management objectives.

Lastly, LID design is often an iterative process that includes evaluating the stormwater benefits (e.g., reduced surface runoff, improved water quality) during the design and going back to the design to revise and then recalculate benefits. By following and documenting the steps outlined in this guidance, the applicant will have conducted their due diligence in creating an appropriate LID design for the project.

Part 3: Peak Runoff Flow (Flood) Control

The two preceding Parts address stormwater management (quality and quantity) for smaller storm events. Peak runoff flow control design guidelines address the management of stormwater flows during larger storm events that have the potential to cause flooding.

Applicability Thresholds:

- Exempt projects are those that are located in areas that have no potential for downstream flooding. For example, projects along the west side of the Embarcadero that drain directly to the bay are exempt from flood control requirements.
- All non-exempt new development or redevelopment projects that create or replace more than 2,500 square feet of impervious surfaces are subject to the requirements in this Part.

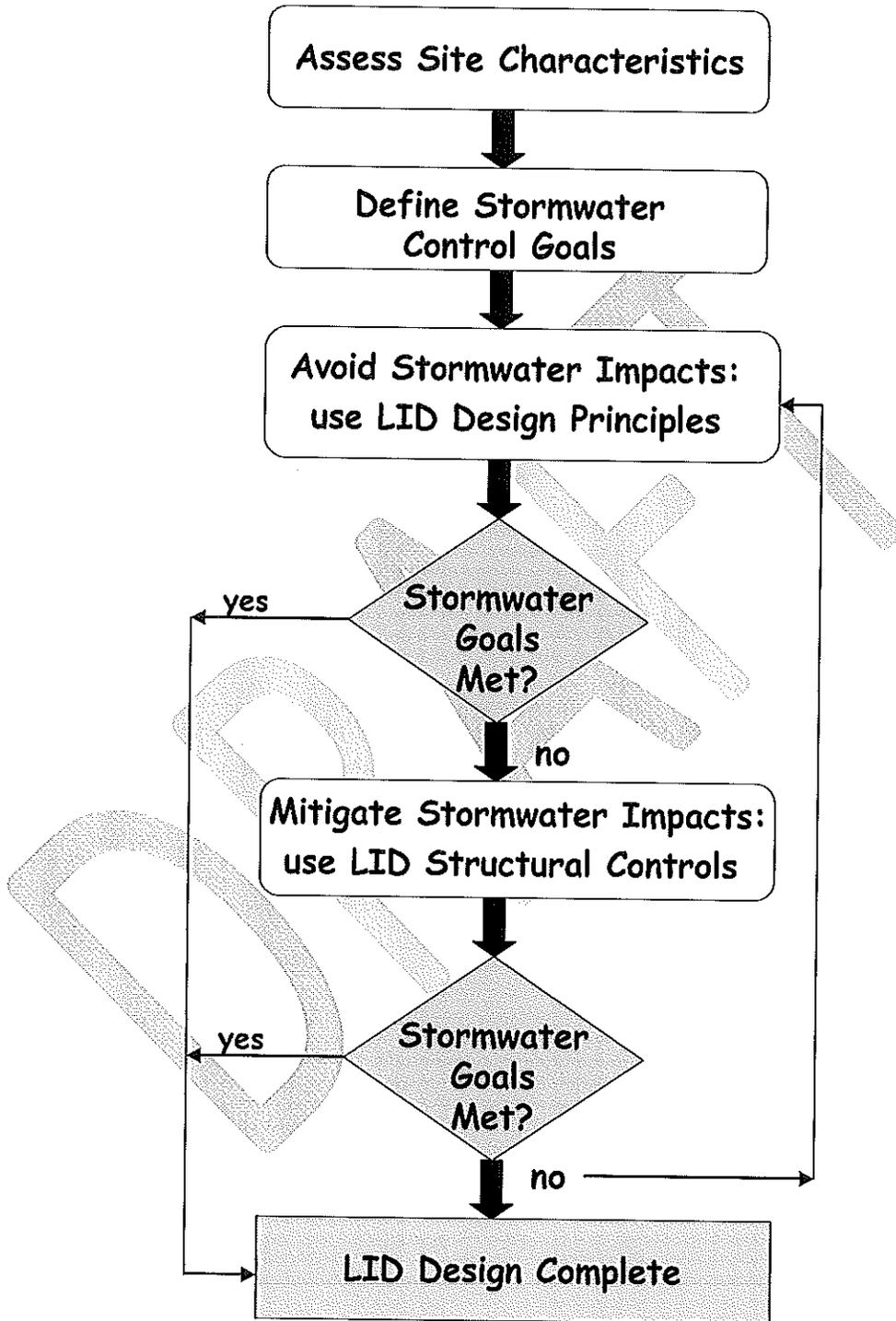
Goal:

For peak runoff flow control, post-development peak runoff flows shall be reduced to within 5% of the pre-development flows from the 10, 25, 50 and 100-year rainfall events. For the purposes of runoff flow control, the pre-development condition shall be natural soil and vegetation.

Methods:

- Detention basin design shall include development of a post-construction runoff hydrograph that is routed through the basin. If NRCS TR-20 is used, the following assumptions shall apply:
 - Storm Type: Type 1, 24-hr
 - Antecedent Moisture Condition: 2
 - Storm Duration: 24 hours
 - 24-hour rainfall depths:
 - 10-yr: 4.0"
 - 25-yr: 5.0"
 - 50-yr: 6.0"
 - 100-yr: 7.0"
- Detention storage may be surface or subsurface. Parking lots may be used for detention as long as flood depth does not exceed six inches in the 100-year event.
- Multi-purpose basins may be designed to address both water quality and runoff control criteria, as long as all design goals are achieved.
- For other detention basin design standards, refer to the current version of the SLO County Public Improvement Standards.

The LID Site Design Process



Step 1: Assess Site Characteristics

A significant part of conducting Low Impact Development is integrating the site characteristics with the project design in ways that help minimize environmental impacts. Site features that provide opportunities to reduce stormwater runoff include: protected areas, setbacks, easements, riparian areas, soil types, and topographic features.

Typical Site Planning considerations:

- ⇒ Avoid excessive grading and disturbance of vegetation and soils
- ⇒ Concentrate development on portions of the site with less permeable soils, and preserve areas that can promote infiltration.
- ⇒ Where possible, conform the site layout along natural landforms, and replicate the site's natural drainage patterns.

Step 2: Stormwater Control Goals and the LID Evaluation Approach

An understanding of the project site drainage/hydrology provides the initial information from which further analysis can be conducted. The applicant should compare baseline stormwater runoff characteristics (i.e., flow and/or water quality) to various LID design alternatives to determine the level of stormwater management that can be achieved. The hydrologic condition baseline is defined as: the condition of the site immediately prior to the proposed project. The condition includes, but is not limited to, soil type, vegetation, and amount of impervious surface.

Step 2.1: Define goals and methods - the following parameters and methods may be used to calculate storm and runoff scenarios:

- The Interim LID goal for Tier 3 projects is for runoff volume from post-development conditions to not exceed runoff volume from pre-project conditions.
- The storm event to be evaluated for LID design is the 85th percentile 24-hour storm rainfall depth. For projects in Morro Bay, the design rainfall depth is 0.75".
- Runoff volume is the product of the project area, the weighted runoff coefficient, and the rainfall depth.
- Weighted runoff coefficients for undeveloped portions of the project site (both pre- and post-project) may be determined by using the County of San Luis Obispo DPW Public Improvement Standards (Drawing H-3a)
- Weighted runoff coefficients for the fully improved portions of the project site (both pre- and post-project) may use the weighted impervious formula described in the ASCE Urban Runoff Quality Management Manual of Practice No. 87¹.
- Pre- and post runoff volumes may also be determined with the Water Balance Calculator spreadsheet found in Appendix 2.1 of the DWQ Construction General Permit available on the State Water Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml
- Alternate methods may be used upon approval.

¹ Per the ASCE Urban Runoff Quality Management Manual, the runoff coefficient "C" is calculated as follows:
$$C = (0.858)i^3 - (0.78)i^2 + (0.774)i + 0.04$$
 (where i = site impervious % expressed as a decimal)

Step 2.2: For each subdrainage area as well as the total project area, the applicant should conduct baseline (pre-project) stormwater runoff volume calculations using the above methods and parameters.

Step 3: Avoid Stormwater Impacts: use LID design principles

Impervious surfaces such as buildings, roads, and parking lots are big offenders in changing how rainwater acts on the land. An increase in impervious area impedes rainwater from naturally infiltrating into the ground and causes high volumes and rates of stormwater runoff, which can cause flooding and environmental damage. During the project design, techniques to reduce the amount of impervious surfaces will help greatly in managing stormwater.

For necessary impervious surfaces, techniques can be used to reduce their impact.

Typical LID techniques include:

- ⇒ Disconnect roof drains and direct flows to vegetated areas
- ⇒ Direct flows from paved areas to stabilized vegetated areas
- ⇒ Break up flow direction from large paved surfaces

Step 4: Evaluate Design to Determine if Stormwater Goals have been Achieved

Once the project site has been delineated, analysis tools defined, and the initial site layout established, a preliminary hydrologic analysis can be conducted to compare the stormwater runoff characteristics of the specified hydrologic condition baseline (Step 2) with the initial site layout (Step 3). This hydrologic analysis will quantify the level of control that has been provided through the site planning process and will provide information as to the additional level of control, if any, needed to meet stormwater control objectives for the project. If the post-project runoff volume is less than or equal to pre-project conditions, LID design is complete. If not, proceed to Step 4.1.

Step 4.1: Calculate the runoff volume for the initial site layout. Use the same type of calculations and modeling methods as defined in Step 2.1 in order to compare the results with the baseline conditions. The difference between the pre- and post-project runoff volumes is the volume goal to be mitigated using LID structural controls. Proceed to Step 5.

Step 5: Mitigate Stormwater Impacts: use LID Structural Controls

After completing the above steps, additional structural stormwater controls may be needed to meet the LID site design goal. LID BMPs include a variety of techniques such as bioretention systems (e.g. swales, rain gardens), pervious pavements and pavers, and green roofs. Refer to the BMP manuals listed in the *Interim Low Impact Development Guidelines* brochure for more examples and design specifications. If water quality treatment features are part of the design, consider using or modifying them to retain or infiltrate runoff volumes. Bioswales, for example, can be modified to enhance retention and infiltration by adding small check dams.

Calculations are needed to size BMPs and to demonstrate that the runoff volume reduction goal has been met. If the Water Balance Calculator spreadsheet is used, all calculations are included in the

spreadsheet. If other methods are used to calculate the runoff volume to managed, two design options are available:

- **Impervious diversion to pervious areas:** Runoff from impervious surfaces may be routed to pervious surfaces to achieve volume reduction. Volume reduction will be considered accomplished if impervious areas are drained to pervious areas at a ratio not to exceed 2 to 1. The pervious area must be level with small berms or curbs to prevent runoff from the design storm. For example, directing 1000 square feet of roof runoff to a 500 square foot landscaped area would satisfy this condition. Note that this is identical to the surface area method described in Part 1.1 and therefore achieves both water quality and runoff volume mitigation goals.
- **Volume Retention:** Designing volume based BMPs that retain and/or infiltrate captured runoff is a straightforward calculation. If partial volume control is achieved by the previous option of routing impervious surfaces to pervious areas, then volume retention goals should be adjusted accordingly. For example, if the original project goal is to retain 100 cubic feet, but half of the impervious area is designed to drain to pervious surfaces at the proper ratio, then the volume retention goal for the remaining impervious surface is 50 cubic feet.

Use the Drainage Report checklist to help document completion of the LID design process.

Step 6: Evaluate Design to Determine if Stormwater Goals have been Achieved

Repeat Step 4 to determine if stormwater goals have been met. If not, reassess Step 3 and 5. An iterative approach to the design may be needed to meet stormwater management goals.

In the rare case where it is impossible or unsafe to meet the interim LID goal, an exemption may be requested.

DRAINAGE REPORT CHECKLIST

The following checklists are intended to aid the design engineer in preparing a stormwater management plan including the incorporation of LID design measures, stormwater quality treatment, and mitigation of the impact of increased runoff during larger storm events (peak flow rate control). During the design of your project, the following information should be identified and incorporated into that design.

Contents of Exhibits: This information should be provided as part of the Drainage Report.

- Existing natural hydrologic features (depressions, watercourses, relatively undisturbed areas) and significant natural resources with drain areas and sub-areas (if applicable) delineated and with arrows showing flow direction of stormwater. If applicable, show the 100-year flood elevations.
- The soil types and depth to groundwater, if applicable. Include the NRCS Hydrologic Soil Group (A,B, C, or D) category with soil type.
- Pre-development, existing and proposed site drainage network and connections to offsite drainage.
- Proposed design features and surface treatments used to minimize imperviousness.
- Entire site divided into separate drainage areas, with each area identified as self-retaining pervious, impervious draining to a self-retaining area, or impervious draining to a stormwater management facility.
- For each drainage area, the types of materials proposed for impervious surface areas (roof, walkways, driveways, streets, parking, etc.) and the required area of each.
- The proposed locations and sizes of infiltration, treatment, or flow-control facilities. Include tributary area and basis for sizing (rational C, NRCS CN value, Tc, etc.).
- For non-residential sites, show potential pollutant source areas, including but not limited to loading docks, food service areas, refuse areas, outdoor processes and storage, vehicle cleaning, repair or maintenance, fuel dispensing, equipment washing, etc.

Contents of Narrative: This information should be included in the narrative section of the Drainage Report.

- Project and applicant name, location (address and APN), and description of project.
- List of permits requested and other permits required (401, 404, Caltrans Encroachment, etc.)
- List of water bodies that will receive runoff from the site. Identify if any of the water bodies are impaired for sediment (using the most current 303d list).
- Narrative analysis or description of site features and conditions that constrain, or provide opportunities for, stormwater control.
- Narrative description of the site design characteristics that protect natural resources.
- Narrative description and/or tabulation of site design characteristics, building features, and pavement selections that reduce imperviousness of the site.
- Identification of any conflicts with codes or requirements or other anticipated obstacles to implementing the Stormwater Management Plan (e.g. conflict with public improvement specifications, etc.).
- Tabulation of proposed pervious and impervious area, showing self retaining areas and areas tributary to each infiltration, treatment, or flow-control facility.
- Preliminary design of each infiltration, treatment, or flow-control facility. Elevations should show sufficient hydraulic head for each.
- Calculations showing compliance with the requirements for interim LID design, stormwater quality treatment, and flood control mitigation.
- General maintenance requirements for infiltration, treatment, and flow-control facilities.
- Certification by a civil engineer.

ATTACHMENT B

ORDINANCE NO. 567

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY; REPEALING, AMENDING, AND REENACTING CHAPTER 14.48 OF THE MORRO BAY MUNICIPAL CODE (STORM WATER CONTROL)

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, the City is obligated under the federal Clean Water Act and the State Porter-Cologne Act to protect and enhance the water quality of watercourses and water bodies; and

WHEREAS, the City is part of a group of agencies identified by the Clean Water Act required to implement a Storm Water Management Plan; and

WHEREAS, the City has prepared a Storm Water Management Plan for approval which includes a commitment to prepare a storm water ordinance to regulate stormwater discharge, animal waste, construction related erosion and sediment control, and post construction devices; and

WHEREAS, the Regional Water Quality Control Board has required implementation of Low Impact Development principals and features as part of the Joint Effort Program; and

WHEREAS, the Storm Water Quality Ordinance is statutorily exempt from CEQA under Discharge Requirements, Section 15263 of the CEQA Regulations; and

NOW, THEREFORE, the City Council of the City of Morro Bay does ordain as follows:

SECTION 1: Chapter 14.48 of the City's Municipal Code entitled Stormwater Management is hereby repealed in its entirety.

SECTION 2: A new Chapter 14.48, entitled Illicit Discharge Detection and Elimination and Stormwater Management hereby added to the San Luis Obispo Municipal Code to read as follows:

Chapter 14.48

BUILDING REGULATIONS – ILLICIT DISCHARGE DETECTION AND ELIMINATION AND STORMWATER MANAGEMENT

Sections:

- 14.48.010 Purpose and intent
- 14.48.020 Definitions
- 14.48.030 Applicability
- 14.48.040 Responsibility for administration
- 14.48.050 Regulatory Consistency
- 14.48.060 Severability
- 14.48.070 Ultimate responsibility of discharger
- 14.48.080 Prohibition of illegal discharges
- 14.48.090 Exceptions to discharge
- 14.48.100 Prohibition of illicit connections
- 14.48.110 Notification
- 14.48.120 Requirement to eliminate illegal discharges and remediate
- 14.48.130 Animals
- 14.48.140 Requirement to prevent, control and reduce stormwater and pollutants
- 14.48.150 Maintenance
- 14.48.160 Requirement to monitor and analyze
- 14.48.170 Remediating discharges
- 14.48.180 Notice of violation
- 14.48.190 Appeal
- 14.48.200 Urgency abatement
- 14.48.210 Charging cost of abatement/liens
- 14.48.220 Acts potentially resulting in a violation of the Clean Water Act and/or the Porter-Cologne Act

14.48.010 Purpose and intent

The purpose of this ordinance is to ensure the health, safety and general welfare of citizens, and to protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. § 1251 et seq.) by reducing pollutants in stormwater discharges to the maximum extent practicable and by prohibiting non-stormwater discharges to the stormwater conveyance system.

14.48.020 Definitions

The terms used in this chapter shall have the following meanings:

A. **Animal Waste** - Includes domestic animal fecal material from any property, residence, yard, kennel, pen, park, animal show, or any activity involving an animal, including keeping, riding, exercising, showing, recreating, walking, or transporting. Does not include waste from non-domestic "wild" animals.

B. **Authorized representative** - that person designated in writing to the director by the property owner to act on behalf of the property owner.

C. **Automotive Repair Shop** - Automotive Repair Shop means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.

D. **Best Management Practices (BMPs)** - Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include but are not limited to: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices and procedures and other such provisions as the City determines appropriate for the control of pollutants.

E. **City** - the City of Morro Bay in the County of San Luis Obispo, State of California.

F. **Clean Water Act (Act)** - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

G. **Commercial activity** - any public or private activity not defined as an industrial activity in 40 CFR 122.25 (b) (14) involving in the storage, transportation, distribution, exchange or sale of goods providing professional or non-professional services.

H. **Construction activity** - any of the following activities: including but not limited to clearing and grubbing, grading, excavating, demolition and construction.

I. **Director** - The Public Services Director and his or her designees.

J. **Discharge** - any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid semi-solid or solid substance.

K. **Illegal discharge** - any direct or indirect non-stormwater discharge to the storm drain system, except as exempted by this chapter.

L. **Illicit connection** - any of the following:

1. Any conveyance system, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system.

2. Any connections to the storm drain system from indoor drains and sinks not currently exempted or permitted, regardless of whether the drain or connection has been previously allowed, permitted, or approved by a government agency.

3. Any drain or conveyance connected from any land use to the storm drain system which has not been documented and approved by the City.

4. Any unpermitted connection of a stormwater system to the publicly owned treatment works as defined in this chapter.

M. **Industrial activity**- any activity subject to a NPDES industrial permit as defined in 40 CFR Section 122.26(b)(14).

N. **Maximum Extent Practicable (MEP)** - a standard for implementation of stormwater management programs to reduce pollutants in stormwater; while taking into account equitable consideration and competing facts, including but not limited to; the seriousness of the problem, public health risk, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement, cost and technical feasibility. MEP allows for maximum flexibility on the part of MS4 operators as they develop and implement their programs to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of pollutants.

O. **Municipal Storm Sewer System (MS4)** - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. designed or used for collecting or conveying stormwater;

2. which is not a combined sewer; and

3. which is not part of a Publicly Owned Treatment Works (POTW). [See Title 40, Code of Federal Regulations (40 CFR) §122.26(b)(8).]

P. **National Pollutant Discharge Elimination System (NPDES) Permit** - NPDES Permit shall mean a permit issued by either the Regional Water Quality Control Board or the State Water Resources Control Board pursuant to Chapter 5.5 (commencing with § 13370) of Division 7 of the Water Code to control discharges from point sources to waters of the United States.

Q. **Development** - Development means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision. Development includes redevelopment which means, on an already developed site, the creation, addition or replacement of impervious area. Redevelopment includes, but is not limited to: the expansion of a building footprint or addition of a structure; structural development including an increase in gross floor area and/ or exterior construction or remodeling; land disturbing activities related with structural or impervious surfaces.

R. **Non-stormwater discharge** - any discharge to the storm drain system that is not composed entirely of stormwater.

S. **Pollutant** - anything which causes or contributes to pollution including, but not limited to, paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes, wastes and residues that result from constructing a building or structure, including but not limited to soil, sediment, slurry, and concrete residuals; and noxious or offensive matter of any kind.

T. **Pollution** - discharge of a pollutant.

U. **Porter-Cologne Act** - means the Porter-Cologne Water Quality Control Act and as amended (California Water Code §13000 et seq.). The Porter Cologne Act is commonly referred to as the California Water Code.

V. **Premises** - means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

W. **Prohibited Discharge** - Any non-stormwater discharge to the City storm drain system or directly to natural creeks and small streams, which is not otherwise specifically authorized by this Chapter, the Regional Board, State or federal Law, or an NPDES permit.

X. **Publicly Owned Treatment Works (POTW)** - as defined at 40 CFR Section 122.2.

Y. **Receiving Waters** - Surface bodies of water, as defined by the Municipal Stormwater Permit, including, but not limited to, creeks, rivers, and bay which serve as discharge points for the City storm drain system.

Z. **Storm drain system** - means any public or private facilities by which stormwater is collected and/or conveyed, including but not limited to roads, sidewalks, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels and swales, reservoirs, lakes, creeks, waters of the United States and other drainage structures which are within the City and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.

1. Public facilities are those owned, maintained and operated by the City and other public agencies including the enclosed system of pipelines, catch basins, manholes and junction structures.

2. Private facilities are those on private property or under the control of persons other than the City or other public agencies.

AA. **Stormwater**- Surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation.

BB. **Structural BMP** - any structural facility designed and constructed to mitigate the adverse impacts of stormwater and urban runoff pollution (e.g. canopy, structural enclosure). The category may include both Treatment Control BMPs and Source Control BMPs.

CC. **Stormwater pollution prevention plan or SWPPP** - a plan required by the State Water Board Construction General permit for stormwater discharges associated with construction activities.

DD. **Treatment Control BMP** - any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

EE. **Waters of the United States** - Surface watercourses and water bodies as defined in 40 CFR 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

14.48.030 Applicability

This chapter shall apply to all discharges entering the storm drain system (MS4) within the City.

14.48.040 Responsibility for administration

The Director shall administer, implement, and enforce the provisions of this chapter.

14.48.050 Regulatory Consistency

This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and acts amended thereto or supplementary thereto, or any applicable implementing regulations.

14.48.060 Severability

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

14.48.070 Ultimate responsibility of discharger

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend nor imply that a person's compliance will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the United States. This chapter shall not create liability on the part of the City, or any of its employees or agents, for any damages that result from any person's reliance on this chapter or any administrative decision lawfully made thereunder.

14.48.080 Prohibition of illegal discharges

No person shall discharge or cause to be discharged into the storm drain system any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater, to the maximum extent practicable.

An illegal discharge is assumed to have occurred if a pollutant is placed, blown, washed, tracked or in any way allowed to accumulate in any part of the MS4 so that it can be conveyed by stormwater.

14.48.090 Exceptions to discharge

No person shall commence, conduct, or continue any illegal discharge to the storm drain system except as follows. Discharges from the following will not be considered a source of pollutants to the storm drain system and to waters of the United States when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this chapter:

A. The following non-storm water discharges or flows: water line flushing; landscape

irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20) to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and discharges or flows from fire fighting activities.

B. Any non-stormwater discharge permitted or approved under a National Pollutant Discharge Elimination System permit, waiver, or waste discharge order issued to the discharger and administration by the State of California under the authority of the Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations and provided that written approval has been granted by the City for any discharge to the storm drain system.

C. With written concurrence of the Central Coast Regional Water Quality Control Board, the City may exempt in writing other non-stormwater dischargers which are not a source of pollutants to the storm drain system or Water of the U.S.

D. Agricultural discharges regulated by the State Water Resources Control Board and/or Regional Board pursuant to waiver and/or formal policy, provided compliance with all relevant permit, waiver or policy conditions established by the State Water Resources Control Board and/or Regional Board.

14.48.100 Prohibition of illicit connections

The construction, use, maintenance or continued existence of illicit connections to the storm drain system or to a POTW is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

14.48.110 Notification

A. Notification of any confirmed or unconfirmed release of materials, pollutants or waste which may result in pollutants or non-stormwater discharges entering the City storm drain system shall be made immediately by any person in charge of a facility or responsible for emergency response for a facility as follows:

1. The release of a hazardous material or hazardous waste shall be reported to emergency services immediately by emergency dispatch services (911). A written notification of the release shall also be made to the Director within five business days of the release. A copy of the written notice shall be retained for at least three (3) years.

2. The inadvertent release, and clean-up, of a non-hazardous waste shall be reported to the Director by phone no later than 5:00 P.M. of the same business day. If the release occurs on a weekend or Holiday, notification shall be made on the next business day. A written notification of the release shall also be made to the Director within five business days of the release. A copy of the written notice shall be retained for at least three (3) years.

B. Release of any hazardous substances, sewage, oil, or petroleum to any waters of the state, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the state, shall be reported to the State Office of Emergency Services, as required by Sections 13271 and 13272 of California Water Code.

C. Commercial/Industrial Properties. If the reported discharge emanates from a commercial or industrial property, the owner or operator of the property shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years from the date of the occurrence and be available for inspection by the director.

14.48.120 Requirement to eliminate illegal discharges and remediate

Whenever the director determines that a discharge of pollutants is occurring, or has occurred, and the discharge has caused, or will cause, pollution of stormwater or the storm drain system, or determines an illegal discharge is occurring or has occurred, the director will require by written notice to the property owner and/or their authorized representative (A) remediation of the pollution and restoration of the affected property within a specified time/date, and (B) discontinuance of the discharge and, if necessary, implementation of measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

14.48.130 Animals

A. Property Maintenance. Where it is determined by the City or by the Central Coast Regional Water Quality Control Board that an area used by animals is affecting water quality, the City will require the property owner or authorized representative to implement measures, which may include installation of preclusionary devices, to eliminate the pollution and prevent the migration of waste components to the storm drain system. Installation of devices or measures may require permits from the City or other regulatory agency. Installation, maintenance and permitting are the responsibility of the property owner.

B. Feeding Near Water Bodies. No person shall feed feral or wild animals or deposit or leave any foodstuff of any kind or nature, except in a trash receptacle provided for that purpose, within one hundred feet of a water body including but not limited to, creek dry or otherwise, ocean and bay.

C. Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

14.48.140 Requirement to prevent, control and reduce stormwater and pollutants

A. All improved areas of new and redevelopment development resulting in the creation, addition, or replacement of two thousand five hundred (2,500) square feet of impervious surface shall be governed by the Stormwater Management Control section of the Engineering Standards.

B. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance, in a form acceptable to the director, shall be provided:

1. Prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan;
2. Upon inspection of the facility;
3. During any enforcement proceeding or action; or
4. For any other reasonable cause.

14.48.150 Maintenance

General. Property owners are responsible to maintain their premises in such a way as to comply with this chapter and prevent migration of pollutants into the storm drain system.

A. Construction Stormwater Devices. BMPs installed during construction or as measures for post-construction stormwater shall be maintained as required to ensure proper operation. Failure to maintain construction BMPs will result in a stop work order being issued until the site is in conformance with the requirements of this chapter.

B. Post-construction Stormwater Devices. Property owners of development or redevelopment projects which require installation of post-construction stormwater devices shall submit a maintenance plan or manufacturer's maintenance guide for those devices as part of the project submittal. The plan or guide provided shall be considered the minimum maintenance required, with additional maintenance performed as needed to comply with this chapter. All property owners with post-construction stormwater devices on their property shall submit to the director annual

inspection/maintenance reports to confirm continued compliance with this chapter. Reports shall be signed and certified by the property owner or the authorized representative.

14.48.160 Requirement to monitor and analyze

The director may require any person engaged in any activity, and/or owning or operating any facility, which may cause or contribute to stormwater pollution, illegal discharges, and/or non-stormwater discharges to the storm drain system, to undertake, at the person's expense, a monitoring, analysis, and reporting program, as approved by the director, to determine compliance with this chapter.

14.48.170 Remediating discharges

Notwithstanding other requirements of law, as soon as any property owner, authorized person, or any other person responsible for property, a facility or an operation, or the person responsible for emergency response for a facility or operation, has information of any known or suspected release of pollutants which may result or have resulted in illegal discharges or pollutants discharging into stormwater or the storm drain system from the property, facility or operation, the person shall take all necessary steps to ensure the containment, and remediation of such release.

14.48.180 Notice of violation

A. Violation Conditions. Whenever the director finds that a person has violated this chapter, the director may issue to the person a notice of violation and order compliance. Such notice may require without limitation:

1. Monitoring, providing analyses, and reporting;
2. Eliminating illicit connections or discharges;
3. Cease and desist of discharges, practices, or operations;
4. Abating or remediating stormwater pollution or contamination hazards, and restoring the affected property;
5. Implementing source control or treatment BMPs; and
6. Paying a fine and administrative and remediation costs.

B. Abatement. If abatement of a condition and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed. The notice shall further provide that if there is not compliance with the notice within the established deadline, the City may abate the condition and/or restore the property, and the expenses thereof shall be charged to the property owner and/or the person responsible for the violation.

14.48.190 Appeal

Except as provided in Section 14.48.200, Urgency abatement, any person receiving a notice of violation may appeal following the procedures in Chapter 1.03.

14.48.200 Urgency abatement

A. Immediate Abatement. The director may require immediate abatement of any violation of this chapter that constitutes an immediate and significant threat to the health, safety or well-being of the public.

B. Failure to Abate. If a violation as described in subsection A of this section is not immediately abated, the City is authorized to enter the premises and take any and all measures required to abate the violation. Any expenses incurred by the City related to such abatement shall be charged to the property owner. These expenses shall be based on the City's fully loaded rates for labor and equipment. Any relief obtained under this section shall not prevent the City from seeking other and further relief authorized under this chapter.

C. Construction Sites. The director may give verbal notice and shall issue a stop work order to persons owning or controlling construction sites with inadequate erosion and sediment controls and

such controls must be put in place immediately, and the City shall not allow any other site work until the controls are in place.

14.48.210 Charging cost of abatement/liens

A. Notice of Cost. If the City has incurred costs to abate a violation, the director shall notify the property owner within thirty days of the cost, including administrative costs.

B. Appeal. Within ten calendar days of the director's notice, the property owner may file with the City clerk a written appeal objecting to the amount of the costs. The City clerk shall set the matter for hearing by the City council. The decision of the City council shall be final.

C. Payment Due Date—Failure to Pay. If no appeal has been filed or if an appeal has been filed and the City council has made a decision on the appeal, any cost due shall be paid in full within ten days. If the costs are not paid in full within thirty calendar days, the costs shall become a special assessment against the property and shall constitute a lien on the property. The information shall be provided to the county auditor so that the auditor may enter the amount of the assessment against the property, as it appears on the current assessment roll, and the tax collector include the amount of the assessment on the bill for taxes levied against the property.

14.48.220 Acts potentially resulting in a violation of the Clean Water Act and/or the Porter-Cologne Act

Any person who violates any provision of this chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the provisions of those acts including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.

INTRODUCED at a regular meeting the of the City Council of Morro Bay, held on the _____ day of _____, 2011 by motion of Councilmember _____, seconded by Councilmember _____.

PASSED AND ADOPTED on the ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

WILLIAM YATES, Mayor

ATTEST:

BRIDGETT KESSLING, City Clerk

APPROVED AS TO FORM:

ROBERT SCHULTZ, City Attorney

Chapter 14.48

BUILDING REGULATIONS – ILLICIT DISCHARGE AND STORMWATER MANAGEMENT CONTROL

Sections:

- 14.48.010 Purpose and intent
- 14.48.020 Definitions
- 14.48.030 Applicability
- 14.48.040 Responsibility for administration
- 14.48.050 Regulatory Consistency
- 14.48.060 Severability
- 14.48.070 Ultimate responsibility of discharger
- 14.48.080 Prohibition of illegal discharges
- 14.48.090 Exceptions to discharge
- 14.48.100 Prohibition of illicit connections
- 14.48.110 Notification
- 14.48.120 Requirement to eliminate illegal discharges and remediate
- 14.48.130 Animals
- 14.48.140 Requirement to prevent, control and reduce stormwater and pollutants
- 14.48.150 Maintenance
- 14.48.160 Requirement to monitor and analyze
- 14.48.170 Remediating discharges
- 14.48.180 Notice of violation
- 14.48.190 Appeal
- 14.48.200 Urgency abatement
- 14.48.210 Charging cost of abatement/liens
- 14.48.220 Acts potentially resulting in a violation of the Clean Water Act and/or the Porter-Cologne Act

14.48.010 Purpose and intent

The purpose of this ordinance is to ensure the health, safety and general welfare of citizens, and to protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. § 1251 et seq.) by reducing pollutants in stormwater discharges to the maximum extent practicable and by prohibiting non-stormwater discharges to the stormwater conveyance system.

14.48.020 Definitions

The terms used in this chapter shall have the following meanings:

A. **Animal Waste** - Includes domestic animal fecal material from any property, residence, yard, kennel, pen, park, animal show, or any activity involving an animal, including keeping, riding, exercising, showing, recreating, walking, or transporting. Does not include waste from non-domestic "wild" animals.

B. **Authorized representative** - that person designated in writing to the director by the property owner to act on behalf of the property owner.

C. **Automotive Repair Shop** - Automotive Repair Shop means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.

D. **Best Management Practices (BMPs)** - Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include but are not limited to: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices and procedures and other such provisions as the City determines appropriate for the control of pollutants.

E. **City** - the City of Morro Bay in the County of San Luis Obispo, State of California.

F. **Clean Water Act (Act)** - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

G. **Commercial activity** - any public or private activity not defined as an industrial activity in 40 CFR 122.25 (b) (14) involving in the storage, transportation, distribution, exchange or sale of goods providing professional or non-professional services.

H. **Construction activity** - any of the following activities: including but not limited to clearing and grubbing, grading, excavating, demolition and construction.

I. **Director** - The Public Services Director and his or her designees.

J. **Discharge** - any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid semi-solid or solid substance.

K. **Illegal discharge** - any direct or indirect non-stormwater discharge to the storm drain system, except as exempted by this chapter.

L. **Illicit connection** - any of the following:

1. Any conveyance system, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system.

2. Any connections to the storm drain system from indoor drains and sinks not currently exempted or permitted, regardless of whether the drain or connection has been previously allowed, permitted, or approved by a government agency.

3. Any drain or conveyance connected from any land use to the storm drain system which has not been documented and approved by the City.

4. Any unpermitted connection of a stormwater system to the publicly owned treatment works as defined in this chapter.

M. **Industrial activity**- any activity subject to a NPDES industrial permit as defined in 40 CFR Section 122.26(b)(14).

N. **Maximum Extent Practicable (MEP)** - a standard for implementation of stormwater management programs to reduce pollutants in stormwater; while taking into account equitable consideration and competing facts, including but not limited to; the seriousness of the problem, public health risk, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement, cost and technical feasibility. MEP allows for maximum flexibility on the part of MS4 operators as they develop and implement their programs to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of pollutants.

O. **Municipal Storm Sewer System (MS4)** - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. designed or used for collecting or conveying stormwater;

2. which is not a combined sewer; and

3. which is not part of a Publicly Owned Treatment Works (POTW). [See Title 40, Code of Federal Regulations (40 CFR) §122.26(b)(8).]

P. **National Pollutant Discharge Elimination System (NPDES) Permit** - NPDES Permit shall mean a permit issued by either the Regional Water Quality Control Board or the State Water Resources Control Board pursuant to Chapter 5.5 (commencing with § 13370) of Division 7 of the Water Code to control discharges from point sources to waters of the United States.

Q. **Development** - Development means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision. Development includes redevelopment which means, on an already developed site, the creation, addition or replacement of impervious area. Redevelopment includes, but is not limited to: the expansion of a building footprint or addition of a structure; structural development including an increase in gross floor area and/ or exterior construction or remodeling; land disturbing activities related with structural or impervious surfaces.

R. **Non-stormwater discharge** - any discharge to the storm drain system that is not composed entirely of stormwater.

S. **Pollutant** - anything which causes or contributes to pollution including, but not limited to, paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes, wastes and residues that result from constructing a building or structure, including but not limited to soil, sediment, slurry, and concrete residuals; and noxious or offensive matter of any kind.

T. **Pollution** - discharge of a pollutant.

U. **Porter-Cologne Act** - means the Porter-Cologne Water Quality Control Act and as amended (California Water Code §13000 et seq.). The Porter Cologne Act is commonly referred to as the California Water Code.

V. **Premises** - means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

W. **Prohibited Discharge** - Any non-stormwater discharge to the City storm drain system or directly to natural creeks and small streams, which is not otherwise specifically authorized by this Chapter, the Regional Board, State or federal Law, or an NPDES permit.

X. **Publicly Owned Treatment Works (POTW)** - as defined at 40 CFR Section 122.2.

Y. **Receiving Waters** - Surface bodies of water, as defined by the Municipal Stormwater Permit, including, but not limited to, creeks rivers, and bay which serve as discharge points for the City storm drain system.

Z. **Storm drain system** - means any public or private facilities by which stormwater is collected and/or conveyed, including but not limited to roads, sidewalks, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels and swales, reservoirs, lakes, creeks, waters of the United States and other drainage structures which are within the City and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.

1. Public facilities are those owned, maintained and operated by the City and other public agencies including the enclosed system of pipelines, catch basins, manholes and junction structures.

2. Private facilities are those on private property or under the control of persons other than the City or other public agencies.

AA. **Stormwater**- Surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation.

BB. **Structural BMP** - any structural facility designed and constructed to mitigate the adverse impacts of stormwater and urban runoff pollution (e.g. canopy, structural enclosure). The category may include both Treatment Control BMPs and Source Control BMPs.

CC. **Stormwater pollution prevention plan or SWPPP** - a plan required by the State Water Board Construction General permit for stormwater discharges associated with construction activities.

DD. **Treatment Control BMP** - any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

EE. **Waters of the United States** - Surface watercourses and water bodies as defined in 40 CFR 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

14.48.030 Applicability

This chapter shall apply to all discharges entering the storm drain system (MS4) within the City.

14.48.040 Responsibility for administration

The Director shall administer, implement, and enforce the provisions of this chapter.

14.48.050 Regulatory Consistency

This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and acts amended thereto or supplementary thereto, or any applicable implementing regulations.

14.48.060 Severability

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

14.48.070 Ultimate responsibility of discharger

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend nor imply that a person's compliance will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the United States. This chapter shall not create liability on the part of the City, or any of its employees or agents, for any damages that result from any person's reliance on this chapter or any administrative decision lawfully made thereunder.

14.48.080 Prohibition of illegal discharges

No person shall discharge or cause to be discharged into the storm drain system any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater, to the maximum extent practicable.

An illegal discharge is assumed to have occurred if a pollutant is placed, blown, washed, tracked or in any way allowed to accumulate in any part of the MS4 so that it can be conveyed by stormwater.

14.48.090 Exceptions to discharge

No person shall commence, conduct, or continue any illegal discharge to the storm drain system except as follows. Discharges from the following will not be considered a source of pollutants to the storm drain system and to waters of the United States when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this chapter:

A. The following non-storm water discharges or flows: water line flushing; landscape

irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20) to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and discharges or flows from fire fighting activities.

B. Any non-stormwater discharge permitted or approved under a National Pollutant Discharge Elimination System permit, waiver, or waste discharge order issued to the discharger and administration by the State of California under the authority of the Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations and provided that written approval has been granted by the City for any discharge to the storm drain system.

C. With written concurrence of the Central Coast Regional Water Quality Control Board, the City may exempt in writing other non-stormwater dischargers which are not a source of pollutants to the storm drain system or Water of the U.S.

D. Agricultural discharges regulated by the State Water Resources Control Board and/or Regional Board pursuant to waiver and/or formal policy, provided compliance with all relevant permit, waiver or policy conditions established by the State Water Resources Control Board and/or Regional Board.

14.48.100 Prohibition of illicit connections

The construction, use, maintenance or continued existence of illicit connections to the storm drain system or to a POTW is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

14.48.110 Notification

A. Notification of any confirmed or unconfirmed release of materials, pollutants or waste which may result in pollutants or non-stormwater discharges entering the City storm drain system shall be made immediately by any person in charge of a facility or responsible for emergency response for a facility as follows:

1. The release of a hazardous material or hazardous waste shall be reported to emergency services immediately by emergency dispatch services (911). A written notification of the release shall also be made to the Director within five business days of the release. A copy of the written notice shall be retained for at least three (3) years.

2. The inadvertent release, and clean-up, of a non-hazardous waste shall be reported to the Director by phone no later than 5:00 P.M. of the same business day. If the release occurs on a weekend or Holiday, notification shall be made on the next business day. A written notification of the release shall also be made to the Director within five business days of the release. A copy of the written notice shall be retained for at least three (3) years.

B. Release of any hazardous substances, sewage, oil, or petroleum to any waters of the state, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the state, shall be reported to the State Office of Emergency Services, as required by Sections 13271 and 13272 of California Water Code.

C. Commercial/Industrial Properties. If the reported discharge emanates from a commercial or industrial property, the owner or operator of the property shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years from the date of the occurrence and be available for inspection by the director.

14.48.120 Requirement to eliminate illegal discharges and remediate

Whenever the director determines that a discharge of pollutants is occurring, or has occurred, and the discharge has caused, or will cause, pollution of stormwater or the storm drain system, or determines an illegal discharge is occurring or has occurred, the director will require by written notice to the property owner and/or their authorized representative (A) remediation of the pollution and restoration of the affected property within a specified time/date, and (B) discontinuance of the discharge and, if necessary, implementation of measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

14.48.130 Animals

A. Property Maintenance. Where it is determined by the City or by the Central Coast Regional Water Quality Control Board that an area used by animals is affecting water quality, the City will require the property owner or authorized representative to implement measures, which may include installation of preclusionary devices, to eliminate the pollution and prevent the migration of waste components to the storm drain system. Installation of devices or measures may require permits from the City or other regulatory agency. Installation, maintenance and permitting are the responsibility of the property owner.

B. Feeding Near Water Bodies. No person shall feed feral or wild animals or deposit or leave any foodstuff of any kind or nature, except in a trash receptacle provided for that purpose, within one hundred feet of a water body including but not limited to, creek dry or otherwise, ocean and bay.

C. Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

14.48.140 Requirement to prevent, control and reduce stormwater and pollutants

A. All improved areas of new and redevelopment development resulting in the creation, addition, or replacement of two thousand five hundred (2,500) square feet of impervious surface shall be governed by the Stormwater Control section of the Engineering Standards.

B. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance, in a form acceptable to the director, shall be provided:

1. Prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan;
2. Upon inspection of the facility;
3. During any enforcement proceeding or action; or
4. For any other reasonable cause.

14.48.150 Maintenance

General. Property owners are responsible to maintain their premises in such a way as to comply with this chapter and prevent migration of pollutants into the storm drain system.

A. Construction Stormwater Devices. BMPs installed during construction or as measures for post-construction stormwater shall be maintained as required to ensure proper operation. Failure to maintain construction BMPs will result in a stop work order being issued until the site is in conformance with the requirements of this chapter.

B. Post-construction Stormwater Devices. Property owners of development or redevelopment projects which require installation of post-construction stormwater devices shall submit a maintenance plan or manufacturer's maintenance guide for those devices as part of the project submittal. The plan or guide provided shall be considered the minimum maintenance required, with additional maintenance performed as needed to comply with this chapter. All property owners with post-construction stormwater devices on their property shall submit to the director annual

inspection/maintenance reports to confirm continued compliance with this chapter. Reports shall be signed and certified by the property owner or the authorized representative.

14.48.160 Requirement to monitor and analyze

The director may require any person engaged in any activity, and/or owning or operating any facility, which may cause or contribute to stormwater pollution, illegal discharges, and/or non-stormwater discharges to the storm drain system, to undertake, at the person's expense, a monitoring, analysis, and reporting program, as approved by the director, to determine compliance with this chapter.

14.48.170 Remediating discharges

Notwithstanding other requirements of law, as soon as any property owner, authorized person, or any other person responsible for property, a facility or an operation, or the person responsible for emergency response for a facility or operation, has information of any known or suspected release of pollutants which may result or have resulted in illegal discharges or pollutants discharging into stormwater or the storm drain system from the property, facility or operation, the person shall take all necessary steps to ensure the containment, and remediation of such release.

14.48.180 Notice of violation

A. Violation Conditions. Whenever the director finds that a person has violated this chapter, the director may issue to the person a notice of violation and order compliance. Such notice may require without limitation:

1. Monitoring, providing analyses, and reporting;
2. Eliminating illicit connections or discharges;
3. Cease and desist of discharges, practices, or operations;
4. Abating or remediating stormwater pollution or contamination hazards, and restoring the affected property;
5. Implementing source control or treatment BMPs; and
6. Paying a fine and administrative and remediation costs.

B. Abatement. If abatement of a condition and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed. The notice shall further provide that if there is not compliance with the notice within the established deadline, the City may abate the condition and/or restore the property, and the expenses thereof shall be charged to the property owner and/or the person responsible for the violation.

14.48.190 Appeal

Except as provided in Section 14.48.200, Urgency abatement, any person receiving a notice of violation may appeal following the procedures in Chapter 1.03.

14.48.200 Urgency abatement

A. Immediate Abatement. The director may require immediate abatement of any violation of this chapter that constitutes an immediate and significant threat to the health, safety or well-being of the public.

B. Failure to Abate. If a violation as described in subsection A of this section is not immediately abated, the City is authorized to enter the premises and take any and all measures required to abate the violation. Any expenses incurred by the City related to such abatement shall be charged to the property owner. These expenses shall be based on the City's fully loaded rates for labor and equipment. Any relief obtained under this section shall not prevent the City from seeking other and further relief authorized under this chapter.

C. Construction Sites. The director may give verbal notice and shall issue a stop work order to persons owning or controlling construction sites with inadequate erosion and sediment controls and

such controls must be put in place immediately, and the City shall not allow any other site work until the controls are in place.

14.48.210 Charging cost of abatement/liens

A. Notice of Cost. If the City has incurred costs to abate a violation, the director shall notify the property owner within thirty days of the cost, including administrative costs.

B. Appeal. Within ten calendar days of the director's notice, the property owner may file with the City clerk a written appeal objecting to the amount of the costs. The City clerk shall set the matter for hearing by the City council. The decision of the City council shall be final.

C. Payment Due Date—Failure to Pay. If no appeal has been filed or if an appeal has been filed and the City council has made a decision on the appeal, any cost due shall be paid in full within ten days. If the costs are not paid in full within thirty calendar days, the costs shall become a special assessment against the property and shall constitute a lien on the property. The information shall be provided to the county auditor so that the auditor may enter the amount of the assessment against the property, as it appears on the current assessment roll, and the tax collector include the amount of the assessment on the bill for taxes levied against the property.

14.48.220 Acts potentially resulting in a violation of the Clean Water Act and/or the Porter-Cologne Act

Any person who violates any provision of this chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the provisions of those acts including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.

INTRODUCED at a regular meeting the of the City Council of Morro Bay, held on the _____ day of _____, 2011 by motion of Councilmember _____, seconded by Councilmember _____.

PASSED AND ADOPTED on the ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

WILLIAM YATES, Mayor

ATTEST:

BRIDGETT KESSLING, City Clerk

APPROVED AS TO FORM:

ROBERT SCHULTZ, City Attorney

**Attachment 3
SWMP MODIFICATIONS REQUIRED BY THE CENTRAL COAST WATER BOARD
EXECUTIVE OFFICER**

In accordance with General Permit Section D, the SWMP shall be revised to incorporate any new or modified BMPs developed through the Permittee's annual reporting process. Modifications may be required by the Water Board Executive Officer, or the Executive Officer may accept modifications proposed by the Permittee. In this attachment the Central Coast Water Board Executive Officer requires the City make two modifications to their SWMP in addition to the required modifications addressed in Attachment 1. The first modification includes monitoring requirements which are in accordance with General Permit Section G. The City shall incorporate the modifications (as indicated below) and submit a revised SWMP in electronic format to the Central Coast Water Board by June 1, 2011. The revised SWMP must indicate revisions in track changes.

A. Total Maximum Daily Loads

Improvement: In addition to identifying specific BMPs to address the Morro Bay and Chorro and Los Osos Creeks Pathogen Total Maximum Daily Load (TMDL) Resolution No. R3-2003-0600, attaining the City's wasteload allocations through the implementation of its SWMP will require planning and assessment efforts by the City. To ensure the City attains its wasteload allocation, we require the City to develop a Wasteload Allocation Attainment Plan for the Morro Bay and Chorro and Los Osos Creeks Pathogen TMDL. The Wasteload Allocation Attainment plan must describe what actions the City will take to attain its wasteload allocation and explain how the City will demonstrate it is progressing towards attaining its wasteload allocation and will ultimately achieve the wasteload allocation.

Action: The City must submit the Wasteload Allocation Attainment Plan for Morro Bay and Chorro and Los Osos Creeks Pathogen TMDL **with the FY2010/2011 Annual Report** as part of a SWMP update. Within 60 days of submitting the Wasteload Allocation Attainment Plan to the Central Coast Water Board, the City must start implementing the program. The City will append the Wasteload Allocation Attainment Plan to the SWMP and incorporate into the SWMP new BMPs (structural, non-structural, and/or other measures to attain the required source control), monitoring program specifications, and other SWMP modifications identified in the Wasteload Allocation Attainment Plan. The Wasteload Allocation Attainment Plan must specifically include the following principle components, unless the City provides justification for why specific components are in conflict with specific TMDL provisions:

- 1) A schedule for BMP implementation activities and monitoring program implementation.
- 2) Identification of activities the City has implemented and will implement in order to achieve their wasteload allocation. Include BMP identification, prioritization, implementation, analysis, and effectiveness assessment.
- 3) A description of how the City will modify the plan to improve upon BMPs that effectiveness assessments and monitoring results identify as ineffective or incapable of attaining the City's wasteload allocation.
- 4) A monitoring program designed to demonstrate the City's progress towards and eventual attainment of its wasteload allocation at urban outfalls draining urban runoff from the City that discharge to Morro Bay and Chorro and Los Osos Creeks;
- 5) A description of reporting the City will conduct, including the following:
 - a) BMPs implemented;
 - b) Monitoring results; and

- c) Evaluation whether current BMPs are progressing towards achieving the wasteload allocation.
- 6) Coordination with stakeholders.
- 7) Other pertinent factors.

B. Source Control Requirements

Improvement: Central Coast Water Board staff considers implementation of the Joint Effort to be the equivalent of implementation of General Permit Attachment 4 requirements for hydromodification control, LID, and runoff treatment. So, if the City implements the Joint Effort, they will be in compliance with General Permit Attachment 4 hydromodification control, LID, and runoff treatment requirements. The Joint Effort will not address the General Permit Attachment 4 source control requirements; therefore, the City must still adopt an ordinance requiring new development and redevelopment projects to implement the source control requirements of General Permit Attachment 4.

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Action: The City shall **revise the SWMP** to specify the City will modify their development review process and update their enforceable mechanisms, as part of; or separate from, the ordinances they adopt to implement the Joint Effort criteria, to ensure new development and redevelopment projects adhere to the General Permit Attachment 4 measures related to source controls. The City's implementation of the Joint Effort will cover the following General Permit Attachment 4 requirements: B.2.a, B.2.b, B.2.i, B.4, B.5, and B.6. The City shall address the other, unaccounted for sections of General Permit Attachment 4. The City shall make these modifications by Quarter 8 (pursuant to the Joint Effort schedule).



AGENDA NO: B-3

MEETING DATE: 05/10/2011

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 31, 2011

FROM: Susan Slayton, Administrative Services Director/City Treasurer

SUBJECT: Resolution No. 25-11 Declaring the Intention to Continue the Program and Assessments for the 2011/12 Fiscal Year for the Morro Bay Tourism Business Improvement District (MBTBID)

RECOMMENDATION:

Council to hold a public hearing, record testimony for/against the continuation of the MBTBID, and adopt/reject/amend Resolution No. 25-11.

FISCAL IMPACT:

Estimated revenue for 2011/12 is \$380,000 in assessments, and \$500 in interest, all dedicated to advertising and promotions.

SUMMARY:

This is the annual reaffirmation of the MBTBID and authorization of the 3% assessments, as required by State law. Staff requests that Council hold the public hearing to receive testimony for and/or against the continuation of the MBTBID, then adopt, reject or amend Resolution No. 25-11 as appropriate.

DISCUSSION:

State law requires the City Council to annually renew business improvement districts, and receive annual reports for each fiscal year. Those reports were provided in the April 12, 2011 staff report.

Staff requests that Council hold the public hearing to receive testimony for and/or against the renewal of the MBTBID, then adopt, reject or amend Resolution No. 25-11 as appropriate.

Prepared By: _____ **Dept Review:** _____
City Manager Review: _____
City Attorney Review: _____

RESOLUTION NO. 25-11

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MORRO BAY, CALIFORNIA,
DECLARING THE INTENTION TO CONTINUE THE PROGRAM AND
ASSESSMENTS FOR THE 2011/12 FISCAL YEAR FOR THE MORRO BAY
TOURISM BUSINESS IMPROVEMENT DISTRICT (MBTBID)**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, the Parking and Business Improvement Area Law of 1989, Section 36500 et seq., of the California Streets and Highway Code authorizes cities to establish and review business improvement areas of the purpose of promoting tourism; and

WHEREAS, on April 13, 2009, the City Council held a public hearing and first reading of Ordinance 546 to establish the Morro Bay Tourism Business Improvement District (MBTBID), and approved Ordinance 546 at its April 27, 2009 meeting; and

WHEREAS, the advisory board has requested the renewal of the TBID for the 2011/12 fiscal year to continue its activities; and

WHEREAS, all other findings of Ordinance 546 to establish the TBID remain unchanged; and

WHEREAS, on April 12, 2011, staff presented the annual report for the fiscal year 2009/10 (the first year of the TBID), the adopted budget for 2010/11, and the budget plan for 2011/12, all of which are attached to this Resolution as Exhibits A, B, and C; and

WHEREAS, the annual report and budget plan generally describe the activities to be advertising, public relations, and marketing activities, which attract and extend overnight stays in Morro Bay hotels;

WHEREAS, it is the intention of the City Council to levy and collect 3% assessments from the hoteliers within the TBID for the 2011/12 fiscal year; and

WHEREAS, the City Council conducted a public meeting on April 12, 2011, to affirm the annual report and budgets, and set the public hearing date for May 10, 2011, at 6:00 p.m. (or soon thereafter as possible) in the Morro Bay Veterans Memorial Hall located at 209 Surf Street, Morro Bay, California according to California Streets and Highway Code Sections 36524 and 36525; and

WHEREAS, on May 10, 2011, the City Council conducted a public hearing regarding the renewal of the TBID for the 2011/12 fiscal year, at which affected businesses had the opportunity to protest the TBID renewal, with the following results:

FOR:

AGAINST:

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Morro Bay as follows:

1. That the above recitations are true and correct, and incorporated herein by reference.
2. That the City Council, having affirmed the annual report and budgets on April 12, 2011 at a regular meeting, declares its intention to renew the Morro Bay Tourism Business Improvement District for the 2011/12 fiscal year, and to levy and collect 3% assessments from hoteliers.

PASSED AND ADOPTED by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 10th day of May, 2011, by the following vote:

AYES:

NOES:

ABSENT:

WILLIAM YATES, Mayor

BRIDGETT KESSLING, City Clerk



AGENDA NO: B-4

MEETING DATE: May 10, 2011

Staff Report

TO: Honorable Mayor and City Council **DATE:** May 10, 2011

FROM: Joe Woods, Recreation and Parks Director

SUBJECT: Resolution Approving the Engineers Report and Declaring the Intent to Levy the Annual Assessment for the Cloisters Landscaping and Lighting Maintenance Assessment District

RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 32-11 declaring the intent to levy the annual assessment for the maintenance of the Cloisters Park and Open Space and approving the Engineers Report.

FISCAL IMPACT

Based on the Engineers Report, which estimates the annual costs of maintaining the Cloisters Park and Open Space for the upcoming year, the fiscal impact is estimated at \$148,944. These costs will be offset by the collection of an assessment for the same amount from the parcel owners in the Cloisters Subdivision.

SUMMARY

On April 12, 2011, the City Council adopted Resolution No. 28-11, which initiated the proceedings to levy the annual assessment to fund the maintenance of the Cloisters Park and Open Space. Additionally, staff was directed to have an Engineer's Report prepared, detailing the estimated annual assessment for the parcel owners for fiscal year 2011/12. Upon adoption of Resolution No. 32-11, the next and final step in the annual levy of assessment process is the protest hearing/public hearing after which the City Council actually orders the levy of assessment.

Prepared By: BAW

Dept Review: JMW

City Manager Review: _____

City Attorney Review: _____

BACKGROUND

As part of the annual assessment process, staff is required to provide an Engineer’s Report, which is an estimate of costs for maintenance of the Cloisters Park and Open Space. The cost estimates are based on the maintenance standards currently adhered to in the existing parks within Morro Bay and included in the Flat Rate Manual for Parks Maintenance, as well as maintenance costs incurred to date. As with the North Point Landscaping and Lighting Maintenance Assessment District, personnel costs as well as supplies and services have risen significantly in the past several years. However, due to the decrease in personnel in the district during fiscal year 2005/2006 and subsequent reduction in the level of service, the assessment amount slated to be collected for 2011/12 should be adequate to cover the cost of maintenance. In the future, staff anticipates the maintenance costs will exceed the assessment amount collected.

The process for the annual levy of assessment for the Cloisters Landscaping and Lighting Maintenance Assessment District requires the City Council to receive the Engineer’s Report, approve and/or modify the report and adopt a Resolution of Intention. The Resolution of Intention gives notice of the time, date and place for a public hearing by the City Council on the issue of the levy of assessment. The protest hearing/public hearing has been set for June 28, 2011 at the Veteran's Memorial Building. Upon adoption, the Resolution of Intention shall be published in the newspaper as a legal notice of public hearing, at which all interested parties are afforded the opportunity to be heard either through written or oral communication. In addition, the City sends public notices via first class mail to all property owners on record in the Assessment District. Upon completion of the protest hearing/public hearing on June 28, 2011, the City Council may adopt the resolution ordering the levy of the annual assessment.

RESOLUTION NO. 32-11

**A RESOLUTION OF THE CITY COUNCIL
DECLARING THE CITY'S INTENTION TO LEVY THE
ANNUAL ASSESSMENT FOR THE MAINTENANCE OF THE
CLOISTERS PARK AND OPEN SPACE**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, all property owners of the Cloisters subdivision requested the City of Morro Bay form a maintenance assessment district to fund the maintenance of the Cloisters Park and Open Space; and

WHEREAS, the Landscaping and Lighting Act of 1972 (the "Act") enables the City to form assessment districts for the purpose of maintaining public improvements; and

WHEREAS, pursuant to Section 22623 of the Act, the Engineer has filed in the Office of the City Clerk, and submitted for review to the City Council, a report entitled "Engineers Report - Cloisters Landscaping and Lighting Maintenance Assessment District", May 10, 2011, prepared in accordance with Article 4 of the Act, commencing with Section 22565; and

WHEREAS, pursuant to Section 22608.2 of the Act, the subdivider(s) were required by City Ordinance to install improvements for which an assessment district was required in order to assure continued and uninterrupted maintenance of the Cloisters Park and Open Space; and

WHEREAS, pursuant to the intent of Article XIII, Section 4, of the California Constitution, the property owners have elected to form the Cloisters Landscaping and Lighting Maintenance Assessment District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that it is the intent of the Council to order the annual levy and collection of assessments for the Cloisters Landscaping and Lighting Maintenance Assessment District generally located as shown in Exhibit "A" attached hereto at a public hearing to be held June 28, 2011 at 6:00 p.m. in the Veteran's Memorial Building, 209 Surf Street, Morro Bay, CA.

BE IT FURTHER RESOLVED by the City Council the improvements to be maintained at the Cloisters Park and Open Space are specified in the Engineer's Report dated May 10, 2011, which is hereby approved.

BE IT FINALLY RESOLVED by the City Council the assessment upon assessable lots within the district is proposed to total \$148,944 or \$1,241.20 per assessable parcel for Fiscal Year 2011/12.

RESOLUTION 32-11
PAGE 2

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 10th day of May, 2011 by the following roll call vote:

AYES:

NOES:

ABSENT:

WILLIAM YATES, MAYOR

ATTEST:

BRIDGETT KESSLING, CITY CLERK

CITY OF MORRO BAY
CLOISTERS
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT

ENGINEER'S REPORT

Prepared By:

Robert Livick, PE/PLS, City Engineer
Public Services Department
City of Morro Bay

May 10, 2011

CITY OF MORRO BAY
CLOISTERS
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT

ENGINEER'S REPORT

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**CITY OF MORRO BAY
CLOISTERS
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT

ENGINEER'S REPORT**

I. Project Description

Tract 1996, known as the Cloisters development, is a 124 lot subdivision bounded by State Highway One at the east, Atascadero State Beach at the west, Morro Bay High School at the south, and Azure, Coral, and San Jacinto Streets at the north (the “Cloisters”).

The Cloisters, prior to development, was a privately owned 80-plus acre expanse of open land. Prior to development the property was historically used for lateral and vertical access and contained a large area of sensitive sand dunes abutting the eastern edge of Atascadero State Beach. Prior to development, the Cloisters was the subject of various land development proposals including an RV park, a 390-unit condominium development, a 466-unit single family residential development, a 455-unit mixed residential development, and a 213-unit residential development. The City of Morro Bay (the “City”) approved none of these development proposals.

It was well known that any development at the Cloisters was going to require a balance between continuation of lateral and vertical access within and through the property, while at the same time conserving the sensitive plant and wildlife resources present. In addition, the negative impacts of development on the site would have to be sufficiently offset by public resources and public amenities from the site.

Zoning on most of the Cloisters site is Planned Development, Single-Family Residential with the sand dunes and wetlands zoned Environmentally Sensitive Habitat (ESH). The purpose of the Planned Development (PD) overlay zone is to provide for detailed and substantial analysis of development on parcels, which because of location, size or public ownership, warrant special review. This overlay zone is also intended to allow for the modification of or exemption from the development standards of the primary zone which would otherwise apply if such action would result in better design or other public benefit.

On September 23, 1996 the City Council passed Resolution No. 69-96 which accepted the final map for Tract 1996 known as the Cloisters Subdivision, consisting of 124 lots. Lots 1 through 120 were for single-family residential purposes. Lots 121, 122 were for the 34-acre park and open space and Lot 124 was dedicated for a fire station and Lot 123 was offered to the state.

The findings and conditions of approval for the project were numerous. For example, the

City Council made findings that the Cloisters project could cause significant environmental impacts relating to land use, visual/aesthetics, affordable housing, traffic generation, air quality noise, geology, drainage and water quality, ecological resources, and public services; but that these impacts can be mitigated by the recommended conditions. In addition, the City Council made further findings that the Cloisters project was in compliance with the specific policies of the GP/LUP and zoning ordinance with respect to protection of views, environmentally sensitive resources, public access, circulation, hazards and other requirements so long as the environmental impacts were mitigated. Finally, the City Council made further findings that the Cloisters project complies with MBMC with respect to optional subdivision design and related improvements, and that the optional design is justified in order to contribute to a better community environment through the dedication of extensive public areas, restoration of the ESH area, provision of scenic easements, and provision of larger than usual lots adjacent to such areas, and maintenance of a consistent lot layout pattern adjacent to existing development on the north side of Azure Street.

In order to mitigate the environmental impacts of the project, and to provide a greater public benefit as required in a PD overlay zone, the conditions of approval for the project required the applicant to form an assessment district for the maintenance of the public park, bicycle pathway, right of way landscaping, coastal accessways, ESH restoration areas and any other improved common areas to be privately held or dedicated to the City. The public park area, as well as all open space improvements and the assessment district were part of many detailed discussions during each City and Coastal Commission hearings. Without this Condition of Approval and the creation of the ongoing assessment district, the project would not have been approved and there would not be a Cloisters Development.

The assessment district formation proceedings began in August 1996, when all of the owners of the real property within the proposed district consented in writing to the formation of the Cloisters Landscaping and Lighting Maintenance Assessment District (the "District") pursuant to the Landscaping and Lighting Act of 1972 (the "Act"). The assessment district formation proceedings concluded with the final public hearing for formation on September 23, 1996, which levied the annual assessment of \$148,944 (the "Assessment") for the maintenance of the thirty-four (34) acres of public resource lands including open space and natural lands, wetland area and pond used for drainage mitigation for homes constructed in Cloisters, median landscaping, street trees, a neighborhood park and recreation area, fencing and other public improvements.

In preparing the various purchase and sale documents for each individual lot, including the Conditions, Covenants, and Restrictions, the owners and developer were especially careful to call out the existence of the assessment district and to make certain that the existence of assessment district was disclosed to anyone who purchased one of these lots. In drafting all the project documents, the City and the developer reinforced the special benefits for the residents of the Cloisters Project from the public amenities and easements maintained by the Assessments. Moreover, the City and the developer clearly understood that the creation and continuation of the Assessments was necessary for the approval of residential development within the Cloisters Project.

II. Improvements

The work and improvements to be undertaken for the Cloisters Landscaping and Lighting Maintenance Assessment District, and the costs thereof paid from the levy of the annual assessments (the “Improvements”), are generally described as follows:

Installation, maintenance and servicing of public improvements, including but not limited to, turf, ground cover, shrubs, and trees, other landscaping, irrigation systems, fencing, signage, trails, walkways, recreation facilities lighting, restroom facilities, parking and all necessary appurtenances, and labor, materials, supplies, utilities and equipment. The public resources maintained and improved by the assessments from the District are further summarized as follows:

4 acres of park land
24.4 acres of open space meadow and natural land
5.5 acres of wetland
1.6 acres of medians, street trees and public right-of-ways

Within those areas, the following improvements are maintained and improved by the assessments:

Parking lot	Interpretive exhibits
Play equipment and sand lot	Trees & shrubs along the sound wall
Trash cans	Directional signs
Demonstration garden	Monuments with lights
Turf	Sound wall
Decomposed granite paths	6’ and 3’ solid fence
Habitat fencing	Wetland area and pond
Observation pier	Bridges
Scrub/meadow plantings	Light bollards
Hydro-seeded planting areas	Drainage systems
ESHA fencing and keep out signs	Barbeques
Thickly planted medians	Irrigation (spray and drip)
Street trees	
Gabion channels	
Asphalt path system	
Coastal access ways	
Play area surfacing	
Drinking fountains	
Restroom	
Picnic tables	
Bike rack	
Benches	
Concrete walks	
Wetland plantings	
Willows	

For a detailed description of the improvements, refer to the plans and specifications on file in the office of the City Engineer.

III. Method of Assessment

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of the improvements; and the methodology used to apportion the total assessment to properties within the District.

The Assessment is an annual assessment pursuant to the Act, which was established prior to the effective date for Proposition 218 and which meets the conditions in Article XIID Section 5 of the California Constitution. Therefore, the Assessment is exempt from the requirements for new or increased assessments imposed by Article XIID.

The proceeds from the District are being used to fund the maintenance and upkeep of public resources within the Cloisters development project for the special benefit of the properties located within this project. In absence of the Assessments, such improvements would not be provided and the properties within the District would be negatively impacted by the demise and deterioration of the landscaping, median improvements, street trees, turf areas, open space lands, drainage areas, fencing, pathways and other improvements maintained by the Assessments and located within the District. Therefore, the continued maintenance and upkeep of these important improvements is a distinct and special benefit to properties within the District.

Easements were also created and reserved in favor of each owner in the Cloisters Development for view, open space, scenic, passive recreation and coastal access across the entirety of LOTS 121, 122 and 123, which shall not be developed with any improvements or structures unless necessary and proper for the restoration and maintenance of the Environmentally Sensitive Habitat Area. This is another distinct and special benefit conferred on property within the District.

Moreover, these improvements, and their continued maintenance, were an original requirement for the creation of the residential single family lots within Cloisters and the subsequent development of residential housing in the project.¹ Without the Assessments, these residential lots would not have been approved and created. Consequently, the creation of the residential lots approved for residential development is the primary special benefit from the Assessments. This special benefit is conferred exclusively on property within the District and is not a general benefit to the public at large.

IV. Maintenance Tasks

A list of maintenance tasks required to maintain the Cloisters Park and Open Space in acceptable condition for public use was developed by the City Recreation and Parks Department based on maintenance standards established for existing parks within the City and is included in this report as Attachment A.

V. Maintenance Costs

1 . It should be noted that the Assessments were unanimously approved prior to Proposition 218 by the owners of all property within the District.

The estimated annual cost of maintaining the Cloisters Park and Open Space was developed by the Recreation and Parks Department based on the tasks required and the City's Flat Rate Manual for Parks Maintenance. The annual cost of maintenance for the 2010/11 fiscal year is estimated to be \$148,944. The cost estimate is included in this report as Attachment B.

VI. Apportionment of Assessment

The total assessment for the District is apportioned to each of the one hundred and twenty residential lots equally. Lots 121 and 122 (Parcel 1) Cloisters Park and Open Space, Lot 124 (dedicated for a fire station) and Lot 123 (now Parcel 2) was offered to the State: are not assessed. Individual assessments are listed in the following table:

Parcel/Assessment Table

Lot Number	County Assessor's Parcel Number	Annual Assessment
1	065-387-001	\$1,241.20
2	065-387-002	\$1,241.20
3	065-387-003	\$1,241.20
4	065-387-004	\$1,241.20
5	065-387-005	\$1,241.20
6	065-387-006	\$1,241.20
7	065-387-007	\$1,241.20
8	065-387-008	\$1,241.20
9	065-387-009	\$1,241.20
10	065-387-010	\$1,241.20
11	065-387-011	\$1,241.20
12	065-387-012	\$1,241.20
13	065-387-013	\$1,241.20

Lot Number	County Assessor's Parcel Number	Annual Assessment
14	065-387-014	\$1,241.20
15	065-387-015	\$1,241.20
16	065-387-016	\$1,241.20
17	065-387-017	\$1,241.20
18	065-387-018	\$1,241.20
19	065-387-019	\$1,241.20
20	065-387-053	\$1,241.20
21	065-387-054	\$1,241.20
22	065-387-055	\$1,241.20
23	065-387-023	\$1,241.20
24	065-387-024	\$1,241.20
25	065-387-025	\$1,241.20
26	065-387-026	\$1,241.20
27	065-387-027	\$1,241.20
28	065-387-028	\$1,241.20
29	065-387-029	\$1,241.20
30	065-387-030	\$1,241.20
31	065-387-031	\$1,241.20
32	065-387-032	\$1,241.20
33	065-387-033	\$1,241.20
34	065-387-034	\$1,241.20
35	065-387-035	\$1,241.20

Lot Number	County Assessor's Parcel Number	Annual Assessment
36	065-387-036	\$1,241.20
37	065-387-037	\$1,241.20
38	065-387-038	\$1,241.20
39	065-387-039	\$1,241.20
40	065-387-040	\$1,241.20
41	065-387-041	\$1,241.20
42	065-387-042	\$1,241.20
43	065-387-043	\$1,241.20
44	065-387-044	\$1,241.20
45	065-387-045	\$1,241.20
46	065-388-001	\$1,241.20
47	065-388-002	\$1,241.20
48	065-388-003	\$1,241.20
49	065-388-004	\$1,241.20
50	065-388-005	\$1,241.20
51	065-388-006	\$1,241.20
52	065-388-007	\$1,241.20
53	065-388-008	\$1,241.20
54	065-388-009	\$1,241.20
55	065-388-010	\$1,241.20
56	065-388-011	\$1,241.20
57	065-388-012	\$1,241.20
58	065-388-013	\$1,241.20
59	065-388-014	\$1,241.20

Lot Number	County Assessor's Parcel Number	Annual Assessment
60	065-388-015	\$1,241.20
61	065-388-016	\$1,241.20
62	065-388-017	\$1,241.20
63	065-388-018	\$1,241.20
64	065-388-019	\$1,241.20
65	065-388-020	\$1,241.20
66	065-388-021	\$1,241.20
67	065-388-022	\$1,241.20
68	065-388-023	\$1,241.20
69	065-388-024	\$1,241.20
70	065-388-025	\$1,241.20
71	065-388-026	\$1,241.20
72	065-388-027	\$1,241.20
73	065-388-028	\$1,241.20
74	065-388-029	\$1,241.20
75	065-388-030	\$1,241.20
76	065-388-031	\$1,241.20
77	065-388-032	\$1,241.20
78	065-388-033	\$1,241.20
79	065-388-034	\$1,241.20
80	065-388-035	\$1,241.20
81	065-388-036	\$1,241.20
82	065-388-037	\$1,241.20
83	065-388-038	\$1,241.20
84	065-388-039	\$1,241.20

Lot Number	County Assessor's Parcel Number	Annual Assessment
85	065-388-040	\$1,241.20
86	065-388-041	\$1,241.20
87	065-388-042	\$1,241.20
88	065-388-043	\$1,241.20
89	065-388-044	\$1,241.20
90	065-388-045	\$1,241.20
91	065-388-046	\$1,241.20
92	065-388-047	\$1,241.20
93	065-388-048	\$1,241.20
94	065-388-049	\$1,241.20
95	065-388-050	\$1,241.20
96	065-388-051	\$1,241.20
97	065-388-052	\$1,241.20
98	065-388-053	\$1,241.20
99	065-388-054	\$1,241.20
100	065-388-055	\$1,241.20
101	065-388-056	\$1,241.20
102	065-388-057	\$1,241.20
103	065-388-058	\$1,241.20
104	065-388-059	\$1,241.20
105	065-388-060	\$1,241.20
106	065-388-061	\$1,241.20
107	065-388-062	\$1,241.20
108	065-388-063	\$1,241.20
109	065-388-064	\$1,241.20

Lot Number	County Assessor's Parcel Number	Annual Assessment
110	065-388-065	\$1,241.20
111	065-388-066	\$1,241.20
112	065-388-067	\$1,241.20
113	065-388-068	\$1,241.20
114	065-388-069	\$1,241.20
115	065-388-070	\$1,241.20
116	065-388-071	\$1,241.20
117	065-388-072	\$1,241.20
118	065-388-073	\$1,241.20
119	065-388-074	\$1,241.20
120	065-388-075	\$1,241.20
121	065-386-005	0
122 Parcel 1	065-386-016	0
123 Parcel 2	065-386-017 065-386-018 065-386-019 065-386-012 065-386-013 065-386-014 065-386-010	0
124	065-386-015	0

CLOISTERS PARK AND OPEN SPACE MAINTENANCE TASKS

ROUTINE MAINTENANCE TASKS

Review for vandalism/repair
Outdoor

Pick-up ♦	trash
	♦ paper
	♦ cigarette butts
Empty	♦ 6 trash cans
Clean	♦ 7 tables
	♦ 2 drinking fountains
Check	♦ 5 interpretive panels
	♦ 2 barbeques
	♦ bike paths
	♦ walkways
	♦ 2 bridges
	♦ 2 coastal access ways
	♦ 1 observation pier
	♦ 1 bike rack
	♦ 2 play apparatus
	♦ 25 light bollards
	♦ play area surface
	♦ 1 demonstration garden
Clean	♦ 3 toilets
	♦ 1 urinal
	♦ 2 sinks
	♦ restroom floors/walls
	♦ 18 benches
	♦ restock restrooms

WEEKLY OR AS NEEDED

Mow turf
Edge turf
Remove weeds from demonstration garden, medians, planters
Trim turf around trees, posts and other hard to reach areas
Check and replace failed lamps
Blow all walkways, observation deck and parking lot

BI-WEEKLY OR AS NEEDED

Rake/redistribute gravel under picnic tables and benches
Empty barbeques of ashes
Litter pick-up open space area

MONTHLY OR AS NEEDED

Check new trees and plantings
Check/repair sprinkler system
Trim trees and bushes as needed
Critical parts inspection
New plantings

BI-ANNUALLY OR AS NEEDED

Fertilize turf/planter areas
Paint restrooms, structures, signs, etc.
Seed and aerate turf areas

ANNUALLY OR AS NEEDED

General safety inspection
Annual tree pruning

AS NEEDED

Remove graffiti
Pest/gopher control
Trim and spray paths
Mow open space area
Wetland observation/maintenance

Attachment B

**CLOISTERS LANDSCAPING AND LIGHTING MAINTENANCE
ASSESSMENT DISTRICT
MAY 2011**

NAME: Cloisters Landscaping and Lighting Maintenance Assessment District

DIAGRAM: Attached

PLANS AND SPECIFICATIONS: Attached. No bonds or notes will be issued for this Maintenance Assessment District.

ESTIMATED COST OF MAINTENANCE: The following outlines the estimated budget for the maintenance of the Cloisters Park and Open Space for fiscal year 2011/12.

<u>Personnel Services</u>	\$100,308.00
Includes all daily and routine tasks as well as non-routine maintenance and repair costs.	
<u>Supplies</u>	\$ 8,850.00
Includes all supplies used in daily tasks as well as non-routine repair and maintenance.	
<u>Services</u>	\$ 39,786.00
Includes utilities, engineering, insurance and structural repair.	
Total Assessment Estimate:	\$148,944.00
Per Parcel Yearly Assessment \$148,944/120 parcels	\$ 1,241.20



AGENDA NO: B-5

MEETING DATE: May 10, 2011

Staff Report

TO: Honorable Mayor and City Council **DATE:** May 10, 2011

FROM: Joe Woods, Recreation and Parks Director

SUBJECT: Resolution Approving the Engineers Report and Declaring the Intent to Levy the Annual Assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District

RECOMMENDATION

Staff recommends the City Council adopt Resolution No. 33-11 declaring the intent to levy the annual assessment for the maintenance of the North Point Natural Area and approving the Engineers Report.

FISCAL IMPACT

Based on the Engineers Report, which estimates the annual costs of maintaining the North Point Natural Area for the upcoming fiscal year, the fiscal impact is estimated at \$5,645. These costs will be offset by the collection of an assessment for the same amount from the parcel owners in the North Point Subdivision.

SUMMARY

On April 12, 2011, the City Council adopted Resolution No. 29-11, which initiated the proceedings to levy the annual assessment to fund the maintenance of the North Point Natural Area. Additionally, staff was directed to have an Engineer's Report prepared, detailing the estimated annual assessment for the parcel owners for fiscal year 2011/12. Upon adoption of Resolution No. 33-11, the next and final step in the annual levy of assessment process is the protest hearing/public hearing after which the City Council actually orders the levy of assessment.

Prepared By: BAW

Dept. Review: JMW

City Manager Review: _____

City Attorney Review: _____

BACKGROUND

As part of the annual assessment process, staff is required to provide an Engineers Report, which is an estimate of costs for maintenance of the North Point Natural Area. The cost estimates are based on the maintenance standards currently adhered to in the existing parks within Morro Bay and included in the Flat Rate Manual for Parks Maintenance, as well as maintenance costs from the current fiscal year. The estimate for the maintenance of the North Point Natural Area is \$5,645 or \$564.50 per parcel for fiscal year 2011/121.

As with the Cloisters Landscaping and Lighting Maintenance Assessment district, personnel costs as well as supplies and services have risen significantly in the last several years. However, due to the small acreage, natural landscaping and little irrigation in the North Point Natural Area the assessment amount collected is currently adequate to cover the costs of maintenance.

DISCUSSION

The process for the annual levy of assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District requires the City Council to receive the Engineers Report, approve and/or modify the report and adopt a Resolution of Intention. The Resolution of Intention gives notice of the time, date and place for a public hearing by the City Council on the issue of the levy of assessment. The protest hearing/public hearing has been set for June 28, 2011 at the Veteran's Memorial Building. Upon adoption, the Resolution of Intention shall be published in the newspaper as a legal notice of public hearing, at which all interested parties are afforded the opportunity to be heard either through written or oral communication. In addition, the City sends public notices via first class mail to all property owners on record in the Assessment District. Upon completion of the protest hearing/public hearing on June 28, 2011, the City Council may adopt the resolution ordering the levy of the annual assessment.

RESOLUTION NO. 33-11

**A RESOLUTION OF THE CITY COUNCIL
DECLARING THE CITY'S INTENTION TO LEVY
THE ANNUAL ASSESSMENT FOR THE MAINTENANCE OF THE
NORTH POINT NATURAL AREA**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, all property owners of the North Point subdivision requested the City of Morro Bay form a maintenance assessment district to fund the maintenance of the North Point Natural Area; and

WHEREAS, the Landscaping and Lighting Act of 1972 (the "Act") enables the City to form assessment districts for the purpose of maintaining public improvements; and

WHEREAS, pursuant to Section 22623 of the Act, the Engineer has filed in the Office of the City Clerk, and submitted for review to the City Council, a report entitled "Engineers Report North Point Natural Area Landscaping and Lighting Maintenance Assessment", dated May 10, 2011, prepared in accordance with Article 4 of the Act, commencing with Section 22565; and

WHEREAS, pursuant to Section 22608.2 of the Act, the subdivider(s) were required by City ordinance to install improvements for which an assessment district was required in order to assure continued and uninterrupted maintenance of the North Point Natural Area; and

WHEREAS, pursuant to the intent of Article XIII, Section 4, of the California Constitution, the property owners have elected to form the North Point Natural Area Landscaping and Lighting Maintenance Assessment District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that it is the intent of the Council to order the annual levy and collection of assessments for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District generally located as shown in Exhibit "A" attached hereto at a public hearing to be held June 28, 2011 at 6:00 p.m. in the Veteran's Memorial Building, 209 Surf Street, Morro Bay, CA.

BE IT FURTHER RESOLVED by the City Council the improvements to be maintained at the North Point Natural Area are specified in the Engineer's Report dated May 10, 2011 which is hereby approved.

BE IT FINALLY RESOLVED by the City Council the assessment upon assessable lots within the district is proposed to total \$5,645 or \$564.50 per assessable parcel for fiscal year 2011/12.

RESOLUTION 33-11
PAGE 2

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held this 10th of May, 2011 by the following roll call vote:

AYES:

NOES:

ABSENT:

WILLIAM YATES, MAYOR

ATTEST:

BRIDGETT KESSLING, CITY CLERK

CITY OF MORRO BAY
NORTH POINT NATURAL AREA
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT

ENGINEER'S REPORT

Prepared By:

Robert Livick, PE/PLS, City Engineer
Public Services Department
City of Morro Bay

May 10, 2011

CITY OF MORRO BAY
NORTH POINT NATURAL AREA
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT

ENGINEER 'S REPORT

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2. Maintenance Tasks	1
3. Maintenance Costs	1
4. Apportionment of Assessment	2
Assessment Diagram	3
Maintenance Task List	Attachment A
Detailed Cost Analysis	Attachment B

**CITY OF MORRO BAY
NORTH POINT NATURAL AREA
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT**

ENGINEER'S REPORT

I. Project Description

As a condition of approval for Tract No. 2110, the North Point subdivision, the developers were required to offer to the City for dedication Lot 11 of the subdivision for park purposes, and to construct improvements on Lot 11 including a paved parking area, a stairway providing access to the beach, benches, landscaping and irrigation, lighting, and other improvements. The subdivision was also conditioned to provide maintenance of the park by establishing an assessment district. Lot 11 of Tract No. 2110 is identified as the North Point Natural Area.

For a detailed description of the improvements, refer to the plans and specifications on file in the office of the City Engineer.

The owners of the ten residential lots within the North Point subdivision have requested that the City form a maintenance assessment district to fund the maintenance of the North Point Natural Area.

II. Maintenance Tasks

A list of maintenance tasks required to maintain the North Point Natural Area in acceptable condition for public use was developed by the City Recreation and Parks Department based on maintenance standards established for existing parks within the City and is included in this report as Attachment A.

III. Maintenance Costs

The estimated annual cost of maintaining the North Point Natural Area was developed by the Recreation and Parks Department based on the tasks required and the City's Flat Rate Manual for Parks Maintenance. The annual cost of maintenance for the 2011/12 fiscal year is estimated to be \$5,645.00. The detailed cost estimate is included in this report as Attachment B.

IV. Apportionment of Assessment

The total assessment for the District is apportioned to each of the ten residential lots equally. Lot 11, the North Point Natural Area; Lot 12, a private street; and Lot 13, an open space parcel to be granted to the State of California; are not assessed. Individual assessments are listed in the following table:

Parcel/Assessment Table

Lot Number	County Assessor's Parcel Number	Annual Assessment
1	065-082-10	\$564.50
2	065-082-11	\$564.50
3	065-082-12	\$564.50
4	065-082-13	\$564.50
5	065-082-14	\$564.50
6	065-082-15	\$564.50
7	065-082-16	\$564.50
8	065-082-17	\$564.50
9	065-082-18	\$564.50
10	065-082-19	\$564.50
11	065-082-20	\$ 0.00
12	065-082-21	\$ 0.00
13	065-082-22	\$ 0.00

Attachment A

NORTH POINT NATURAL AREA

MAINTENANCE TASKS

Routine Maintenance Tasks

Review for vandalism/repair

Pick-up - paper
trash
cigarette butts

Empty - trash cans

Clean - benches

Check - fencing
beach access stairway
bike rack
lights
planting hillside, erosion

Weekly or as needed

Blow paths, parking lot

Monthly or as needed

Check trees
Check/repair sprinkler system
Trim trees and bushes as needed
Critical parts inspections

Annually or as needed

Paint beach access stairway, public access signage
New plantings (replacement)
General safety inspection
Annual tree pruning
Remove graffiti
Mow open space
Pest/gopher control
Trim and spray paths
Repair public access signage

Attachment B

**NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT
MAY 2011**

NAME: North Point Natural Area Landscaping and Lighting Maintenance Assessment District

DIAGRAM: Attached

PLANS AND SPECIFICATIONS: Attached. No bonds or notes will be issued for this Maintenance Assessment District.

ESTIMATED COST OF MAINTENANCE: The following outlines the estimated budget for the maintenance of the North Point Natural Area for fiscal year 2011/12.

<u>Personnel Services</u>	\$4,800.00
Includes all daily and routine tasks as well as non-routine maintenance and repair costs.	
<u>Supplies</u>	\$ 200.00
Includes trash liners, round-up and all other supplies in daily tasks as well as non-routine repair and maintenance.	
<u>Services</u>	\$ 645.00
Includes utilities, engineering, insurance and structural repair to stairway and other structures.	
Total Assessment Estimate:	\$5,645.00
Per Parcel Yearly Assessment \$5,645.00/10 parcels	\$ 564.50



AGENDA NO: D-1
MEETING DATE: May 10, 2011

Staff Report

TO: Honorable Mayor and City Council **DATE:** May 2, 2011
FROM: Kathleen Wold, Planning Manager
SUBJECT: Draft Sign Ordinance

RECOMMENDATION:

Review Draft Ordinance and changes proposed by the Planning Commission and provide direction to staff regarding the final Revised Sign Ordinance.

FISCAL IMPACT:

The processing of this text amendment will require additional staff time associated with processing the amendment through the California Coastal Commission.

BACKGROUND:

At the regularly scheduled City Council meeting on April 12, 2010 the status report on the A-Frame Sign Ordinance was presented to the Council for direction. The Council directed staff to bring forward to the Planning Commission a Sign Ordinance Amendment incorporating the Sign Ordinance drafted for the 2004 Zoning Ordinance and new A-frame sign regulations.

Staff worked on the amendment and presented the Sign Ordinance Amendment to the Planning Commission at the regularly scheduled meeting on May 17, 2010. During the public testimony was received and the ordinance was discussed by the Commission. The ultimate outcome of the meeting was to continue the item to a date uncertain with direction given to staff to hold a workshop on the ordinance to ensure that there was sufficient public input.

At the December 13, 2010 City Council meeting the Council directed staff to place the Sign Ordinance as a high priority on the Planning Division's work program. On February 16, 2011 a public workshop was held to receive input from the public on the Draft Sign Ordinance. During this meeting input was received from the public and subsequent to this input the Planning Commission moved to forward the Draft Sign Ordinance with attachment E to the City Council with the following changes:

- One A-frame sign per business per frontage during business hours only.
- A-frame or feather sign to be allowed.
- Fee shall be waived until June 2012 for the A-frame signs whereby it would be set at

Prepared By: <u>KW</u>	Dept Review: <u>R</u>
City Manager Review: <u>[Signature]</u>	
City Attorney Review: _____	

\$40 as a onetime permit fee.

- Allow for provisions for directional pole signage as brought by Mr. Schmidt of the Chamber of Commerce to include in this ordinance.
- To include corrections of the projection signs section from 12 to 24 inches; and
- Include vacation rentals under the Real Estate section.

At the April 19, 2011 City Council meeting an item was brought forth by Mayor Yates and Councilperson Borchard concerning the enforcement of the code prohibiting A-frame signs. At this meeting the Council directed staff to enforce the Sign Ordinance prohibiting A-frame signs and on May 3, 2011 a letter was sent to all businesses within Morro Bay detailing that A-frame signs are prohibited and describing the process by which the City will be enforcing the ordinance.

DISCUSSION:

The Draft Sign Ordinance is fundamentally the same ordinance approved within the Comprehensive Zoning Ordinance Update 2004. Changes have been made to the Sign Ordinance to allow it to be integrated into the existing ordinance. These changes would include numbering changes and references to other sections of code there have been no substantive changes to the document. The Sign Ordinance proposed has not been changed to incorporate the changes proposed by the Planning Commission however these changes are present in Attachment 11 should the City Council wish to include these changes in the draft ordinance.

Recently there have been discussions regarding allowing “Projecting Signs” (commonly referred to as “Pub” signs) these are defined as “Signs under canopies or covers in conjunction with pedestrian walkways, or signs project from the building wall. Project signs are subject to the specific zoning district standards in 17.68.080. and the following:

Minimum Height. 8 feet above a sidewalk or other public right-of-way.

Maximum Height. 20 feet above a sidewalk or other public right-of-way, but not above an eave or roof.

FIGURE 17.25-L: PROJECTING SIGNS



In addition to these requirements, under General Sign Standards (17.68.040.J.) any sign projecting over the public street or sidewalk requires approval of the Director or City engineer, except that project signs and pole signs are allowed a maximum encroachment of 12 inches over a public street or sidewalk subject to approval of an encroachment permit (see page 14.0). The Planning Commission recommended that this be changed to allow a 24 inch

overhang. The combination of requirements will mean that a business owner will have to apply for a sign permit, an encroachment permit and have sufficient frontage to provide for all signs currently on site and the additional square footage proposed for the projecting sign. As such many of the businesses currently utilizing A-frame type signs may not be able to utilize Projecting signs in lieu of an A-frame sign as currently proposed. For most commercial sites the formula allowed is 1 square foot of signage for every 1 foot of linear building frontage.

Also of note is that on page 21 of the Draft Ordinance number 3 provides for Temporary Sidewalk Signs as follows:

Signs not permanently attached to the ground or any other permanent supporting structure, such as "A-frame" or sandwich type sign, and sidewalk or curb signs. Temporary sidewalk signs shall not impede safe pedestrian circulation. Temporary sidewalk signs are subject to the specific zoning district standards in 17.68.050

CONCLUSION:

Staff has provided the full packet of information that went before the Planning Commission and the changes proposed by the Planning Commission for your review. In addition staff has provided some additional information on both A-frame signs and Projecting signs as proposed within the Draft Sign Ordinance as both of these have been highlighted in recent discussions. Please note that the current and the proposed ordinance limits the amount of signage each building and/or business can permanently affix to a building as such a determination should be made if further changes need to be address to achieve the Council's goal as they pertain to Projecting signs.

ATTACHMENTS

- Attachment 1: Planning Commission staff report dated 5/11/2010
- Attachment 2 Planning Commission staff report dated 2/10/2011
- Attachment 3. Planning Commission Planning Commission memo dated 2/07/2011
- Attachment 4: Matrix showing changing between proposed draft Sign Ordinance and the existing Sign Ordinance.
- Attachment 5: Planning Commission minutes dated May 17, 2010
- Attachment 6: Planning Commission Minutes dated February 7, 2011
- Attachment 7: Planning Commission Minutes dated February 16, 2011
- Attachment 8: City Council minutes April 12, 2010
- Attachment 9: Initial Study and Final Negative Declaration dated 8/10/2005
- Attachment 10: Draft Ordinance No. 559
- Attachment 11: Planning Commission proposed Changes.
- Attachment 12: City Council report on A-frame signs dated 4/20/2011

ATTACHMENT 1



AGENDA NO: _____
Meeting Date: _____
Action: _____

Memorandum

TO: PLANNING COMMISSION **DATE:** May 11, 2010

FROM: KATHLEEN WOLD, SENIOR PLANNER

SUBJECT: AMENDMENT TO THE CITY OF MORRO BAY'S ZONING ORDINANCE (TITLE 17) AMENDING CHAPTER 17.68 "SIGNS" WITH NEW SIGN REGULATIONS AND MODIFYING CHAPTER 17.12 TO INCLUDE ADDITIONAL DEFINITIONS.

RECOMMENDATION:

Staff recommends the Planning Commission:

- 1) Open the public hearing and receive testimony; and
- 2) Make a motion to accept resolution No. 01-10, and direct staff to forward your recommendation to City Council for First Reading and Introduction of the Ordinance.

BACKGROUND:

On April 12, 2010 the City Council gave direction to staff to bring the entire Sign Ordinance from the previously approved Comprehensive Zoning Ordinance Update of 2005 forward to the Planning Commission for review and to forward a recommendation to the City Council.

Prior to this direction the Council had requested that the Sign Exception process be re-evaluated by staff to ensure that the process for approving the A-frame signs has been successful and, if necessary, make recommendations to improve the process. During the evaluation of the A-Frame process staff was able to determine that the program has not been successful to date and recommended various options to the Council including separating the sign ordinance from the 2005 Zoning Ordinance Update and bringing it back for review and approval by the Planning Commission and California Coastal Commission. City Council's direction to staff was to separate the sign ordinance from the comprehensive Zoning Ordinance update and process separately. A copy of this staff report is included for your information as an attachment.

DISCUSSION:

Staff has reviewed Chapter 17.25 "Sign Regulations" in relation to the current Zoning Ordinance and made minor modifications where necessary to ensure that when we incorporate the new sign regulations into the existing Zoning Ordinance there is internal consistency. An example of the modifications that were made are changing section numbers, the zoning district titles and revisions to ensure compliance with state law.

During the review of the new regulations staff noted that there will be a few Zoning Districts that will not allow signs, including the Agriculture, Open Area, Harbor and Golf course districts. Currently the existing sign ordinance regulations allow signs in the Harbor and Agriculture districts but not in the Open Space or Golf Course districts. Staff recommends the following:

1. Add current regulations for the Agriculture district into the new proposed sign regulations as follows:

Agriculture Zone. One unlighted sign per street frontage for the purpose of advertising the sale of products grown on the premises may be allowed in the agriculture zone and shall not require a sign permit. The aggregate area of such signs shall not exceed eight square feet per property.

2. Currently signs are allowed with the Harbor zone under commercial and industrial zone sign regulations. Staff recommends adding the Harbor district into the sign matrix into the C1, MCR, CVS, GO, WF, and GC category. This would allow the placement of some signage for commercial ventures located within the Harbor.
3. There are no provisions for signage for the Open Area or Golf Course districts and staff feels that there is no compelling reason to make provisions for signage within these districts in the new regulations.

As part of the discussions concerning A-frame signs, staff not only recommended the adoption of new sign regulations providing for A-frame signs, but also recommended new guidelines and procedures. While the new ordinance provides for A-frames signs, staff feels that it is too open and recommends additional regulations. The proposed language is as follows:

Temporary Sidewalk Signs. Signs not permanently attached to the ground or any other permanent supporting structure, such as "A-frame" or sandwich type sign, and sidewalk or curb signs. Temporary sidewalk signs shall not impede safe pedestrian circulation. Temporary sidewalk signs are subject to the specific zoning district standards in 17.68.050 and

Staff recommends the following modifications to the regulations:

Temporary Signs. Signs not permanently attached to the ground or any other permanent supporting structure, such as "A-frame" or sandwich type sign, and sidewalk or curb signs.

Temporary sidewalk signs are subject to the specific zoning district standards in 17.68.050 and the following:

One portable sign per street frontage is permitted.

Maximum height of 4 feet. Maximum width of 2 feet.

Portable signs must be located on the business's property or within the boundaries of the shopping center or commercial complex unless an encroachment permit is obtained for any sign located within the City's right-of-way.

Signs located within the right-of-way shall be located directly in front of the property where the advertised business is located.

Signs must not block line of sight on driveway corner or intersections.

A minimum of a 4 foot wide access path must be provided at all times on the sidewalk.

Other controversial signs within the community are signs on vehicles and feather signs within the public right of way. The proposed sign amendment prohibits vehicle displays as follows:

Signs placed or displayed on vehicles parked in a conspicuous location to be used for on-site or off-site advertising, with the exception of signs advertising such vehicles for sale and vehicle identification signs in locations where sale of vehicles is permitted.

Feather signs would also be prohibited except as allowed under the following sections:

Special private event displays and grand opening signs. Temporary signs and wind signs may be erected on the premises of an establishment having a grand opening or special event provided that such signs shall be displayed for a period not to exceed thirty calendar days previous to such event. These signs shall be removed within seven days after the event, and such signs may be used for not more than two periods each calendar year for any property or business.

CONCLUSION

Staff recommends that the Planning Commission review the proposed amendments to Chapters 17.68 and 17.12 including the additional modifications as stated in the staff report and forward a recommendation to the City Council.

Attachments:

Attachment A -Draft Ordinance 559

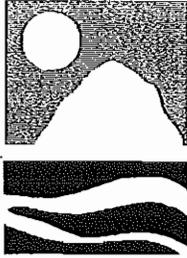
Attachment B -Resolution No. 01-10

Attachment C.-Final Negative Declaration and Initial Study for the Comprehensive Zoning Ordinance Update 2005

Attachment D-City Council minutes from April 12, 2010.

Attachment E-City Council staff report April 12, 2010 regarding A-frame signs.

ATTACHMENT 2



AGENDA NO:

MEETING DATE:

Staff Report

TO: Planning Commission

DATE: February 10, 2011

FROM: Kathleen Wold, Planning Manager

SUBJECT: Workshop for Amendment to Sign Ordinance

RECOMMENDATION: Receive public input on Draft Sign Ordinance.

BACKGROUND/DISCUSSION: On April 12, 2010 Public Services staff took forward a report to City Council regarding the status of the City's A-frame Sign Program. After receiving information regarding the status of A-frame signs and reviewing the options presented by staff within the staff report, the City Council directed staff to proceed with amending Title 17.68 (Sign Ordinance) by utilizing the sign ordinance contained within the Updated Zoning Ordinance approved by Council in 2005 and an A-frame Sign Program similar in design to Atascadero's A-frame sign program. Pursuant to this direction an amendment was taken to the Planning Commission on May 17, 2010 reflecting this direction. At this meeting the Planning Commission continued the item and directed staff to hold a public workshop on the sign amendment.

We have attachment various documents to assist you with framing the issues and formulating your recommendations for this public workshop.

Attachments:

Attachment A: The Current Chapter 17.68 Sign Regulations

Attachment B: The new proposed Draft Chapter 17.68 Sign Regulations

Attachment C: A table which details the formatting differences between the current sign regulations and proposed draft sign regulations.

Attachment D: A table detailing the practical differences between the current sign regulations and Proposed Sign Regulations.

Attachment E: City of Atascadero A-frame sign rules

Attachment F: Staff report and minutes from the April 12, 2010 City Council meeting.

Attachment G: Minutes from the May 17, 2010 Planning Commission meeting.

Prepared By: _____

Dept Review: _____

Staff has not followed up with the Sign Ordinance amendments, however at the December 13, 2010 City Council Meeting the Mayor indicated that the sign ordinance will be a high priority for staff to work on and that the issue will be discussed and action will be necessary.

At this time staff is not enforcing the regulations for prohibited signs as directed by the City Council. However if they are a public nuisance or a public safety concern the owner of the sign is required to remove the sign.

EXHIBITS

Exhibit A – May 17, 2010 Planning Commission Packet. Packet Contains April 12, 2010 City Council Report and Minutes

Exhibit B – May 17, 2010 Planning Commission Meeting Minutes

ATTACHMENT 4

TABLE INDICATING CURRENT SIGN SECTION, THE PROPOSED SECTION AND THE CHANGES BETWEEN THE TWO DOCUMENTS IN FORMATTING

Current Section	Proposed Section	Changes
17.68.010 Purpose and intent	17.22.010 Purpose	Title of section changed. The section did not substantially change, only one word was changed.
17.68.015 Findings	"See Zoning Clearance or Sign Permit Required"	Findings were not included as a separate section in the new ordinance. The findings that shall be made in order to approve a sign are included in subsection, "Zoning Clearance or Sign Permit Required."
See "Exceptions"	17.22.020 Exempt Signs	The section outlines provisions for exempt signs and signs that do not require zoning conformance review, nor shall the area of such signs be included in the maximum allowable sign area measurements. 14 exceptions.
17.68.020 Definitions	Moved to general definition section included in new sign ordinance	Definitions were moved to Chapter 17.12, definitions for the entire zoning ordinance.
17.68.030 Prohibited signs	17.22.030 Prohibited Signs	Prohibited signs have been reworded and reorganized. The new sign ordinance moved the subsection "Sandwich board or A-Frame signs" subsection to "Specific Sign Types and Standards" in the new ordinance. The following three sections were added to the new sign ordinance, "Obscenities", "Obstructions to Exits", and "Obstructions to Ventilations."
17.68.040 Advertising on city property	See "Prohibited Signs" Section	Added into Prohibited Sign section in new ordinance.
17.68.050 Miscellaneous specifications	See "Prohibited Sign" Section	Added into Prohibited Sign section in new ordinance.
17.68.060 Permits	See in "Zone Clearance or Sign Permit Required"	Information added into "Zoning Clearance or Sign Permit Required" subsection.

17.68.070 Exceptions	See "Exempt Signs"	
17.68.080 Minor adjustments	17.22.040 General Sign Standards	
17.68.090 Planning commission interpretation	See 17.68.130 "Appeals"	Appeals procedures as provided within Section 17.68.130
17.68.100 Exception permit		The current code allows for an applicant to apply for an exemption permit for signs not conforming with the provision of this chapter which may be granted by the Planning Commission. The new sign ordinance defines exempt signs as signs that do not need to be reviewed or counted towards the sign area on a single site. Therefore the new code clearly defines acceptable signs and prohibited signs and does not provide for discretionary exemptions to the sign ordinance.
17.68.110 Signs in various zones	17.22.050 Regulations for Residential Districts	The subsection "Signs in Various Zones" and "Miscellaneous Signs and Their Regulations" was divided into four sections to provide a clear understanding of sign area that is allowed with certain uses and the design standards for each type of sign.
17.68.120 Miscellaneous signs and their regulations	17.22.060 Regulations for Commercial Districts, Mixed-Use and Industrial Districts	See previous section.
	17.22.070 Specific Sign Types and Standards	See previous section.
	17.22.080 General Design Principles	See previous section.
	17.22.090 Zoning Clearance or Sign Permit Required	The new sign ordinance has renamed the "Permit" subsection in the current sign ordinance and addresses the authority, application requirements, and required findings that the City must make in order to process a sign application.

	17.22.100 Master Sign Program	New section that specifically addresses any site having four or more non-residential occupants shall submit a master sign program to be reviewed and approved by the decision making authority.
17.68.130 Maintenance	17.22.110 Maintenance, Abandonment, and Removal	Maintenance and Abandoned signs were combined into one section "Maintenance, Abandonment, and Removal".
17.68.140 Abandoned signs	See "Maintenance, Abandonment, and Removal."	Maintenance and Abandoned signs were combined into one section "Maintenance, Abandonment, and Removal".
17.68.150 Existing nonconforming signs	17.22.120 Provisions for Nonconforming and Illegal Signs	"Existing nonconforming signs" and "Time limits for nonconforming signs" were combined into one section "Provisions for Nonconforming and Illegal Signs".
17.68.155 Time limits for nonconforming signs	See "Provisions for Nonconforming and Illegal Signs"	Added section into "Provisions for Nonconforming and Illegal Signs"
17.68.160 Penalties for violation	See "Provisions for Nonconforming and Illegal Signs"	Penalties for violation are included in "Provisions for Nonconforming and Illegal Signs"

ATTACHMENT 5

CITY OF MORRO BAY PLANNING COMMISSION SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay
May 17, 2010

Chairperson Nancy Johnson

Vice-Chairperson Gerald Luhr
Commissioner Jamie Irons

Commissioner Michael Lucas
Commissioner John Diodati

Rob Livick, Secretary

I. CALL MEETING TO ORDER

Chairperson Johnson called the meeting to order at 6:03 p.m.

II. PLEDGE OF ALLEGIANCE

Rob Livick led the pledge.

III. ROLL CALL

Chairperson Johnson noted Jamie Irons is absent. All other Commissioners are present.

Staff Present: Rob Livick, Kathleen Wold, Sierra Davis and Cindy Jacinth

IV. ACCEPTANCE OF AGENDA

MOTION: Agenda accepted as presented.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Livick briefed the Commission on action taken at the May 10, 2010 City Council meeting and also on items scheduled for the May 24, 2010 City Council meeting.

VI. PUBLIC COMMENT

Johnson opened public comment. Hearing no comments, Johnson closed public comment.

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on May 3, 2010

Lucas noted the following corrections:

On page 2, Lucas asked to add "as being Class I" after his comments on the bike path.

On page 3, where it states Steve Goschke clarified plant capacity and it states "plant usage" is one gallon per minute should be amended to read "current plant usage..."

On page 3, he asked to clarify whether the motion was missing one additional condition that the "power plant would be the sole client of the water company". Johnson asked staff to check the tape to confirm whether this condition was mentioned at the May 3rd meeting.

Diodati noted on page 4, to add a bullet regarding specific economic benefits to state "studies indicate that bicycle tourism is a growing tourism segment and that these tourists have more discretionary income and are more likely to return to an area if adequate dedicated trails are available."

MOTION: Lucas/ Diodati 2nd to approve the minutes as amended. VOTE: 3-0-1. Luhr abstained.

VIII. PRESENTATIONS – None

IX. FUTURE AGENDA ITEMS

A. Downtown Visioning (Planning Commission Subcommittee).

Luhr announced the Committee will present three separate plans for the Planning Commission on June 7th.

B. Restrictions/rules on installing gates on driveways for residential and commercial properties.

C. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

X. PUBLIC HEARINGS

Continued from the May 3, 2010 Planning Commission Meeting

A. Site Location: 571 Embarcadero

Applicant: Abba Imani, applicant/ Cathy Novak, agent

Request: The applicant has submitted for a Use Permit (UP0-260) to allow modifications to an existing commercial building located 571 Embarcadero. The building, known as the Salt building, is approximately 2,996 square feet. The proposed additions/modifications will add approximately 40 square feet for the relocation of the patio and approximately 80 square feet for a new walkway. The existing sidewalk along Embarcadero Road will be widened to eight feet in order to meet City standard compliance.

Recommended CEQA Determination: Adopt a Mitigated Negative Declaration

Staff Recommendation: Review and take action on Use Permit and Mitigated Negative Declaration.

Staff Contact: Sierra Davis, Planning Intern (805) 772-6297

Davis presented the staff report and noted the second motion has been amended which seeks to approve the project as a Precise Plan instead of a Concept Plan as shown in the staff report.

Luhr asked staff to clarify the lack of detail that would normally be included in a Precise Plan. Wold responded they did not receive this detail from the applicant because the amount of proposed modification is minor.

Johnson opened the Public Hearing.

Cathy Novak, Applicant Representative, presented the project and addressed the lack of project details. She noted that additional project details have not been submitted because they are waiting until the engineering design is completed.

Johnson asked for additional public comment. Hearing none, Novak returned to the podium.

Commissioners asked Applicant to clarify the type of materials, the trash enclosure location, construction set up area, signage and frosted glass design. Abba Imani, the leaseholder of the building came forward to explain the proposed trash location will still be enclosed. Novak clarified they hope the project to the north proceeds at the same time to allow for an economy of scale in construction costs and the signage and glass design are Coastal Commission requirements.

Johnson closed the public hearing and brought it back to Commissioners for discussion.

Commissioners discussed concerns regarding:

- The proposed patio location in the back
- The lack of detail that would normally be included with a Precise Plan
- The front signage changing
- Potential ADA modifications to the front of the building

Luhr objected to the layout of the patio in the back. Luhr noted that due to the concern regarding the patio being on the Bayside of the walkway, he would rather have the walkway exterior to the patio or exterior to the commercial space in order to ensure public access. Commissioners discussed the issues with the lack of detail and therefore suggested a continuance to bring the project back with additional detail which would be needed in order to approve it as a Precise Plan.

Staff was asked to clarify if there was any benefit to approving this tonight as a Concept Plan. Wold clarified the process and timeline of Concept Plan approval.

Commissioners discussed concern regarding the lease negotiation with the Harbor Department. Applicant responded that due to lease negotiations timing impacts, he is willing to have it accepted as a Concept Plan.

Discussion continued on the following:

- Ways to improve seat signage in the back
- The need to educate the public regarding the availability of seating
- How to more clearly define the walkway area and improve access to the edge
- The urgency created by the tight timeframe associated with the lease expiration

MOTION: Lucas/Diodati 2nd moved to favorably recommend the project as a Concept Plan subject to the conditions included as Exhibit B in the site plan dated May 5, 2010.

VOTE : 3-1.

B. Site Location: Citywide

Applicant: City of Morro Bay

Request: AO0-010 City-Wide Text Amendment. The City of Morro Bay will hold a public hearing to consider adopting an amendment to the City's Municipal Code Title 17 amending Section 17.68 "Signs". The purpose of this amendment will be to update the City's current sign regulations to provide regulations that result in an information system that expresses the character and environment of the City of Morro Bay and its community. The new sign regulations will recognize the importance of business activity to the economic vitality of the City. Specifically, these regulations are intended to:

- A. Encourage communications which aid orientation and identify businesses and activities.
- B. Preserve and enhance the aesthetic character of the City.
- C. Apply basic principles of good design and sensitivity to community appearance to signage.
- D. Restrict signs that overload the public's capacity to receive information, violate privacy or which increase the probability of accidents by distracting driver's attention or obstructing a driver's vision.

Recommended CEQA Determination: No further environmental review necessary beyond that previously approved for the 2005 Zoning Ordinance Update.

Staff Recommendation: Review and forward a recommendation to the City Council on the proposed Text Amendment.

Staff Contact: Kathleen Wold, Senior Planner (805) 772-6211

Wold presented the staff report.

Commissioners asked staff to clarify the details of the Sign ordinance. Wold clarified sign terms, size and height definitions.

Johnson asked staff to clarify permit fees for A-frame sign permit exception and encroachment permit. Livick said the current sign exception process does not require an encroachment permit for a sign.

Johnson opened the Public Hearing for public comment.

The following persons spoke:

- Ken Vesterfelt, resident of Morro Bay, urged the Commission to take time to properly review.
- John Barta, resident of Morro Bay and former Planning Commissioner gave a short history of this ordinance from his prior experience on the Planning Commission.
- Bill Yates, resident of Morro Bay and former Mayor encouraged the Planning Commission to be business-friendly
- Bob Shandrup, resident of Los Osos and tourist, likes the signs as they are
- Patrick Bietz, owner of Top Dog Coffee Bar encouraged the Planning Commission to be business-friendly
- Kay Crocker, business owner, stated signs have been effective for her business
- Vicky Battles, owner of Morro Bay Battles, needs signs to help their advertising and stay in business

Johnson then closed the public hearing and brought it back to Commissioners for discussion.

Commissioners discussed the following:

- Importance of the ordinance and the need to review it
- The benefits of seeking additional input on the Ordinance at the Downtown Visioning presentation
- Appreciation for the business community's input
- Compared the benefits of effective sidewalk advertising with the need to ensure pedestrian safety
- San Luis Obispo's experience with their A-frame ordinance
- Need to do additional research and possibly set aside the A-frame portion of the ordinance as a separate item

MOTION: Luhr/ Diodati 2nd moved to continue the Public Hearing to a date uncertain. VOTE: 4-0

XI. OLD BUSINESS

- A. Current Planning Processing List/Advanced Work Program
- B. Presentation from Rob Livick, City Engineer, on the Pedestrian Plan (continued to the June 7, 2010 Planning Commission Meeting)

XII. NEW BUSINESS

XII. ADJOURNMENT

Johnson adjourned the meeting at 9:06 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, June 7, 2010 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Rob Livick, Secretary

ATTACHMENT 6

AGENDA ITEM: _____ VII-A
DATE: _____ February 16, 2011 _____
ACTION: _____ Approved _____

CITY OF MORRO BAY PLANNING COMMISSION SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay
February 7, 2011

Vice-Chairperson Jamie Irons
Commissioner Paul Nagy

Chairperson John Diodati

Commissioner Rick Grantham
Commissioner John Solu

Rob Livick, Secretary

I. CALL MEETING TO ORDER

Chairperson Diodati called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Diodati led the plédge.

III. ROLL CALL

Chairperson Diodati took roll and noted that all Commissioners are present, including the presence of three new Commissioners. Each of the Commissioners briefly introduced themselves.

Staff Present: Rob Livick, Kathleen Wold, Sierra Davis and City Attorney Rob Schultz.

IV. ELECTION OF CHAIR AND VICE-CHAIR

MOTION: Commissioner Solu moved to nominate Commissioner Grantham as Chair and Commissioner Nagy seconded the motion. The motion carried unanimously (5-0).

MOTION: Irons moved to nominate Commissioner Diodati as Vice-Chair and Grantham seconded the motion. The motion carried unanimously (5-0).

V. APPOINTMENT OF SECRETARY

Commissioners agreed to appoint Public Services Director Rob Livick as Secretary.

VI. ACCEPTANCE OF AGENDA

Irons moved to accept the Agenda and Vice-Chairperson Diodati seconded the motion. The motion carried unanimously (5-0).

VII. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Rob Livick briefed the Commission on the new meeting schedule approved by the City Council for the Planning Commission, Public Works Advisory Board, and Joint Powers Agreement (JPA) meeting. Livick also summarized items scheduled for the February 8, 2011 City Council meeting.

VIII. PUBLIC COMMENT

Grantham opened the Public Comment period and hearing no public comment, closed the Public Comment period.

IX. CONSENT CALENDAR

A. Approval of minutes from the meeting on December 20, 2010.

MOTION: Solu moved the Planning Commission approve the minutes. Irons seconded the motion. The motion carried unanimously (5-0).

X. PRESENTATIONS

City Attorney Rob Schultz gave a detailed presentation on the Brown Act explaining the history, importance and applicability of the Brown Act to the Planning Commission.

XI. FUTURE AGENDA ITEMS – None

XII. PUBLIC HEARINGS - None

XIII. OLD BUSINESS

A. Current Planning Processing List/Advanced Work Program

Wold explained the current and advance projects work program clarifying how the list is ordered. Commissioners reviewed the work program and had no discussion.

B. Status of Sign Ordinance

Davis presented a staff report updating the Planning Commission on the City Sign Ordinance including a public workshop soliciting input on the Sign Ordinance at the next Planning Commission meeting on February 16, 2011.

Commissioner Solu offered the following discussion items: clarification on banners and window signs, definition of permanent versus temporary, the available time to put A-frame signs out, cost of signs, and whether signs need to remain on the premises or if allowed in the public right of way.

XIV. NEW BUSINESS

A. Discussion of topics for the Joint City Council/Planning Commission meeting, February 22, 2011

Commissioners discussed potential topics and agreed upon the following:

1. Address and identify resolutions that pertain to the Planning Commission and which affect decision-making;
2. Bylaws affecting the Planning Commission specifically those establishing rules and procedures;
3. Section 2.28 of the Municipal Code and whether changes are needed;
4. Downtown visioning status; and
5. City Council direction for Planning Commission.

XV. ADJOURNMENT

Chairperson Grantham adjourned the meeting at 7:15p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Wednesday, February 16th, 2011 at 6:00 p.m.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary

ATTACHMENT 7

AGENDA ITEM: _____ VI-A

DATE: _____ March 2, 2011 _____

ACTION: _____ APPROVED _____

CITY OF MORRO BAY PLANNING COMMISSION SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay
February 16, 2011

Chairperson Rick Grantham
Vice-Chairperson John Diodati
Commissioner Paul Nagy
Rob Livick, Secretary

Commissioner Jamie Irons
Commissioner John Solu

I. CALL MEETING TO ORDER

Chairperson Grantham called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Gerald Bednorz of Beach House Bistro led the pledge.

III. ROLL CALL

Chairperson Grantham took roll and noted that Commissioner Diodati is absent but all other Commissioners are present.

Staff Present: Rob Livick, Kathleen Wold, and Sierra Davis.

IV. ACCEPTANCE OF AGENDA

Irons moved to accept the Agenda and Solu seconded the motion. The motion carried unanimously (4-0).

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Rob Livick briefed the Commission on action taken by the City Council at the February 8th meeting and for the upcoming February 22nd City Council meeting.

VI. PUBLIC COMMENT

Chairperson Grantham opened the Public Comment period.

- Liz Bednorz, business owner of Morro Bay spoke about the blue directional City of Morro Bay signs requesting they be re-aligned to point towards North Morro Bay business establishments.
- Ken Vesterfeldt, resident of Morro Bay announced on April 16th from 8-5pm there will be an emergency vehicle car show for the first time. Also, the annual Car show has almost 400 entries

already. Mr. Vesterfeldt also spoke against having A-frame signs or imposing a time limit for businesses.

Hearing no further comment, Chairperson Grantham closed Public Comment period.

VII. CONSENT CALENDAR

A. Approval of minutes from the meeting on February 7, 2011.

MOTION: Irons moved the Planning Commission approve the minutes. Nagy seconded the motion. The motion carried unanimously (4-0).

VIII. PRESENTATIONS – None

IX. FUTURE AGENDA ITEMS – None

X. PUBLIC HEARINGS

A. **Site Location:** Citywide

Applicant: City of Morro Bay

Request: The City of Morro Bay is holding a public workshop on the proposed Sign Ordinance Amendment (Amendment #AO0-010 City-Wide Text Amendment). The purpose of the workshop is to solicit input from the public on the Draft Sign Ordinance. The purpose of this amendment will be to update the City's current sign regulations to provide regulations that result in an information system that expresses the character and environment of the City of Morro Bay and its community. The new sign regulations will recognize the importance of business activity to the economic vitality of the City. Specifically, these regulations are intended to:

- A. Encourage communications which aid orientation and identify businesses and activities.
- B. Preserve and enhance the aesthetic character of the City.
- C. Apply basic principles of good design and sensitivity to community appearance to signage.
- D. Restrict signs that overload the public's capacity to receive information, violate privacy or which increase the probability of accidents by distracting driver's attention or obstructing a driver's vision.

Recommended CEQA Determination: No further environmental review necessary beyond that previously approved for the 2005 Zoning Ordinance Update.

Staff Recommendation: Receive public input on Draft Sign Ordinance.

Staff Contact: Kathleen Wold, Planning Manager (805) 772-6211

Chairperson Grantham opened the Public Comment period:

- Robert Hide, resident of Morro Bay, spoke against A-frame signs and stressed the importance of enforcing the sign ordinance.
- Joe Yukich, business owner of Morro Bay, stressed better public noticing of meeting to allow more citizen involvement.
- Craig Schmidt, CEO of the Morro Bay Chamber of Commerce, explained to the Commission components of a directional pole sign program used in Healdsburg as an alternate approach to A-frame signs.

- Susan Stewart, resident and business owner of Morro Bay stressed importance of considering location of sidewalk signs and encouraged the Commission to consider allowing fin signs.
- Janice Peters, resident of Morro Bay spoke regarding sandwich board signs and stated that in the past, they were only allowed for certain business locations and encouraged uniformity in quality, attractiveness, and stability.
- Gerald Bednorz, business owner of Morro Bay, stressed the importance of considering the proximity of sidewalk, the location of business and safety regarding A-frame signs and also feather signs and encouraged the Commission to be business friendly.

Wold presented the staff report and Livick provided additional clarifying information regarding the current encroachment permit fee of \$118, the need for minimum sidewalk width and alternate sign styles.

Commissioners discussed with staff A-frame signs versus projecting pub signs. Irons suggested allowing businesses a choice between a 24 inch projecting pub sign or an A frame sign as a way to balance business needs but not obstruct pedestrian walkways.

Commissioners had discussion on A-frame signs including:

- Waiving the permit fee until June 2012 at which time the fee would be reduced from \$118 to \$40.
- Maintain a four foot right of way,
- Limiting hours of operation to during business hours only
- Include City on their insurance binder
- Allow one A-frame per business or per frontage.

Commissioners had discussion on feather and banner signs including:

- One per business or one per frontage
- Whether to limit hours of operation or limit number of consecutive days to display signs
- Differences between feather and banner signs and the proper placement of each
- Difference between temporary and permanent signs

Commissioners also discussed with staff the City of Atascadero's sign program as an example as well as the City of Healdsburg's directional pole sign program and the applicability of these programs to the City of Morro Bay.

Wold clarified for Commission the three categories of signs: permanent, temporary and intermittent.

Commissioners discussed the unique signage needs of North Morro Bay compared to the Embarcadero area businesses.

Chairperson Grantham called for a 5 minutes recess.

Grantham re-opened the Public Comment period to allow additional public input after staff report.

- Liz Bednorz, business owner of Morro Bay, spoke in favor of recognizing that each section of town has unique signage needs.
- Mollie Beaumont, business owner of Morro Bay, spoke in favor of feather flags.

- Susan Stewart of Morro Bay noted that the City is different than Atascadero and has its own unique needs comparing downtown to North Morro Bay.
- Janice Peters of Morro Bay spoke in favor of having different sign needs for different parts of town and to make regulations easy to enforce.
- Joe Yukich of Morro Bay spoke in favor of human signs.
- Craig Schmidt, CEO of the Chamber of Commerce, stated that the directional sign program used by the City of Healdsburg is geared toward pedestrians.
- Alex Hardy, business owner of Morro Bay, spoke in favor of feather flags and help drivers notice businesses.

Hearing no further comment, Chairperson Grantham closed public comment period.

Commissioners continued discussion on the merits of creating different sign requirements for different areas of town versus one sign requirement and whether to allow owners the choice between A-frame or feather signs.

Staff clarified that A-frame, feather, or banner signs are considered an exception to the sign ordinance and not used in calculating allowable sign square footage which is only for permanent sign calculations.

Commissioners agreed the \$40 sign fee would be a one-time fee and not an annual fee.

MOTION: Irons moved the Planning Commission forward the draft sign ordinance with Attachment E for the City of Atascadero A-frame sign ordinance that would include the following:

- One A-frame sign per business per frontage during business hours only,
- A-frame or feather sign to be allowed,
- Fee shall be waived until June 2012 for the A-frame signs whereby it would be set at \$40 as a one time permit fee,
- Allow for provisions for directional pole signage as brought forward by Mr. Schmidt of the Chamber of Commerce to include in this ordinance,
- To include corrections of the projection signs section from 12 to 24 inches and
- Include vacation rentals under the Real Estate section.

Solu seconded the motion.

The motion carried unanimously (4-0).

XI. OLD BUSINESS

A. Current Planning Processing List/Advanced Work Program

Commissioners reviewed the work program.

XII. NEW BUSINESS - None

XIII. ADJOURNMENT

Chairperson Grantham adjourned the meeting at 8:10p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Wednesday, March 2nd, 2011 at 6:00 p.m.

ATTACHMENT 8

Mayor Peters opened the hearing for public comment; there were no comments, and Mayor Peters closed the public comment hearing.

MOTION: Councilmember Borchard moved the City Council adopt Resolution No.16-10 initiating proceedings to levy the annual assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

C. UNFINISHED BUSINESS

C-1 STATUS REPORT ON THE A-FRAME SIGN PROGRAM; (PUBLIC SERVICES)

Acting Public Services Director Rob Livick stated the City Council requested the Sign Exception Process be re-evaluated by staff to ensure that the process for approving the A-frame signs has been successful and, if necessary, make recommendations to improve the process. In evaluating the current A-Frame sign program staff was able to determine that the program is not successful. Currently when a business desires to utilize an A-frame sign they must apply for an A-Frame Sign Exception Permit. The processing of an A-Frame sign is more cumbersome than applying for a regular sign to be permanently installed. Most regular sign permits can be reviewed and approved administratively, but A-Frame sign exceptions must have a public hearing before the Planning Commission. This process has proven to be too burdensome on both the public and City staff and therefore, over the last few years, appears that while permits have been accepted accompanied by the necessary fee, none have been taken for approval. Mr. Livick recommended the City Council review the various options regarding A-frame sign regulations and give direction to staff as to how to proceed.

Mayor Peters stated she prefers Atascadero's A-frame sign regulations.

In answer to Councilmember Smukler's inquiry regarding the time it takes to hear back from the Coastal Commission once something is submitted to them, Mr. Livick said they are working to establish a better working relationship with them. Mr. Livick also said the current encroachment fee of \$116 covers the typical encroachment costs and does not need to be raised. He explained that the Atascadero plan has just a one-time fee.

Councilmember Borchard inquired if it was an annual fee or a one-time fee. Mr. Livick stated that under the Atascadero example, it is a one-time fee. However, they reserve the right to revoke it at any time if it were to become a problem. Then that business would have to re-apply.

Councilmember Smukler inquired if there is a plan for getting businesses into compliance and updating them on this transition. Mr. Livick stated it would take several weeks. They would meet with the Chamber, with the Merchants Association, and prepare informational flyers.

Councilmember Grantham stated he likes the idea of businesses signing an insurance waiver. He is not in favor of off-site signs, and that it needs to be determined what is actually off site. Public safety is an important factor. He would like an answer back on the encroachment permit. He would like to see at least a minimum four-foot clearance on an eight-foot sidewalk. He feels the signs are definitely an asset for the businesses but wants to make sure the safety aspect is covered. He would also like to know the difference between non-encroached and encroached.

Councilmember Winholtz stated she considers A-frame signs as clutter on sidewalks. She said a monument sign would be neater (with several businesses listed) and more effective in particular areas.

Councilmember Smukler stated he understands Councilmember Winholtz' statement about clutter. However, he stated that as long as it is determined to have a safe place for signs to be placed, he is comfortable with that. He feels that professional signs would cover the concern about clutter. He noted that some restaurants like to have signs out to promote specials. He would like to see insurance added to the permit and a minimum sidewalk width.

Councilmember Borchard stated she has seen A-frame signs in the back of a pickup truck advertising certain businesses in town and feels they are very unattractive. She added that sometimes they are not even close to the business. She would like the ordinance to address how far away from the business the sign can be.

Mayor Peters agreed with Councilmember Borchard that the A-frame signs in the back of pickup trucks are very unattractive and should not be encouraged.

MOTION: Councilmember Winholtz moved the City Council direct staff to forward the A-Frame Sign Ordinance to the Planning Commission and back to City Council, and then pass it on as an amendment to the Coastal Commission. The motion was seconded by Councilmember Borchard

Councilmember Winholtz amended her motion to include the entire Sign Ordinance; Councilmember Borchard amended her second. The motion carried unanimously. (5-0)

D. NEW BUSINESS

D-1 CONSIDERATION OF APPROVAL OF WATER AGREEMENT BETWEEN THE CITY OF MORRO BAY AND ROANDOAK OF GOD; (CITY ATTORNEY)

This item was pulled from the agenda.

D-2 DISCUSSION ON THE GUIDELINES FOR PUBLIC AREA USE PERMITS; (RECREATION & PARKS)

ATTACHMENT 9

City of Morro Bay Zoning Ordinance Update



Initial Study and Final Negative Declaration

Prepared for:

City of Morro Bay 955 Shasta Avenue Morro Bay, CA 93442

Prepared by:

DYETT & BHATIA
Urban and Regional Planners
755 Sansome Street, Suite 400
San Francisco, CA 94111

August 10, 2005

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**NOTICE OF INTENT TO ADOPT
A NEGATIVE DECLARATION**

CITY OF MORRO BAY ZONING ORDINANCE UPDATE

1. PROJECT TITLE:

City of Morro Bay Zoning Ordinance Update

2. LEAD AGENCY NAME AND ADDRESS:

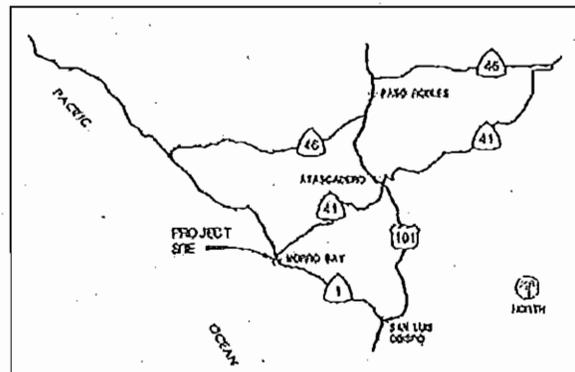
Public Services Department
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

3. CONTACT PERSON AND PHONE NUMBER:

Greig Cummings
Planning Manager
(805) 772-6266
gcummings@morro-bay.ca.us

4. PROJECT LOCATION:

The City of Morro Bay is located on the western coast approximately midway between the metropolitan areas of San Francisco and Los Angeles. The City lies within the County of San Luis Obispo and about 12.5 miles north of the City of San Luis Obispo. The City is surrounded by unincorporated areas of San Luis Obispo County.



5. PROJECT SPONSOR'S NAME AND ADDRESS:

Greig Cummings
Planning Manager
955 Shasta Avenue
Morro Bay, CA 93442
(805) 772-6266
gcummings@morro-bay.ca.us

6. GENERAL PLAN DESIGNATION:

Various – Citywide

7. ZONING:

Various - Citywide

8. PROJECT DESCRIPTION:

The City is undertaking Citywide revisions to Title 17 -- Zoning of the City's Municipal Code in order to bring it into compliance with its recently adopted General Plan/Local Coastal Plan. The current Zoning Ordinance was adopted by the City on September 25, 1995 and certified by the California Coastal Commission on February 6, 1997. Subsequent minor amendments to the Zoning Ordinance have been made since that time.

On February 23, 2004, the City approved a revised General Plan/Local Coastal Plan for certification by the California Coastal Commission. The new General Plan/Local Coastal Plan reflects a combination of the City's General Plan and Local Coastal Program into one working document that is internally consistent and up-to-date. An Initial Study and draft Negative Declaration was prepared for the General Plan/Local Coastal Plan and approved on February 23, 2004.

The purposes of this Zoning Ordinance Update Project are to:

- Implement the policies of, and ensure consistency with, the adopted General Plan/Local Coastal Plan;
- Streamline the processes, standards and discretionary review criteria for approvals;
- Update provisions for consistency with relevant federal and State law, including the Coastal Act; and
- Ensure that the Zoning Ordinance is easier to read and use.

The changes made are largely procedural and are aimed at easing use and clarity. Other changes include updating land use and zoning designations to reflect General Plan policies and current uses of parcels, and revising provisions that are outdated or not in conformance with Federal or State law. All the changes made are based on policies of the already adopted and approved General Plan/Local Coastal Plan. There are no changes made to land use designations or zoning designations that result in increased density, increased population potential or major infrastructure upgrades than those already evaluated in the General Plan/Local Coastal Plan.

9. SURROUNDING LAND USES AND SETTING:

See discussion of setting under "Evaluation of Environmental Impacts".

10. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED:

Changes to the City's Zoning Ordinance are subject to review and approval by the California Coastal Commission.

DETERMINATION

On the basis of this initial evaluation:

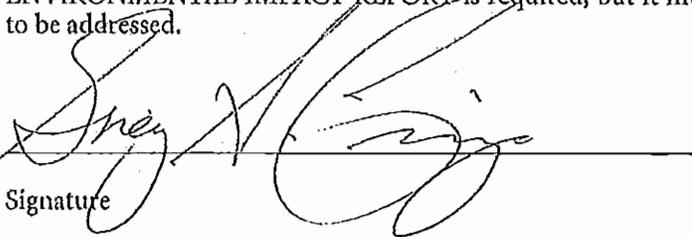
 X I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

 I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

 I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

 I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

 I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated impact” on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.


Signature

7/28/04
Date

Greg S. Cummings
Printed Name

Planning Manager
Title

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be significantly affected by this project as indicated by the checklist in the following sections:

Aesthetics

Biological Resources

Hazards & Hazardous Materials

Mineral Resources

Public Services

Utilities/Service Systems

Agricultural Resources

Cultural Resources

Hydrology/Water Quality

Noise

Recreation

Mandatory Findings of Significance

Air Quality

Geology/Soils

Land Use/Planning

Population/Housing

Transportation/Traffic

EVALUATION OF ENVIRONMENTAL IMPACTS

COMPLIANCE WITH CEQA

The City of Morro Bay, as the lead agency in this project, has entered into the environmental review process to assess potential impacts that could arise from implementation of the changes to the proposed Zoning Ordinance. Through this documentation process, the City of Morro Bay ensures that all of the possible environmental effects of the proposed plan are fully disclosed according to the requirements of the California Environmental Quality Act (CEQA).

CEQA GUIDANCE

Appendix I of the State CEQA Guidelines was used in answering the checklist questions:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the discussion. A “No Impact” answer is adequately supported if the discussion shows that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained when it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (State CEQA Guidelines Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- c. **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

INITIAL STUDY ENVIRONMENTAL CHECKLIST

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
AESTHETICS				
Would the project:				
a. Have a substantial adverse effect on a scenic vista?			X	
b. Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a scenic state highway?				
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				

SETTING

Scenic vistas generally include areas of high scenic quality that are visible to a number of people, including recreational travelers. Scenic vistas in the project area include the Santa Lucia foothills to the east and the Pacific Ocean to the west. Morro Bay is surrounded by hills and ridgelines with more than half of the City's physical edge being coastline. The ocean and the hills are generally visible from area residences throughout the community. The landscape includes natural coastal terrain and agricultural lands. The City's edge at the urban/rural boundary is also a defining characteristic of the City.

Other scenic resources or reference points in the area consist of:

- Morro Rock which can be seen from almost any location in the City;
- The sand spit which is visible from the Embarcadero, Coleman Drive, the State Park roads and from bluff and hillside residential areas;
- Morro Bay Power Plant which has three 450 feet high exhaust stacks, which are visible from miles away; and

- Morro Bay State Park which contains Black Hill, the golf course and campground, which comprise a large portion of the southern part of the City.

In 1999, the portion of Highway 1 north of Highway 101 in San Luis Obispo was declared an official "scenic highway". Of the approximately 53 miles of "scenic" Highway 1 winding through San Luis Obispo County, about six miles lies in Morro Bay.

The existing visual character and quality of the planning area varies among different portions of the City, depending on land use and density. The majority of the planning area is currently built-out.

The source of light and glare is due to the nighttime environment that comes from the Morro Bay High School Stadium and existing residential and commercial uses.

SIGNIFICANCE CRITERIA

State CEQA Guidelines consider an impact significant if the project will have "a substantial, demonstrable negative aesthetic effect."

DISCUSSION OF CHECKLIST ANSWERS

a-d. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact to visual resources or aesthetics. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, several provisions in the new Zoning Ordinance seek to protect visual resources or aesthetics, including new development regulations, bluff development standards, public access requirements, and sign regulations.

CONCLUSION

Impacts associated with aesthetics are considered less than significant.

Issues	Potentially Significant Impact	Potentially Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>II. AGRICULTURAL RESOURCES</p> <p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</p> <p>Would the project:</p>				
<p>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>				X
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>				
<p>c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</p>				X

SETTING

Morro Bay contains approximately 300 acres of agricultural land within its city limits. Additionally, the City has interest in resource protection and land use planning for agricultural areas outside of the City. These agricultural lands creates a form of open space and defines the edges of a community, maintains open areas that are critical to the function of ground water recharge and percolation, and acts as a productive use of the land for which this area was historically noted.

DISCUSSION OF CHECKLIST ANSWERS

a-c. Under the Zoning Ordinance update, no changes were made to zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact to agricultural resources. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local

Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, provisions and required findings have been added to the Zoning Ordinance to limit any future conversion of farmland in accordance with the adopted GP/LCP policies.

Implementation of the proposed Zoning Ordinance will not result in a conversion of prime farmland, farmland of local importance, and grazing land, to non-agricultural uses.

CONCLUSION

Impacts associated with agricultural resources are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>III AIR QUALITY</p> <p>Where available, the significance criteria established by the applicable air quality management or pollution control district may be relied upon to make the following determinations:</p> <p>Would the project:</p>				
<p>a. Conflict with or obstruct implementation of the applicable air quality plan?</p>			X	
<p>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>				
<p>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</p>			X	
<p>d. Expose sensitive receptors to substantial pollutant concentrations?</p>			X	
<p>e. Create objectionable odors affecting a substantial number of people?</p>			X	

SETTING

San Luis Obispo County is in moderate non-attainment for respirable particulate matter, or PM₁₀, and precursors to ozone. Sources of PM₁₀ emissions include agricultural operations, construction, and road dust. Vehicular emissions are the main source of precursors to ozone. In San Luis Obispo County, the Air Pollution Control District (APCD) regulates air quality through its Clean Air Plan (CAP) and construction monitoring, among other measures.

The two major stationary sources of air pollutant emissions affecting the City are the Morro Bay power plant and Hanson Concrete. The Morro Bay Power Plant had no emission violations between

1993 and 1998 and Hanson Concrete has had no incidents of emission violations between 1993 and 1998.

Other sources of air pollutant emissions are small and large-scale businesses and facilities including dry cleaners, gas stations, the wastewater treatment plant, and the harbor dredging operations.

The Zoning Ordinance does not specifically propose projects that may create objectionable odors, such as certain types of processing plants, or farms.

DISCUSSION OF CHECKLIST ANSWERS

a-e. Increases in population and/or density could result in increased vehicle traffic and construction activity that could impact air quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact to air quality. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, performance standard provisions were added to the Zoning Ordinance to monitor and limit the level of smoke, particulate matter, odor and other air contaminants.

CONCLUSION

Impacts associated with air quality are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES				
<p>Would the project:</p> <p>a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>			X	
<p>b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>				
<p>c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>			X	
<p>d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?</p>				
<p>e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>			X	

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local or regional state habitat conservation plan.				

SETTING

The City of Morro Bay has many sensitive habitat areas within and immediately adjacent to the community. These areas include critical habitat for several rare and endangered plant and animal species.

Morro Bay and its estuary comprise a large wetland within the City of Morro Bay, which is one of the most important wetlands on the central coast of California. The Morro, Chorro, Toro, Alva Paul and Los Osos Creeks provide habitat for fish and other aquatic organisms, and food and shelter for migratory birds and other animals. Associated with these creeks are riparian scrub and riparian woodland communities. These communities are characterized by sparse to dense corridors of vegetation occurring adjacent to the streams.

Other sensitive habitats within the City include:

- **Morro Rock.** Morro Rock is located near the mouth of Morro Bay and is the northernmost visible igneous plug in a chain of peaks that extend from Islay Hill in San Luis Obispo to Morro Rock. The Rock is connected to the mainland by a strand that is comprised of fill materials, much of it dredged from the bay during past operations. The ecological preserve located on Morro Rock serves as a nesting site the federally endangered Peregrine Falcon (*Falco peregrinus*). It is also a resting site for many other bird species.
- **Fairbanks Point.** Fairbanks Point is part of Morro Bay State Park and is located at the southern end of Morro Bay’s City limits. The grove of eucalyptus trees located at Fairbanks Point serves as a major nesting site for herons, egrets and cormorants.
- **Black Hill Natural Area.** This upland area of Morro Bay State Park is located southeast of the developed part of the City. The golf course is southwest of Black Hill. The dominant plant community within the Black Hill Natural Area is coastal sage scrub. Within the coastal sage scrub community are such species as California sagebrush, deerweed and buckwheat. The community also contains species characteristic of chaparral and grasslands. As is typical of coastal foothill areas, the grasslands are characterized by pastureland and scattered grass openings in the chaparral. The rare (federal species of concern) Jones's layia (*Layia jonesii*) is located here.
- **Western Snowy Plover Critical Habitat.** The western snowy plover (*Charadrius alexandrinus nivosus*) is a small shorebird, listed as federally threatened. This bird occurs on the Washington, Oregon and California coasts including beaches within the City of Morro Bay. The U. S. Fish and Wildlife Service have designated critical habitat areas for the threatened western snowy plover that include portions of Morro Strand State Beach and the Morro Bay Sand Spit.

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- **Pygmy Oak Forest.** The Elfin Forest Natural Area on the southeastern shore of Morro Bay is a diverse and complex assemblage of natural plant communities that includes coastal brackish marsh, riparian woodland fringe, pygmy oak woodland, grassland, coastal dune scrub and oak manzanita association. It supports a documented 25 species of mammals, over 110 kinds of birds, and 11 species of reptiles and amphibians. San Luis Obispo County acts as the lead agency in the administration of the Elfin Forest.
- **Bird Sanctuary.** The City has designated itself as a “bird sanctuary.” The bay and nearby areas are home to hundreds of species both as residents and migrants. Morro Bay is nationally known for the abundance of avian species and usually ranks near the top of the Audubon Society’s annual count.

The Morro Bay National Estuary Program (MBNEP) is a federally funded program whose mission is to work with the community to implement the conservation plan and oversee the restoration efforts.

DISCUSSION OF CHECKLIST ANSWERS

a-e. Increases in development could result in increased habitat loss and degradation that could impact biological resources. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on biological resources. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

f. There is no adopted local or regional conservation plan that this Zoning Ordinance update may be in conflict with.

CONCLUSION

Impacts associated with biological resources are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES				
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			X	
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			X	
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d. Disturb any human remains, including those interred outside of formal cemeteries?			X	

SETTING

The City of Morro Bay's archaeological resources include prehistoric and ethnohistoric Native American archaeological sites, historic archaeological sites, historic buildings, and elements or areas of the natural landscape that have traditional cultural significance.

The City of Morro Bay supported prehistoric populations. Surveys have been required with several development projects, and they indicate a significant Native American presence, including Chumash and Salinan, especially around the bay, near creeks, and near outcroppings suitable for grinding acorn mortars. Surveys will continue to be conducted prior to development near known sites and previously un-surveyed locations suspected of containing such resources. The results of all such surveys should continue to be compiled by the City and maintained as proprietary information not for general public knowledge.

At present, the City of Morro Bay does not have an official historical society. Neither is there a local program for the evaluation and official designation of historic sites. Morro Rock is the City's only designated historical landmark.

DISCUSSION OF CHECKLIST ANSWERS

a-d. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on cultural resources. The changes made were largely procedural and reflect policies already adopted and

approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

CONCLUSION

Impacts associated with cultural resources are considered less than significant.

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI GEOLOGY AND SOILS Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated in the most recent Alameda County Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (Refer to Division of Mines and Geology Special Publication 42)				
ii. Strong seismic ground shaking?			X	
iii. Seismic-related ground failure, including liquefaction?				
iv. Landslides?			X	
b. Result in substantial soil erosion or loss of topsoil?				
c. Be located on a geologic unit or soil that is unstable, or that would become unstable because of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Be located on expansive soils as defined in Table 18.01.1.B of the Uniform Building Code of 1994, creating substantial risk to life and property.				
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			X	

SETTING

Morro Bay is located in the Coastal Franciscan domain that lies along the mountains and hills associated with the Santa Lucia Range. The Santa Lucia Range resulted from uplift during the Pliocene and Quaternary periods.

The surface geology within the domain consists of a northwest-trending sliver of largely Franciscan formation rocks, bounded by the Hosgri fault and West Huasna fault on the west and the Nacimientto fault and the Rinconada fault on the east. The Franciscan complex is a mixture of igneous, metamorphic, and sedimentary rocks. Cretaceous-age (65 to 140 million years old) and Tertiary-age (2 to 65 million years old) sedimentary rocks, including an unnamed Cretaceous sandstone, and a relatively small amount of Lospe, Vaqueros, Rincon, Monterey and Pismo formations, overlie the Franciscan Formation basement rocks in some parts of the region. The domain is characterized by moderate earthquake activity during the Quaternary period and has numerous northwest-striking, mainly northeast-dipping faults, with uncertain potential to generate future earthquakes.

The main geologic hazards associated with this domain are groundshaking, liquefaction or seismic related settlement of alluvium in the low-lying areas of the coastal portion of the domain, tsunami and coastal erosion in ocean front areas, and severe landslide potential on moderate to steep hillsides. The slopes of the Santa Lucia Mountains are underlain by mostly the Franciscan Formation and other Cretaceous age rocks that are considered to be the formations most susceptible to landslides in the County. Much of the northern coastal plain is characterized as a wave cut platform on which Quaternary- age marine terrace deposits overlie the older bedrock. Streams in the region are typically bordered by steep to moderately steep terrain, and the bottoms of stream valleys contain Quaternary- to Recent-age alluvium, which overlies the bedrock.

A large portion of Morro Bay is underlain by ancient sand dunes, including the Bay itself. They are interbedded with water laid clays and gravels that have been transported and deposited by streams. These ancient dune sand areas are stabilized and contain deep, coarse textured soils. They are subject to excessive drainage, rapid permeability, and wind and water erosion. The potential for liquefaction concerns are estimated at a high potential.

The foothills of Morro Bay have been generally categorized as "shallow upland" soils. Within this category, two soil groups can be identified. One is formed on firm shales, sandstone or mudstone,

and is highly prone to erosion in view of the character of the soil and steep slopes. The second group is a clayey soil formed on shale or igneous bedrock. Situated on gently rolling terrain, erosion is moderate and the subsoil permeability is slow.

Morro Bay is characterized by fairly gently inclined slopes with gradients of less than 50 percent on slopes consisting of older alluvium and late Pleistocene dune sands. The potential for slope stability concerns are estimated at a low potential.

DISCUSSION OF CHECKLIST ANSWERS

a-e. Increases in development could result in increased building activity that could impact the geology and soils. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on geology and soils. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, provisions were added to the Zoning Ordinance to limit development impacts to geology and soils, including a new chapter on bluff development standards that includes detailed submittal requirements such as a geology report.

CONCLUSION

Impacts associated with geology and geologic hazards are considered less than significant.

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIAL Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable operations and accident conditions involving the release of hazardous materials into the environment?				
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and which would create a significant hazard to the public or the environment?				
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airport, would the project result in a safety hazard for people residing or working in the project area?				

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h. Expose people or structures to a significant risk of loss of life or death involving wildland fires, including where wildlands are adjacent to inhabited areas or where residences are intermixed with wildlands.				

SETTING

Due to the quantity and frequency with which hazardous materials are shipped through the region, transportation-related accidents pose a significant hazardous material risk to City residents. Major modes of hazardous material transportation include the use of State Highways 1 and 41 and numerous underground pipelines. In addition to the potential for transportation related releases of hazardous materials, potential exposure of the public to hazardous materials can result from their use by industry, agriculture, commercial, and service establishments. Household use of hazardous materials also has the potential to result in their release into the environment.

The Diablo Canyon Power Plant is the primary radiation hazard risk in the region. An uncontrolled release of radioactive material would have the potential to result in significant impacts. To prepare for potential emergency situations that might develop at the power plant, extensive warning, reporting, and response plans have been developed. Updated information regarding the Emergency Response Plan is distributed to the public each year. Additional potential radiation hazards include low-level radioactive waste from medical facilities and elsewhere. The hauling, handling and disposal of these materials are governed by federal regulations.

Morro Bay has three electrical transmission corridors that distribute electricity generated from the Morro Bay Power plant. These transmission corridors generally bring power into San Luis Obispo County from a variety of outside sources. These electric transmission corridors are capable of either transmitting power into or out of the county.

The Morro Bay Fire Department provides fire response and prevention services. The low-density urban development predominant in the City helps to minimize potential urban fire hazards. The California Department of Forestry (CDF) is responsible for preventing and controlling wildland fires.

DISCUSSION OF CHECKLIST ANSWERS

a-h. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on hazards and hazardous material. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, performance standard provisions were added to the Zoning Ordinance to require any use, handling, storage and transportation of hazardous and extremely hazardous materials to comply with the State's Hazardous Materials Regulations and any other applicable laws.

CONCLUSION

Impacts associated with hazardous materials and fires are considered less than significant.

Morro Bay Zoning Ordinance Update -- Initial Study

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY Would the project:				
a. Violate any water quality standards or waste discharge requirements?			X	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net decrease in the volume or availability of the local groundwater table level (e.g., the production of any pre-existing nearby wells would drop to a level which would not support existing land use or planned uses for which permits have been granted)?				
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Otherwise substantially degrade water quality.				
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h. Place within a 100-year flood hazard area structure which would impede or reduce floodflow?				
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j. Inundation by seiche, tsunami, or mudflow.				

SETTING

In October 2003, the City of Morro Bay adopted a Storm Water Management Plan in accordance with the U.S. Environmental Protection Agency provisions for compliance with the National Pollution Discharge Elimination System (NPDES) Phase II requirements. The Storm Water Management Plan provides an integrated approach for prevention of pollution from storm water runoff in Morro Bay. This is an important water quality management tool that Morro Bay uses through public outreach, education and participation through best management practices to help prevent pollution problems at the source.

Morro Bay's water consumption has generally been decreasing since the late 1980's, and reached a low in 1992. Although total consumption has decreased, future development will most likely cause water consumption to increase.

The completion of the State Water Project's Coastal Pipeline Branch has made more water available to the Morro Bay community. State water allocations total more than 1,300 AF/Y for municipal and residential use. The City currently supplements 10 percent or more of its total supply with municipal wells, depending on the efficiency and availability of water in the State system. Additionally, Morro Bay is served by seawater extraction wells that serve the City desalinization facility in times of shortage.

The City of Morro Bay holds 1,758 AF/Y in stream allocations from the Chorro and Morro Creek basins. As previously discussed, the City currently receives its water from the State Water Project, but

operational problems or peak usage days on the State Water System would stimulate the need to withdraw from the groundwater basins.

The City of Morro Bay has standards regulating drainage within the city limits. Compliance with these standards is examined for portions of the planning area that have the potential for annexation to the City. City standards focus on areas located within or near the 100-year flood plain.

Several areas within the community are prone to flood hazard including areas adjacent to creek channels and the Morro Bay Estuary. Areas considered to be prone to flood hazards are those subject to a 100-year flood. A 100-year flood is an event determined by hydrologic analysis to have a one percent chance per year of occurrence and is the standard event from which residential and commercial areas are to be protected. Flooding may also occur in low-lying areas that have poor drainage, even during moderately sized storms. Many factors can increase the severity of floods, including fires in watershed areas, the placement of structures or fill material in flood-prone areas and areas of tidal influence, and increased runoff that results from the development of impervious surfaces such as roadways and rooftops.

A tsunami is a wave caused by a displacement of the ocean floor, usually by movement along a fault. As the wave approaches shore, it increases in size and can cause extensive damage to coastal structures. Several small tsunami events have been recorded in San Luis Obispo County. However, previous studies have predicted a maximum tsunami wave "run up" of approximately 9.5 feet above sea level for a 100-year event. Wave run up could be increased substantially if a tsunami occurred during a major storm. Areas of tsunami hazard potential include portions of the community at elevations near sea level.

DISCUSSION OF CHECKLIST ANSWERS

a-j. Increases in development could result in increased construction activity that could impact the hydrology and water quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on hydrology and water quality. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

CONCLUSION

Impacts associated with hydrology and water quality are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X LAND USE PLANNING				
Would the project:				
a. Physically divide an established community?				X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

SETTING

Morro Bay is divided into a series of residential and non-residential land use designations and zoning districts. These different zoning districts identify the locations in the City where specific types of land uses may occur. The zoning districts used in this Zoning Ordinance are derived from the land use designations approved in the City's General Plan/Local Coastal Plan.

DISCUSSION OF CHECKLIST ANSWERS

a-b. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on land use and planning. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

c. The proposed Zoning Ordinance does not conflict with a habitat conservation plan or natural community conservation plan. In fact, these areas are preserved through the Open Space – Natural zoning designation.

CONCLUSION

Impacts associated with land use and planning are considered less than significant.

Issues	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X MINERAL RESOURCES Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b. Result in the loss of availability of locally important mineral resources, recovery site delineated on a local general plan, specific plan, or other land use plan?				

SETTING

Since the Army Corps of Engineers concluded its mining of Morro Rock, there are no known mineral resources extracted in Morro Bay.

DISCUSSION OF CHECKLIST ANSWERS

a-b. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the mineral resources. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

CONCLUSIONS

Impacts associated with mineral resources are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. NOISE Would the project result in:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f. For a project within the vicinity of a private airport, would the project expose people residing or working in the project area to excessive noise levels?				

SETTING

The existing noise environments in the City of Morro Bay are composed of sounds from many sources. The most significant source of noise in Morro Bay is road traffic from Highway 1, Morro Bay Boulevard, Main Street, Highway 41 and South Bay Boulevard being associated with high noise levels.

Noise associated with individual development projects occurs throughout Morro Bay. Because of its intermittent nature, it is not possible to characterize construction noise either by location or intensity. However, construction noise typically ranges from 70 to 95 dBA at 50 feet from the noise source, depending on the amount and types of equipment used.

The Duke Energy (formerly PG&E) Morro Bay plant does not exceed 45 dBA Leq in any portion of Morro Bay.

DISCUSSION OF CHECKLIST ANSWERS

a-d. Increases in population and/or density could result in increased vehicle traffic and construction activity that could impact noise quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on noise levels. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, performance standard provisions were added to the Zoning Ordinance to monitor and limit the level of noise.

e-f. The plan area is not located near an airport or in the vicinity of a private airstrip.

CONCLUSION

Impacts associated with noise are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING				
Would the project:				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.				
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

SETTING

The population of Morro Bay according to the 2000 census was 10,350, which was an increase of less than 200 persons since 1990, largely as a result of limited land development availability, and a local building permit restriction due to lack of water. In comparison, the population of San Luis Obispo County increased by nearly 17,000 since 1990.

In 1984, the citizens of the community enacted Measure P, a voter initiative that set the maximum population for the City at 12,200 and requires voter approval to increase the population above this limit.

At the time of the 1990 Census, Morro Bay had 5,694 housing units. By 2000 that figure increased to 6,251. During that 10 year period, an average of about 43 housing units have been constructed annually in Morro Bay. Recently, the construction rate has increased slightly from the ten-year trend to approximately 65 units per year.

DISCUSSION OF CHECKLIST ANSWERS

a-c. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the environment. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

CONCLUSION

Impacts associated with population and housing is considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIII PUBLIC SERVICES				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?				
ii. Police protection?			X	
iii. Schools?			X	
iv. Parks?			X	
v. Other Public Facilities?				

SETTING

The Morro Bay Fire Department provides fire response and prevention services. Police protection services are provided by the San Luis Obispo County Sheriff's Department substation located in Los Osos. The California Highway Patrol (CHP) provides additional police protection.

San Luis Coastal Unified School District (SLCUSD) operates two elementary schools and a high school within the City of Morro Bay: Del Mar Elementary, Morro Bay Elementary, and Morro Bay High School.

The City manages Del Mar Park, Anchor Street Park, Keiser Park, Morro Bay City Park, Centennial Park, Coleman Park, Bayshore Bluffs, Tidelands Park, Cloisters, Monte Young Park, Morro Bay High School, and Morro Rock Beach. In addition, San Luis Obispo County operates the Morro Bay Golf Course in Morro Bay State Park. The state parks include Morro Bay State Park, Morro Strand State Park and Montana de Oro State Park offer camping facilities, passive recreational opportunities, and active recreational facilities.

Government buildings in Morro Bay are predominantly located in the vicinity of the Downtown. They include the City Hall, Public Services building, Community Center (Housing Recreation & Parks), Public Library and Veteran's Hall.

DISCUSSION OF CHECKLIST ANSWERS

a-e. Increases in population and/or density could result in increased use of public services that could impact the public services quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on public services. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

CONCLUSION

Impacts associated with public services are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. RECREATION				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b. Does the project inhibit recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				

SETTING

Morro Bay offers a wide variety of recreational opportunities such as hiking, nature walks, bird watching and sightseeing. Active recreation such as water sports, such as surfing, fishing, diving, and recreational boating, are also prevalent along Morro Bay's shoreline areas. Morro Bay also has outdoor recreation facilities including sports fields, a roller hockey rink, a skate park, and basketball courts.

The state parks (including Morro Bay State Park, Morro Strand State Park and Montana de Oro State Park) offer camping facilities, passive recreational opportunities, and active recreational facilities. In addition, San Luis Obispo County operates the Morro Bay Golf Course in Morro Bay State Park. The City manages Del Mar Park, Anchor Street Park, Keiser Park, Morro Bay City Park, Centennial Park, Coleman Park, Bayshore Bluffs, Tidelands Park, Cloisters, Monte Young Park, Morro Bay High School, and Morro Rock Beach.

DISCUSSION OF CHECKLIST ANSWERS

a-b. Increases in population and/or density could result in increased recreation activity that could impact recreation quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on recreation. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

CONCLUSION

Impacts associated with recreation are considered less than significant.

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC				
Would the project:				
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b. Exceed either individually or cumulatively a level of service standard established by the county congestion management agency for designated roads or highways?				
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d. Substantially increase hazards due to design factors (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				
e. Result in inadequate emergency access?			X	
f. Result in inadequate parking capacity?			X	
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X	

SETTING

Morro Bay is primarily a residential and commercial community that is cut by a major regional roadway, Highway 1. Highway 41 also terminates in Morro Bay bringing travelers from the east. Highway 1 and Main Street carry the highest levels of traffic in the community and are used for intra-community trips. Traffic flows well on these facilities during most periods. The bulk of the City's traffic is generated at the local residential road level and then flows to the arterials that connect to the adjacent highways.

Highways

Highway 1 bisects the town on a northwest-southeast alignment and provides regional access to Morro Bay. Highway 1 is designated as a State Scenic Highway. The highway contains 4 lanes within Morro Bay. Highway 1 carries between 19,000 and 24,000 ADT with the City.

Highway 41 intersects Highway 1 and provides regional access to and from Morro Bay and U.S. Highway 101. Highway 41 contains two lanes within Morro Bay and carries about 8,800 ADT west of the Highway 1 junction.

Arterial Roadways

Main Street extends southbound from Yerba Buena Street as a two-lane arterial through Morro Bay leading into State Park Road. The Main Street/Highway 41 intersection operates at LOS D during the P.M. peak commute period (Higgins Associates, 1999). The one-way stop intersection of Main Street/Highway 1 southbound operates at LOS A during the P.M. peak hour. Signals are present at the Main Street/Quintana Road intersection, which operates at LOS A.

Morro Bay Boulevard is classified as an arterial in the existing circulation element. This two-lane roadway extends west from the Highway 1 intersection through central downtown Morro Bay and serves commercial properties along the route. The Morro Bay Boulevard/ Highway 1 southbound off-ramp intersection operates at LOS E during the P.M. peak hour period. The Morro Bay Boulevard/Quintana Road intersection is also congested during the P.M. peak hour period. These poor service levels are primarily due to traffic exiting Highway 1 northbound and southbound traveling to and from destinations including downtown and the Embarcadero area. The Morro Bay Boulevard/Kern Avenue intersection serves as residential access and operates at LOS B during the P.M. commute period. The Morro Bay/Shasta Avenue operates at LOS A during the P.M. peak hour period.

Collector and Local Roadways

The City has several roadways that are currently designated as either major or minor collector roads. By definition, collector roads are intended to connect adjacent land uses to the arterial roadway system. In the case of Morro Bay, collector roads connect local residential roads to the arterial system that provide access to the surrounding highways. Some examples of the currently designed collector roads include San Jacinto Street, Kern Avenue and Ironwood Avenue. These roadways carry relatively low volumes (typically less than 1,000 ADT) and operate in the LOS A-B range.

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Level of Service

Tables 1 and 2 summarize the existing volume and level of service information for the City's key intersections and roadways.

TABLE 1: INTERSECTION SERVICE LEVELS		
Intersection	Control	LOS
Route 1 / San Jacinto	Signal	LOS B
Route 1 SB / Route 41	1-Way Stop	LOS A
Route 1 NB / Route 41	1-Way Stop	LOS B
Main / Route 41	4-Way Stop	LOS C
Main / Route 1 SB	1-Way Stop	LOS A
Main / Quintana	Signal	LOS A
Morro Bay Blvd / Shasta	4-Way Stop	LOS B
Morro Bay Blvd / Kern	2-Way Stop	LOS B
Morro Bay Blvd / Quintana	4-Way Stop	LOS D
Morro Bay Blvd / Route 1 SB	2-Way Stop	LOS E
<i>Source: ATE, 1999.</i>		

TABLE 2: ROADWAY SERVICE LEVELS		
Roadway	ADT	LOS
Highway 1	24,000	LOS A-B
Highway 41	8,800	LOS C
Main n/o Route 41	8,300	LOS A
Main s/o Route 41	9,900	LOS A
Main n/o Route 1	16,600	LOS D
Main s/o Morro Bay Blvd	6,200	LOS A
Harbor e/o Main	3,600	LOS A
Morro Bay Blvd e/o Main	5,000	LOS A
Morro Bay Blvd e/o Kern	12,200	LOS B
Quintana n/o Morro Bay Blvd	9,500	LOS D
Piney s/o Morro Bay Blvd	3,000	LOS A
Kern s/o Morro Bay Blvd	3,400	LOS A
<i>Source: ATE, 1999.</i>		

Traffic Safety

There are several locations in the City that are prone to certain types of accidents. Morro Bay Boulevard at Quintana Road and Highway 1 has a series of conflicting movements that occur in a short distance, some vehicles are traveling at high speeds, and some drivers are unfamiliar with the street conditions. There are also accidents at the intersections on Highway 1 where movement from the side streets is in conflict with highway traffic. In particular, sideswipe accidents occur at the Highway 1/San Jacinto Avenue intersection. There are also some accidents to note at the downtown intersections at Main Street/Morro Bay Boulevard where visibility from side streets is sometimes blocked by parked vehicles.

Public Transit

Transit service within the city limits consists of Dial-A-Ride services (DAR). DAR is a door-to-door public transit system for all ages, which is also accessible to disabled persons.

Two transit plans constitute the City transit policies: the San Luis Obispo Regional Transportation Plan (RTP), and the Short-Range Transportation Development Plan (TDP). The RTP was prepared by SLOCOG of which the City of Morro Bay is a member. This plan outlines a regional transportation system emphasizing coordination of transportation plans and programs on a countywide level. The RTP sets goals, policies and programs for public transit.

The purpose of the TDP is to increase effectiveness of public transit planning, management, and operations in Morro Bay by providing a comprehensive guide to assist the City in making decisions regarding the delivery of public transit services for the next five years. The TDP evaluates the inter-relationship between Morro Bay DAR and the regional public transit systems serving Morro Bay.

The City is a member of the Central Coast Transit Regional Joint Powers Authority (JPA) that operates Central Coastal Transit and is also a member of the San Luis Obispo County Area Transit Authority (TPA) that operates the Runabout.

Morro Bay trolley service began in 1994 with a single trolley; a second was added in 1999. The trolley route completes a one-half mile loop with 14 stops between Downtown Morro Bay and the Embarcadero. The trolley runs seasonally from Memorial Day to the first weekend in October.

Parking

Parking is accommodated for each land use either on the street or off the street or a combination of both. In the case of residential areas, usually one or two spaces per unit are provided on the property within garages or carports. These spaces are almost invariably for the use of the residents' own vehicles. Additional vehicles are generally parked on the street.

The City adopted a Parking Management area outlining the area where the City would accept in-lieu fees to meet parking requirements. Some of the requirements under the ordinance are that fees collected within the parking management area must be spent in the area.

DISCUSSION OF CHECKLIST ANSWERS

a-g. Increases in population could result in increased parking and transit need as well as an increase in vehicle activity that could impact transportation and traffic quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the environment. The changes made were

Morro Bay Zoning Ordinance Update – Initial Study

largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

CONCLUSION

Impacts associated with traffic and circulation are considered less than significant.

Morro Bay Zoning Ordinance Update – Initial Study

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could have significant environmental effects?			X	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or a new or expanded entitlement, if necessary?				
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

SETTING

The unincorporated community of Cayucos and the City of Morro Bay share existing wastewater treatment facilities at 35 and 65 percent, respectively. Each community operates its own individual wastewater collection system. The Wastewater Treatment Plant provides advanced primary treatment to effluent, which is discharged through a 5,000-foot ocean outfall. The plant discharges an average of 1.5 million gallons per day (mgd).

Morro Bay has generally hilly terrain with several major watercourses passing through the City that carry storm runoff from large areas outside of the City. With the exception of those water courses, the storm drainage patterns of the City are urban in nature, i.e. smaller localized watersheds concentrating and conveying runoff from urban type development on the local street system and storm drainage facilities. As the town has grown, a system of storm drainage improvements has been constructed.

The City has two sources of water available for allocation to new development, "banked" water accumulated under its previous Water Allocation Model as approved by the Coastal Commission by the issuance of Coastal Development Permit 04-81-309A3, and new sources of water available to serve development identified in the adopted and certified Water Management Plan.

The Gas Company provides natural gas to the majority of the City. There are natural gas lines under most streets in the City. Electrical, telephone and cable television communication lines are located throughout the City. In many cases, these utility lines are located above ground, suspended from poles located in parkways or within easements in rear yards. The City requires utilities to be placed underground in all new developments. Solid waste disposal is located at Cold Canyon landfill.

DISCUSSION OF CHECKLIST ANSWERS

a-g. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the environment. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

CONCLUSION

The impacts associated with utilities and service systems are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
<p>a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife species population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>			X	
<p>b. Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of probable future projects.)</p>				
<p>c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>			X	

DISCUSSION

a-c. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the environment. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

CONCLUSION

The impacts associated with the Zoning Ordinance update are considered less than significant impact on the environment.

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CITATIONS

The following documents are incorporated by reference into this negative declaration:

- General Plan/Local Coastal Plan (Approved February 23, 2004 for California Coastal Commission Certification, Resolution 17-04)
- General Plan/Coastal Land Use Plan – Initial Study and Draft Negative Declaration (October 9, 2003)
- Title 17 – Zoning Ordinance (Public Review Draft, July 2004)
- Title 17 – Zoning Ordinance – Proposed Changes Matrix
- San Luis Obispo County Department of Planning and Building. San Luis Obispo County General Plan: Safety Element, 1999.
- NPDES Plan

LIST OF PREPARERS

Dyett & Bhatia, Urban and Regional Planners

ATTACHMENT 10

Ordinance No. 559

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MORRO BAY ANNOUNCING FINDINGS AND AMENDING CHAPTER 17.68 "SIGNS" OF THE MUNICIPAL CODE UPDATING REGULATIONS AND PROCEDURES WITH NEW REGULATIONS AND PROCEDURES ENTITLED "SIGNS REGULATIONS" AND ALSO MODIFYING CHAPTER 17.12 TO INCORPORATE NEW DEFINITIONS,

THE COUNCIL OF THE CITY OF MORRO BAY DOES ORDAIN AS FOLLOWS:

WHEREAS, the Planning Commission of the City of Morro Bay held a duly noticed public hearings on May 17, 2010 considering the updated Chapter 17.68 and recommended ____ of said amendment to the City Council; and

WHEREAS, the City Council of the City of Morro Bay conducted duly noticed public hearing on ____; and

WHEREAS, the Council has reviewed and considered Ordinance No 559 and has found that Ordinance No. 559 complies with the City of Morro Bay objectives, criteria and procedures for implementation of the California Environmental Quality Act (CEQA) in that the project is covered under the environmental document previously approved for the comprehensive update of the Zoning Ordinance of which this ordinance was a part of and therefore no additional environmental documentation is deemed necessary; and

WHEREAS, following the public hearing after consideration of the memorandums, staff reports, addendums, and consideration of the comments by all persons written and oral; and

WHEREAS, notices of said public hearings were made at the time and in the manner required by law; and

WHEREAS, the Council has duly considered all evidence, including the recommendation of the Planning Commission, testimony of interested parties, and the evaluation and recommendations by staff, presented at said hearings; and

WHEREAS, the City Council finds that the proposed text amendment is consistent with the General Plan, the Local Coastal Plan, the Zoning Ordinance and other applicable City ordinances; and

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Morro Bay, California, as follows:

SECTION 1. Environmental Determination. The City Council finds and determines that the project's Negative Declaration adequately addresses the potential environmental impacts of the proposed text amendment to the Zoning Ordinance, and reflects the independent judgment of the City Council. The Council hereby finds that the Negative Declaration adopted for the comprehensive Zoning Ordinance Update is adequate and further finds that no additional environmental review is required to be conducted.

SECTION 2. Findings. The City Council makes the following findings:

1. That the above recitations are true and correct and constitute the findings of the Council in this matter; and,
2. The proposed text amendment is consistent with the General Plan, the Local Coastal Plan, the Zoning Ordinance and other applicable City ordinances; and
3. The proposed amendments are consistent with General Plan policies since the regulations implement General Plan policies including those associated with preservation of neighborhood character, Land Use, and Visual Resources; and
4. The proposed amendments will not significantly alter the character of the neighborhoods or cause significant health, safety or welfare concerns. The proposed regulations will establish clear guidelines for the establishment of signs ensuring all signs will be established in a manner that protects the community from health, safety or welfare concerns.

SECTION 3. Revisions. Ordinance No. 559 which revises portions of the existing Title 17 as stated below is hereby adopted.

Chapter 17.12 to incorporate new definitions; and

SECTION 4. A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in the Telegram-Tribune, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

INTRODUCED at the regular meeting of the City Council held on the _____, by motion of _____ and seconded by _____

PASSED, APPROVED, AND ADOPTED, by the City Council of the City of Morro Bay, on the day of _____, _____ by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

JANICE PETERS, MAYOR
CITY OF MORRO BAY

JAMIE BOUCHER, DEPUTY CITY CLERK
CITY OF MORRO BAY

APPROVED AS TO FORM:

ROBERT W. SCHULTZ, ESQ.
CITY ATTORNEY

DRAFT

Chapter 17.68 Sign Regulations

Sections:

17.68.010 Purpose

17.68.020 Exempt Signs

17.68.030 Prohibited Signs

17.68.040 General Sign Standards

17.68.050 Regulations for Residential Districts

17.68.060 Regulations for Commercial Districts, Mixed-Use and Industrial Districts

17.68.070 Specific Sign Types and Standards

17.68.080 General Design Principles

17.68.090 Zoning Clearance or Sign Permit Required

17.68.100 Master Sign Program

17.68.110 Maintenance, Abandonment, and Removal

17.68.120 Provisions for Nonconforming and Illegal Signs

17.68.130 Appeals

17.68.010 Purpose

The purpose of this Chapter is to regulate signs as an information system that expresses the character and environment of the City of Morro Bay and its community. These regulations recognize the importance of business activity to the economic vitality of the City. Specifically, these regulations are intended to:

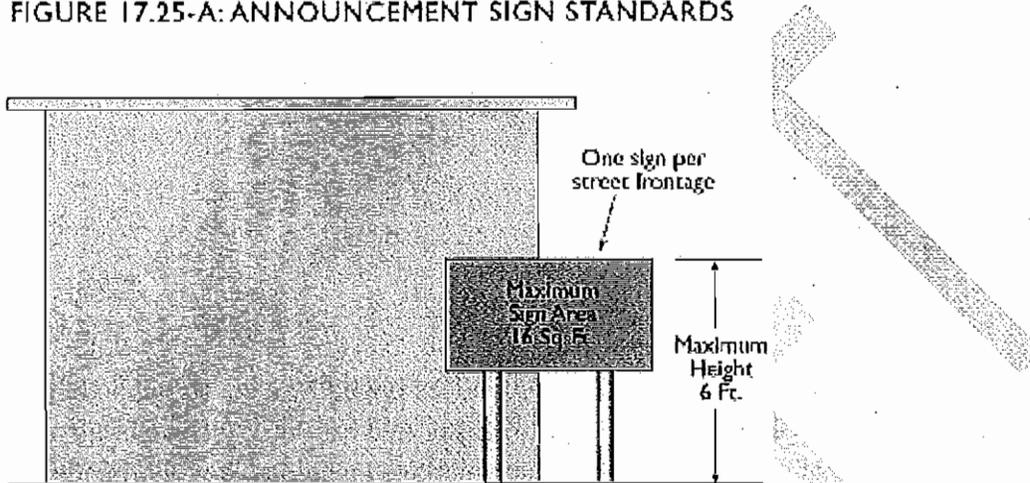
- A. Encourage communications which aid orientation and identify businesses and activities.
- B. Preserve and enhance the aesthetic character of the City.
- C. Apply basic principles of good design and sensitivity to community appearance to signage.
- D. Restrict signs that overload the public's capacity to receive information, violate privacy or which increase the probability of accidents by distracting driver's attention or obstructing a driver's vision.

17.68.020 Exempt Signs

The following signs or modifications to signs do not require zoning conformance review, nor shall the area of such signs be included in the maximum allowable sign area measurement for the purposes of this Chapter. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of the safe erection and safe and attractive maintenance of the sign, of obtaining a building permit where applicable, or of compliance with applicable provisions of this Chapter or any other requirement of this Title.

- A. **Announcement Signs.** One sign, not exceeding 16 square feet in area and 6 feet in height, per street frontage on real property where construction, structural alteration or repair is to take place, or is taking place, which contains information regarding the purpose for which the building is intended and the individuals connected with the project, including names of architects, engineers, contractors, developers, finances and tenants. Announcement signs are exempt only for the duration of the construction of the building and shall be removed prior to issuance of a certificate of occupancy.

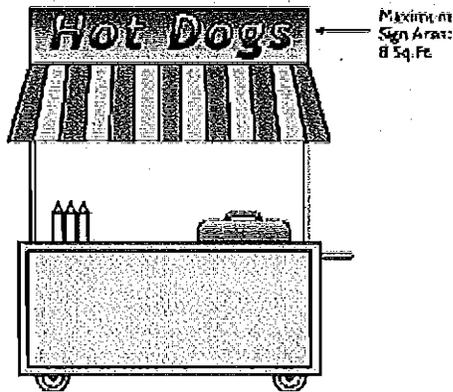
FIGURE 17.25-A: ANNOUNCEMENT SIGN STANDARDS



- B. **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed no longer than 30 days following the change of ownership or activity for which the sign is intended, or up to 90 days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.
- C. **Equipment Signs.** Signs, not more than eight square feet in sign area, incorporated into displays, machinery, or equipment by a manufacturer, distributor, or vendor that identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, menu boards, and umbrellas. If a vending machine is visible from the street, the sign area shall be included in the total sign area allowed for the use.
- D. **Flags.** Flags and insignia of any government, except when incorporated into a commercial sign.
- E. **Garage Sale Signs.** One unlighted sign is permitted for garage sales, provided such sign does not exceed four square feet in area and is displayed on the property where such sale shall take place only on the day of the sale.
- F. **Mobile Vendor (Non-permanent Vendor) Signs.** Signs fixed to mobile vending carts that identify

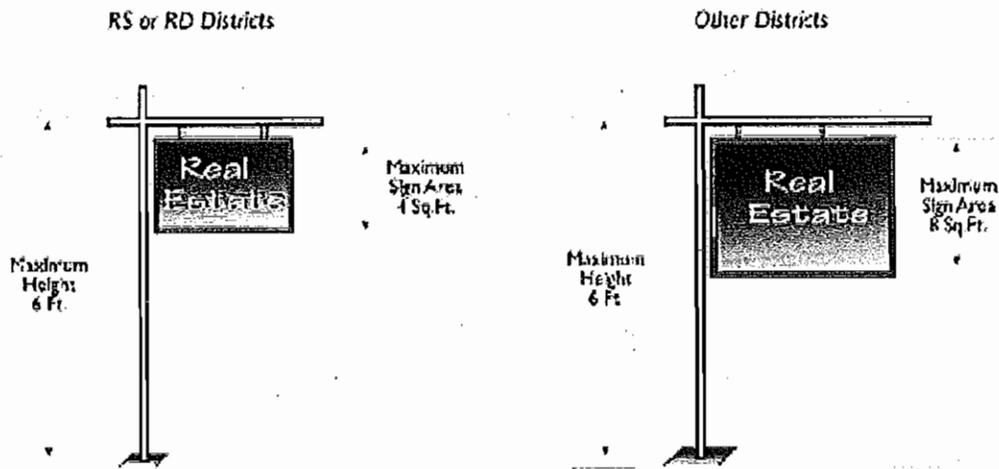
or advertise the name, product, or service provided by the vendor. Each mobile vending cart is limited to a maximum sign area of eight square feet.

FIGURE 17.25-B: MOBILE VENDOR SIGN STANDARDS



- G. **Official Government Signs and Legal Notices.** Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agent in the performance of a public duty; historical markers erected by a governmental body; identification information; directional signs erected by government bodies; or other signs required or authorized by law.
- H. **Parking and Directional Signs.** On-site parking and directional signs, not exceeding eight square feet in sign area and five feet in height, that do not include any advertising messages or symbols.
- I. **Political Campaign Signs.** Political campaign signs not to exceed sixty-four square feet in area per site and shall be permitted only on private property;
- J. **Real Estate and "Open House" Signs.** Signs conveying information about the sale, rental, or lease of a property and the identification of the person or firm (agent) handling such sale, lease or rental, provided they comply with the following standards. Real estate and open house signs are exempt only during the period for which the property is offered for sale or lease.
1. **Maximum Number.** One on-site per frontage.
 2. **Maximum Sign Area.**
 - a. RS or RD Districts. 4 square feet.
 - b. Other Districts. 8 square feet.
 3. **Maximum Height.** 6 feet.

FIGURE 17.25-C: REAL ESTATE SIGN STANDARDS

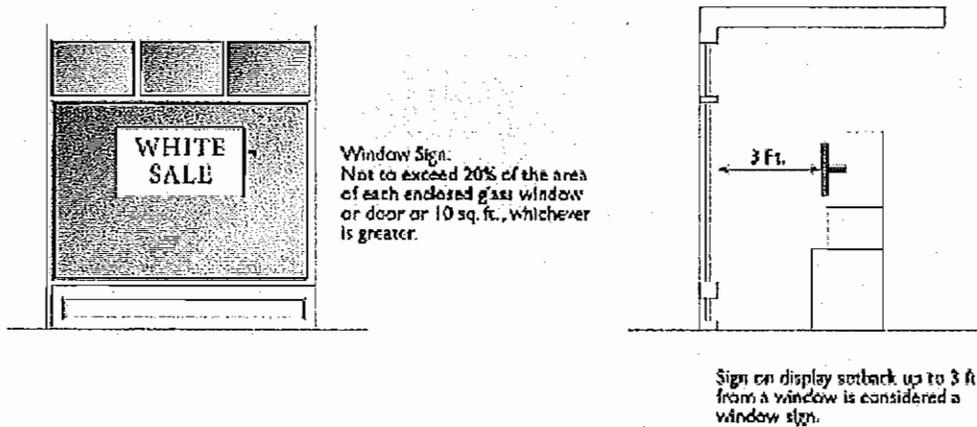


- K. **Off-Site Directional Sign.** One off-site sign not to exceed 36 square feet, providing direction to real estate available for sale or lease, during daylight hours only. Permission from the property owners of the site where the sign is placed is required.
- L. **Small Signs.** Any sign no larger than eight square feet in area, attached to a freestanding sign structure no higher than five feet, a window, or a building wall. This exception may include, but is not limited to, commercial and non-commercial signs, freedom of speech signs, organization identification signs, and commemorative plaques within the required size limits.
- M. **Subdivision Signs.** One sign per frontage, advertising the sale of a subdivision may be displayed on the site of the subdivision upon approval of a final map and initiation of construction for a period of one year. The display period may be extended with written approval of the Director for a reasonable period of time, not to exceed one year at any one time.

Maximum Height	8 ft.
Maximum Sign Area	24 sq. ft.
Maximum Number per Subdivision or Tract	4

- N. **Window Signs.** Window signs not exceeding 20 percent coverage of each glass window or glass door to which the sign is attached or 10 square feet, whichever is greater. Any sign that is hung within three feet of a window, attached to a display located within three feet of a window, or painted on the window is considered a window sign. For temporary window signs, refer to Section 17.68.070.

FIGURE 17.25-D: WINDOW SIGNS



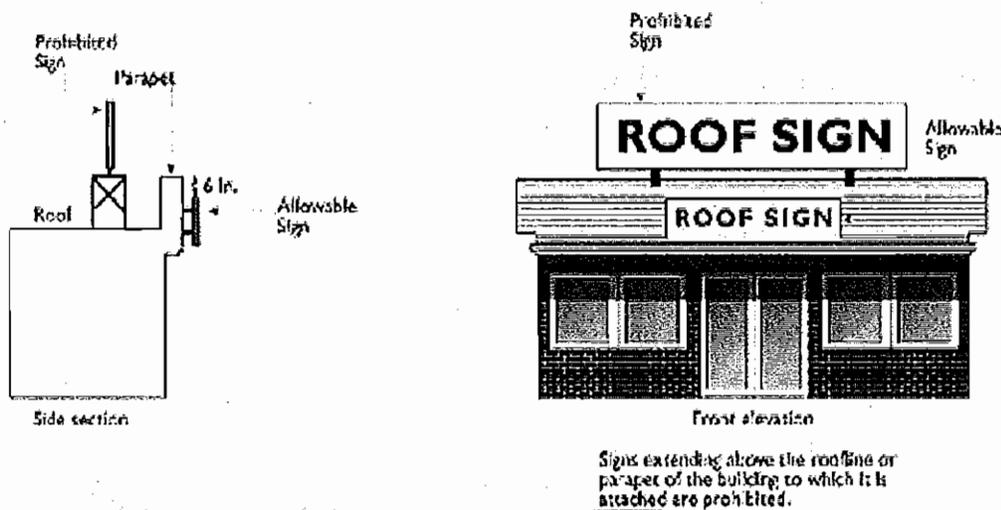
17.68.030 Prohibited Signs

The following types of signs, materials, designs, messages, and locations are prohibited:

- A. **Animated and Moving Signs.** Signs that incorporate, in any manner, any flashing, moving, rotating, pulsating or intermittent lighting, with the exception of approved time and temperature displays.
- B. **Banners, Streamers, or Pennants.** Signs, banners, pennants, valances or any other advertising display constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials except for awnings and temporary signs as provided for in this Chapter.
- C. **Billboards.** Off premises outdoor advertising signs.
- D. **Emissions.** Signs that produce noise or sounds in excess of 40 decibels, excluding voice units at drive-through facilities, and signs that emit visible smoke, vapor, particles, or odor.
- E. **Fence Signs.** Signs on fences or free-standing walls, not part of a building.
- F. **Obscenities.** Signs that depict, describe, or relate to "specified sexual activities" or "specified anatomical areas" as defined in Chapter 17.41: Terms and Definitions.
- G. **Obstruction to Exits.** Signs that obstruct any fire escape, required exit, window or door opening intended as a means of egress.

- H. **Obstruction to Ventilation.** Signs that interfere with any opening required for ventilation.
- I. **Posters and Snipe Signs.** Posters of a miscellaneous or temporary character that are tacked, painted, pasted or otherwise placed or affixed and made visible from a public way, on the walls of buildings, on barns, sheds, trees, fences, utility poles or other structures, sidewalks or patios, except as otherwise provided in this Chapter.
- J. **Roof Signs.** Signs erected upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the eave line of a roof. No projecting sign shall extend above the roofline or parapet of the building or structure to which it is attached.

FIGURE 17.25-E: PROHIBITED ROOF SIGNS



- K. **Signs Creating Traffic Hazards.** Signs located in such a manner as to constitute a traffic hazard or obstruct the view of any authorized traffic sign or signal device, or signs that may be confused with any authorized traffic sign, signal, or device; or that makes use of the words “stop”, “look”, “danger”, or any other word, phrase, symbol, or character that interferes with, misleads, or confuses vehicular drivers.
- L. **Signs on Public Bus Shelters or Benches.** Signs located on bus shelters, benches, or similar structures provided for the use of passengers along the route of a bus, not including plaques containing the names of persons or organizations which have made gifts or donations of such street furniture.
- M. **Vehicle Displays.** Signs placed or displayed on vehicles parked in a conspicuous location to be used for on-site or off-site advertising, with the exception of signs advertising such vehicles for sale and

vehicle identification signs in locations where sale of vehicles is permitted.

17.68.040 General Sign Standards

This Section establishes rules for measuring sign area, general physical standards, and requirements applicable to all signs and the districts in which they are located. More detailed standards applicable to specific sign types (e.g. building mounted, freestanding, and other sign types) in each zoning districts follow this Section.

A. **Maximum Allowable Sign Area.** The maximum allowable total sign area per property shall be as specified under the regulations in Section 17.68.050 and 17.68.060 for specific districts, unless a different limit is approved under a

Master Sign Program (see Section 17.68.100) or approved by the Planning Commission.

B. **Computation of Sign Area.** The methodology for computing the sign area of all sign types shall be as follows:

1. **Single-faced Signs.** The sign area of signs with sign faces on a single plane and viewable from only one side of the plane shall be measured as the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color.
2. **Double-faced Signs.** Double-faced signs with sign faces that are parallel (back-to-back) and a distance of less than three feet apart, or sign faces that have an interior angle of 45 degrees or less, shall be counted as a single sign with only one face measured in calculating sign area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.
3. **Multi-faced Signs.** The sign area of signs with three or more sign faces, or signs with two sign faces with a distance greater than three feet apart or an interior angle greater than 45 degrees, shall be calculated as the sum of all the sign faces.
4. **Three-dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of two adjacent sides or sign faces.

FIGURE 17.25-F: MEASUREMENT OF SIGN AREA

Sign Area = Height x Width

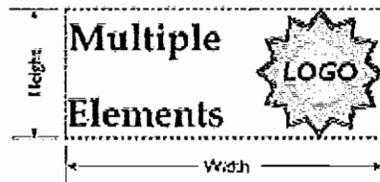
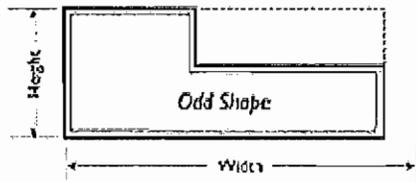
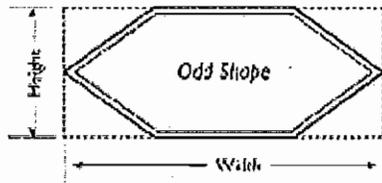
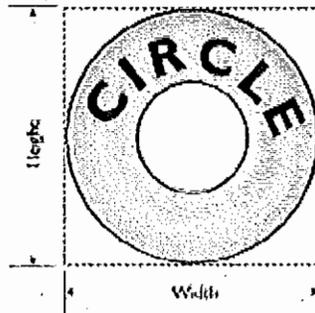
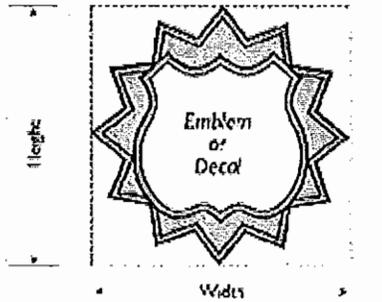


FIGURE 17.25-G: MEASUREMENT OF DOUBLE AND MULTI-FACED SIGN AREA

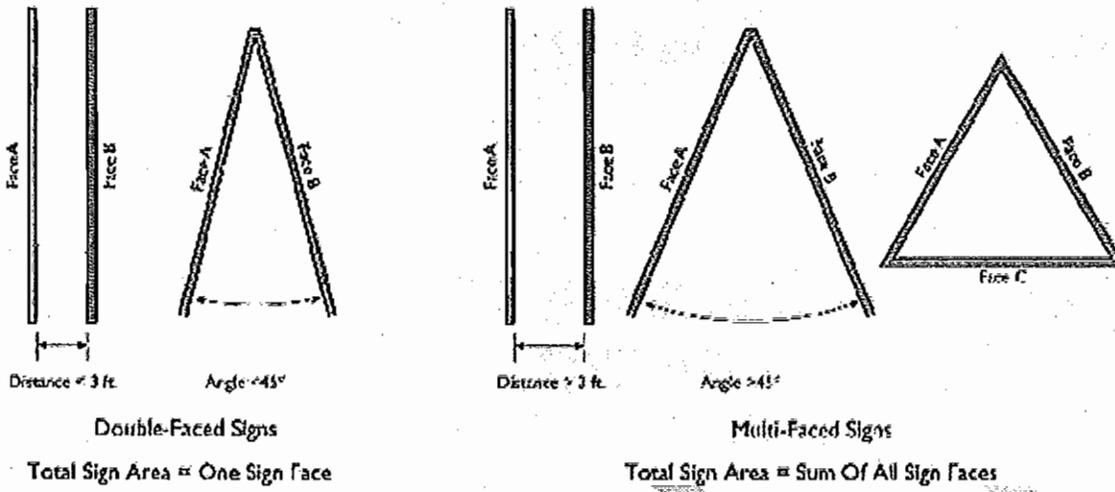
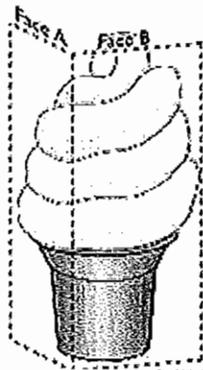


FIGURE 17.25-H: MEASUREMENT OF THREE-DIMENSIONAL SIGNS

Sign Area = Sum of two adjacent sides



C. Building Frontage. A building's frontage is considered continuous if projections or recesses in a building wall do not exceed ten feet in any direction.

FIGURE 17.25-1: BUILDING FRONTAGE



D. Materials. Paper, cardboard, or other material subject to rapid deterioration shall be limited to signs displayed for no more than 30 days.

E. Illumination. Signs may be illuminated subject to all of the following standards:

1. All lighting is subject to necessary electrical permits.
2. Freestanding and building-mounted signs adjacent to an R district shall be illuminated only during hours when the establishment is open for business.
3. External lighting shall be properly shielded to prevent glare upon an adjacent public right-of-way or adjacent property.
4. Illumination shall be constant in intensity and color and shall not consist of flashing, animated or changing lights.

F. Changeable Copy. Changeable copy shall cover no more than 25 percent of the total sign area, except for the following uses which are exempt from this restriction: churches and establishments for religious assembly, cinemas, gas station gas price signs, indoor theaters, schools, colleges, and signs that flash the time and temperature.

G. Construction and Maintenance.

1. Unless exempt, signs and supporting structures shall be installed in accordance with the Building Code.
2. All signs, together with all supporting structures, shall be maintained in the following manner:
 - a. Signs shall be kept free of rust, dirt and chipped, cracked or peeling paint.
 - b. All hanging, dangling, torn or frayed parts of signs shall be promptly repaired and graffiti and unauthorized attachments shall be removed.
 - c. Burned-out illumination shall be promptly replaced.
 - d. Sign areas shall be kept free and clear of all noxious substances, rubbish, and weeds.
3. If a sign is removed from its supporting structure for longer than 90 days, the supporting structure

shall be removed.

- H. **Abandoned Signs.** Sign faces shall be removed or made blank within 60 days after the activity, product, business, service or other use which was being advertised has ceased or vacated the premises. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in Section 17.68.110 of this Chapter.
- I. **Substitution of Sign Message.** The owner of a permitted sign may substitute a non-commercial message for a commercial message or a commercial message for a non-commercial message.
- J. **Encroachment into Public Street or Sidewalk.** Any sign projecting over a public street or sidewalk requires approval of the Director or City Engineer, except that projecting signs and pole signs are allowed a maximum encroachment of 12 inches over a public street or sidewalk subject to approval of an encroachment permit.
- K. **Clearance from Utilities.** Signs and their supporting structures shall maintain clearance and not interfere with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.
- L. **Drainage.** The roofs of canopies or marquees exceeding 25 square feet shall be drained to prevent dripping or flow onto public sidewalks or streets and shall be connected to an approved disposal source of adequate conductors.
- M. **Sign Orientation.** No sign, other than a projecting sign, shall be permitted that is so oriented as to be viewed primarily across an adjacent private property line. All signs must be visible directly from a public right-of-way, other public open space or parking lot or courtyard on the same site as the sign, without view lines extending over private property different from that on which the sign is located.
- N. **Lighting.** Light sources shall be steady, and stationary lighting shall not be distracting to pedestrians, motorists and neighboring property. No sign shall emit or reflect light exceeding ten foot-candle power at ten feet from the face of the sign.

17.68.050 Regulations for Residential Districts.

The following regulations shall apply to all R districts, as well as residential dwellings located in nonresidential districts. Sign permits shall be required for the sign types described in the following zones unless expressly exempted.

- A. **Multi-family Dwellings.** One building-mounted sign or monument sign per multi-family dwelling complex of four or more units is permitted, with a maximum sign area of 20 square feet.

- B. **Hotels, Motels, and Bed and Breakfast Establishments.**
 - 1. R2 Districts. One surface sign or monument sign per bed and breakfast establishment and attraction boards as provided in the Section 17.68.070(C)(5) are permitted with a maximum sign area of 0.5 square feet per linear foot of building frontage.

 - 2. R3 and R4 Districts. Signs may be permitted in accordance with the provisions for commercial zones as provided in Section 17.68.060 below as well as attraction boards as provided in Section 17.68.070(C)(5).

- C. **Subdivision or Tract Name Signs.** One non-illuminated sign not to exceed 24 square feet in area or one non-illuminated sign not to exceed 12 square feet in area, per exclusive entrance to a subdivision or tract name with a maximum of four per tract is permitted.
 - 1. Maximum Sign Area. 30 square feet.
 - 2. Maximum Height. 8 feet.

- D. **Mobile Home Parks.** A mobile home park may be allowed one externally illuminated or non-illuminated identification sign, not to exceed the equivalent of one square foot of sign area per ten linear feet of frontage on each right-of-way upon which it takes vehicular access. No sign shall have a surface area of greater than 30 square feet or be erected at right angles to the right-of-way.
 - 1. Maximum Sign Area. 30 square feet.
 - 2. Maximum Height. 8 feet.

- E. **Non-residential Uses.** One building-mounted sign or monument sign per each allowable non-residential uses is permitted.
 - 1. Maximum Sign Area. 0.5 square feet per linear foot of building frontage up to 24 square feet.
 - 2. Maximum Height. 15 feet above finished grade for building-mounted signs and eight feet for monument signs.

17.68.060 Regulations for Commercial, Mixed-Use and Industrial Districts

The following standards apply to signs in commercial, mixed-use and industrial zones.

- A. **Sign Area and Allowable Signs.** Signage in Commercial, Mixed-Use, and Industrial zoning districts shall comply with the standards in Table 17.68 – B.

1. **Calculation of Sign Area.** For individual signs, the sign area of the proposed sign shall be multiplied by the sign factor specified in Table 17.68 – B to calculate the sign area to be applied towards the maximum sign area allowed.
2. **Minimum Sign Area.** All commercial, mixed-use, and industrial uses shall be allowed a minimum sign area of 20 square feet.

B. **Sign Placement.** Signs shall be oriented towards the public street or the harbor frontage on which they are located, or where no such public right-of-way or harbor frontage exists, signs shall be oriented towards a common use parking lot or interior courtyard. Where the principal sign for a business is located so that it cannot be seen by pedestrian traffic, an identification sign, in addition to that otherwise allowed by this Chapter, may be permitted.

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TABLE 17.68 – B: SIGN AREA AND SIGN STANDARDS FOR COMMERCIAL, MIXED-USE, AND INDUSTRIAL DISTRICTS

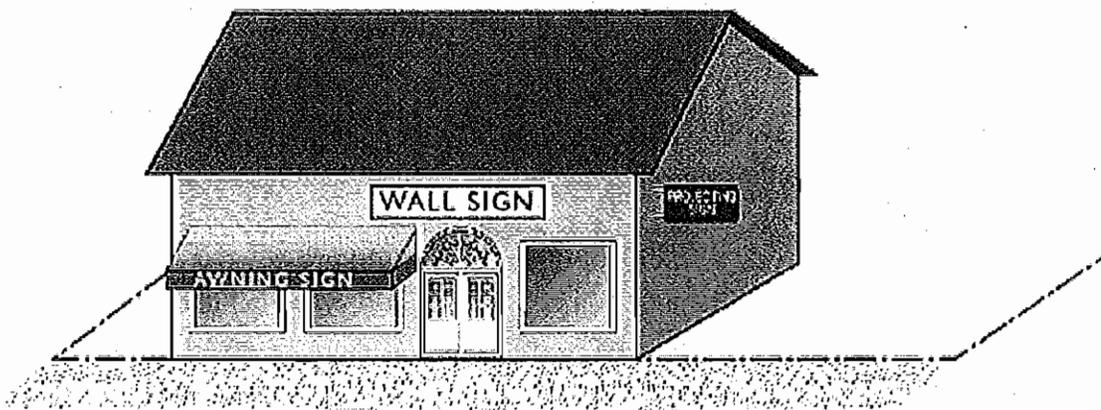
Zoning Districts	Sign Area Allowed (sq. ft. per 1 linear ft. of building frontage)	Total Maximum Sign Area (sq. ft.)	Permitted Sign Types	Sign Type Factor	Maximum Number of Signs	Maximum Sign Area Per (sq. ft.)	Additional Regulations
Frontage: C1, MCR, CVS, GO, WF, and GC	Primary 0.5 Secondary	100	Awning and Canopy Projecting Wall Marquee Monument	1 1 2 1 3	1 per frontage 1 per frontage 2 per frontage 1 per site 1 per site	24 16; 8 under a canopy or awning 24 1.5 per linear ft. Section of building frontage 24	Section 17.68.070(A)(1) Section 17.68.070(A)(3) Section 17.68.070(A)(4) Section 17.68.070(A)(2) Section 17.68.070(B)(1)
C2, CF, M1, M2 H & MNR	2 1	200	Temporary Sidewalk Awning and Canopy Wall Window Monument Pole	1 1 1 2 2 3	1 per site 1 per site 1 per building or tenant space 2 per frontage 1 per frontage 1 per site or shopping center	12 60 25 60 60 60	Section 17.68.070(B)(3) Section 17.68.070(A)(1) Section 17.68.070(A)(4) Section 17.68.070(A) Section 17.68.070(B)(1) Section 17.68.070(B)(2)

1. For buildings facing on more than one public right-of-way

17.68.070 Specific Sign Types and Standards

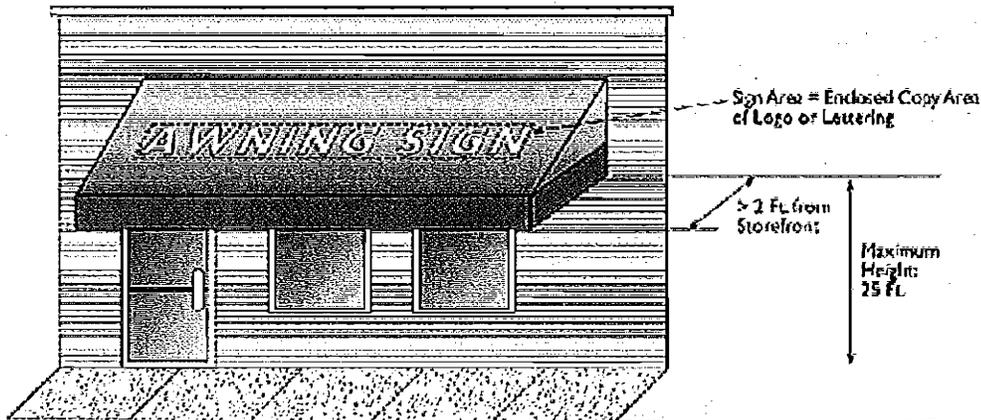
- A. **Building-Mounted Signs.** Building-mounted signs consist of wall signs, awning and canopy signs, projecting signs, and marquee signs. There is no limit on the maximum number of building mounted signs, provided that the total size of all such signs does not exceed the total maximum signage area permitted for all signs in the zoning district where the sign is located, established by Sections 17.68.050 and 17.68.060.

FIGURE 17.25-j: BUILDING-MOUNTED SIGN TYPES



1. **Awning and Canopy Signs.** Signs painted on awnings, canopies, arcades, or similar attachments or structures. Sign area for awning and canopy signs is calculated as the area within a single continuous enclosure around only the copy area of the lettering or logo of the sign. Awning and canopy signs are also subject to the specific zoning district standards in 17.68.050 and 17.68.060.
 - a. **Maximum Height.** 25 feet above a sidewalk or public right-of-way.
 - b. **Marquee Signs.** A sign permanently affixed to a marquee is allowed in conjunction with theaters, museums, galleries, and similar uses. Removable copy may be changed on the face of permitted marquee signs without securing a sign permit. Marquee signs are subject to the specific zoning district standards in 17.68.050 and 17.68.060.
 - c. **Maximum Height.** Marquee signs may not project above the marquee face.

FIGURE 17.25-K: AWNING AND CANOPY SIGNS



2. **Projecting Signs.** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall. Projecting signs are subject to the specific zoning district standards in 17.68.080.
- a. **Minimum Height.** 8 feet above a sidewalk or other public right-of-way.
 - b. **Maximum Height.** 20 ft. above a sidewalk or other public right-of-way, but not above an eave or roof.

FIGURE 17.25-L: PROJECTING SIGNS



Projecting Under Awning Sign

3. **Wall Surface Signs** (“Wall” Signs). Wall surface signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a false or mansard roof. Wall signs are subject to the standards in Table 17.68 – C. No wall surface sign may cover wholly or partially any required wall opening. Wall signs are also subject to the specific zoning district standards in 17.68.050 and 17.68.060.

TABLE 17.68 – C: WALL SURFACE SIGN STANDARDS	
Minimum Horizontal and Vertical Separation Between Signs	3 ft.
Maximum Projection from Surface of Building	12 in
Minimum Vertical Separation Between Sign and Roof Line	1 ft. (8 inches on a fascia or mansard roof)
Maximum Height	20 ft. above a sidewalk or Above public right-of-way.

- B. **Freestanding Signs.** Freestanding signs consist of signs not attached to a building or structure, including monument signs and pole signs. Freestanding signs shall not interfere with safety sight angles on corners and at driveways. No more than one freestanding sign is allowed on a site.

1. **Monument Signs.** Freestanding signs erected on the ground or on a monument base designed as an architectural unit. Monument signs are also subject to the specific zoning district standards in 17.68.050 and 17.68.060.

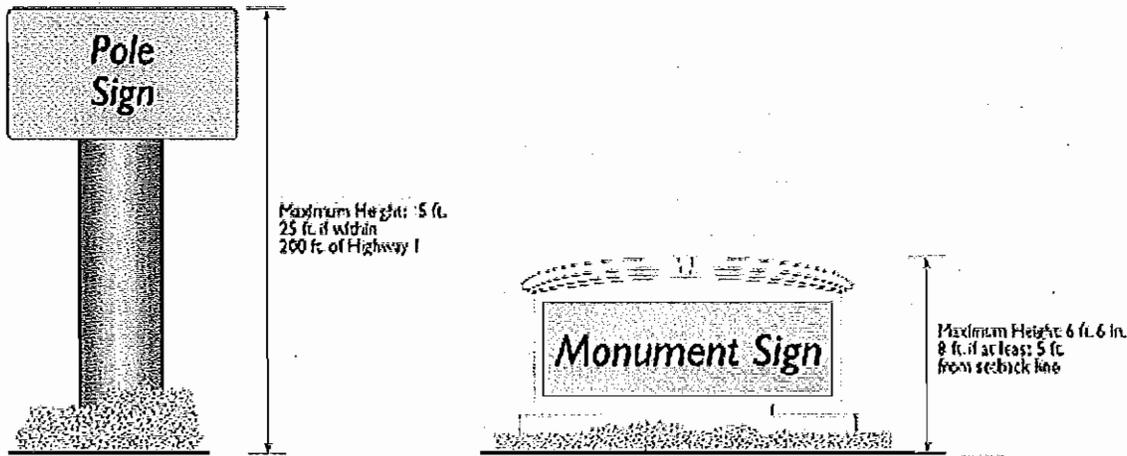
- a. Maximum Height. six feet six inches. eight feet if setback a minimum of five feet from property line.
- b. Minimum Setbacks – C1 and C2, CVS, and MCR Districts. one foot from setback line.
- c. Landscaping. Signs higher than six feet six inches shall be placed in a landscaped planter or berm. As a condition of any sign permit for a monument sign, additional landscaping of the site may be required to better integrate sign appearance with the site.

2. **Pole Signs.**

- a. Landscaping. Pole signs shall be placed within a landscaped planter with at least 28 square feet of planting area. As a condition of any sign permit for a pole sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.
- b. Design. Such signs and their supporting elements shall be designed so as to be harmonious with any building or structures on the site, including architectural style, colors and scale.
- c. Maximum Height. 15 feet; 25 feet within 200 feet of Highway 1, subject to approval of a conditional use permit.
- d. Other Requirements. Pole signs are subject to the specific zoning district standards in 17.6.050 and 17.68.060.

3. **Temporary Sidewalk Signs.** Signs not permanently attached to the ground or any other permanent supporting structure, such as “A-frame” or sandwich type sign, and sidewalk or curb signs. Temporary sidewalk signs shall not impede safe pedestrian circulation. Temporary sidewalk signs are subject to the specific zoning district standards in 17.68.050 and

FIGURE 17.25-M: FREESTANDING SIGN TYPES



17.68.060. C. Other Sign Types.

1. **Display Structures.** Display structures for pedestrian viewing, as defined in this Chapter, are permitted in any commercial district. Such display structures must comply with building setback requirements, and shall be illuminated only by indirect light or diffused light. The maximum sign area is 50 percent of the maximum building mounted sign area allowance for the building and frontage with which they are associated.
2. **Special Private Event Displays and Grand Opening Signs.** Temporary signs and wind signs may be erected on the premises of an establishment having a grand opening or special event provided that such signs shall be displayed for a period not to exceed thirty calendar days previous to such event. These signs shall be removed within seven days after the event, and such signs may be used for not more than two periods each calendar year for any property or business.
3. **Directional and Community Promotional Display Programs.** Directional and community promotion sign programs advertising, directing or informing pedestrian of business service or community events and services not related to or located on the site shall be permitted on private property in C districts, and on public land with the granting of an encroachment permit.
4. **Civic Event Signs.** Temporary signs announcing a campaign drive or event of a civic, public, quasi-public, philanthropic, educational or religious organization.
 - a. Maximum Sign Area. 32 square feet.
 - b. Maximum Time Period. 30 days. Such signs shall be removed within 15 days after the event.

5. **Attraction Boards for Hotels, Motels and Bed and Breakfast Establishments.** An attached or detached attraction board, not to exceed five square feet in sign area, is allowed, provided it is included within the calculation of the maximum allowable sign area for a hotel, motel, or bed and breakfast establishment.

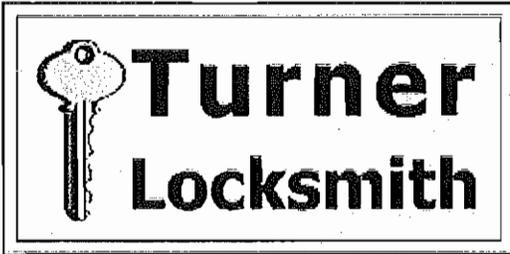
17.68.080 General Design Principles

The following principles are general criteria that should be considered in the design of all signs. Creative design is strongly encouraged, and signs should make a positive contribution to the aesthetic appearance of the street or commercial area where they are located. These principles will be used in reviewing and approving proposed signs and Master Sign Programs (see Section 17.68.100).

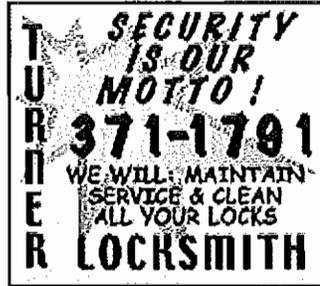
- A. **Visibility.** A sign shall be conspicuous and readily distinguished from its surroundings.
- B. **Legibility.** The size and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.
- C. **Readability.** A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign. Excessive use of large areas of several colors can create competition for the eye and significantly reduce readability.

FIGURE 17.25-N: VISIBILITY AND LEGIBILITY

This:



Not This:



This:



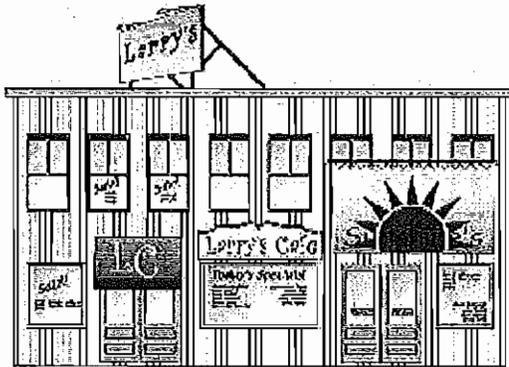
Not This:



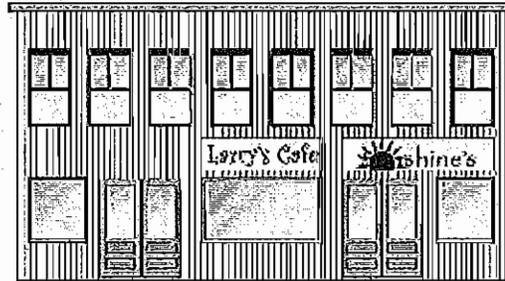
D. **Architectural Compatibility.** A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture, and shall be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign which covers a window, or which spills over "natural" boundaries or architectural features and obliterates parts of upper floor of buildings is detrimental to visual order and may not be permitted.

E. **Consistency with Area Character.** A sign should be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where signs are located in close proximity with a residential area, the sign should be designed and located so they have little or no impact on adjacent residential neighborhoods.

FIGURE 17.25-O: ARCHITECTURAL COMPATIBILITY



These signs block building's elements and create a chaotic image.



These signs complement the building's form and create a more orderly appearance.

17.68.090 Zoning Clearance or Sign Permit Required

- A. **Authority.** No sign, other than an exempt sign, shall be erected or altered, without first obtaining a zoning clearance or sign permit from the Director. The Director may attach reasonable conditions on the approval of the sign permit to help ensure compliance with this Chapter. These conditions may require the removal, modification or relocation of existing signs where the proposed sign(s) would be located on sites where existing signs are nonconforming.
- B. **Application Requirements.** Applications for a sign permit shall be made in writing upon forms furnished by the Director, accompanied by the required fee and plans drawn to scale and with all of the following information. Where the scale and scope of the sign proposal so warrants, the Director may waive some of the informational requirements listed below, provided all information necessary for adequate review of the proposal is submitted.
1. The proposed design, dimensions, copy, color, lighting methods and location of the sign on the site, including the dimensions of the sign's supporting members, and details of all connections, guy lines, supports and footings, and materials to be used.
 2. The maximum and minimum height of the sign.
 3. The location of off-street parking facilities, including entries and exits where directional signs are proposed.
 4. The size and dimension of all signs existing on the site.
 5. The location and horizontal frontage of any building(s) on the property, both existing and

proposed.

6. Any other information deemed necessary by the Director.

C. Required Findings. In approving a sign permit, the Director must find that:

1. The size, shape, color, materials, design and location of the sign conforms to the design principles and standards of this Chapter.
2. Signs on all proposed buildings or new additions to existing buildings are designed as an integral part of the total building design.
3. The location of the proposed sign and the design of its visual elements (lettering, words, figures, colors, decorative motifs, spacing and proportions) are legible under normal viewing conditions that prevail where the sign is to be installed.
4. Review of signs at city entryways as defined in the Scenic Highway Element of the General Plan shall also be subject to the following provisions:
 - a. Sign area, height and location of signs shall be designed so as not to interfere with view corridors as defined and specified in the General Plan/Local Coastal Plan.
 - b. Freestanding signs shall not exceed eight feet in height except within two hundred feet of Highway 1 or Highway 41. Where feasible, all freestanding signs within or along city entryways shall be placed within a landscaped planter.

17.68.100 Master Sign Program

- A. **Applicability.** Any site having four or more non-residential occupants shall submit a master sign program to be reviewed and approved by the decision-making authority for the use (e.g. the Director or the Planning Commission). Any site having three or fewer non-residential occupants may submit a master sign program to be reviewed and approved by the decision-making authority. Additionally, projects involving construction or renovation of more than 25,000 square feet of space in the commercial and mixed use districts shall submit a master sign program which must be approved prior to issuance of any occupancy permit.
- B. **Application Requirements.** Applications for approval of a master sign program shall be submitted to the Director and shall include the following:
 1. **Master Sign Program.** A Master Sign Program, drawn to scale, delineating the site proposed to be included within the signing program and the general location of all signs.

2. Drawings and Sketches. Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, directory signs, ground signs or projecting signs are proposed.
 3. Statement for Modifications. A statement of the reasons for any requested modifications to the regulations or standards of this Chapter.
 4. Sign Standards. A written program specifying sign standards, including color, size, construction details, placement, and necessity for City review for distribution to future tenants.
- C. Allowable Modifications. A Master Sign Program may provide for additional sign area and other deviations from the standards of this Chapter, provided that the Master Sign Program is consistent with the provisions of Sections 17.68.040 and 17.68.080.
- D. Required Findings. In approving a Master Sign Program, the decision-making authority shall find that all of the following are met:
1. The proposed signs are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site;
 2. Future tenants will be provided adequate opportunities to construct, erect or maintain a sign for identification; and
 3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
- E. Conditions of Approval. The Planning Commission may attach any reasonable conditions necessary to carry out the intent of the Master Sign Program requirement, while still permitting each sign user opportunities for effective identification and communication.
- F. Administrative Approval of Signs Consistent with Master Sign Program. Following approval of a Master Sign Program, the Director is authorized to issue building permits or other permits, as deemed necessary, to install signs that conform to an approved Master Sign Program. Minor modifications of individual sign area may be approved, provided the maximum allowed by an approved Master Sign Program is not exceeded.

17.68.110 Maintenance, Abandonment and Removal

- A. **Maintenance.** Every sign, including those signs for which no permit is required, together with all supports braces, guys and anchors shall be maintained in a safe, presentable and good structural condition at all times. The display surfaces of all signs shall be kept neatly painted, posted or

otherwise maintained at all times. The owner of property on which the sign is located shall be responsible for the condition of the area in the vicinity of the sign, and shall be required to keep this area clear, sanitary and free from noxious or offensive substances, rubbish and flammable waste materials.

B. **Abandonment.** The following signs shall be presumed to be abandoned:

1. **Located on Property.** Any sign which is located on property that becomes vacant and is unoccupied for a period of three months or longer.
2. **Unrelated to Property.** Any sign which was erected for an occupant or business unrelated to the present occupant or business, except existing, nonconforming outdoor off-site freestanding signs.
3. **Time, Event or Purpose Sign.** Any sign which pertains to a time, event or purpose which no longer exists.
4. **Temporarily Suspended Business.** Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more.

C. **Removal.** Abandoned signs are found to be a public nuisance due to their misleading and distracting nature and due to their contributing to visual blight, detrimental to surrounding areas and the community generally. An abandoned sign is prohibited and shall be removed by the property owner.

17.68.120 Provisions for Nonconforming and Illegal Signs

A. **Existing Non-conforming Signs.** Signs existing at the time of adoption of this Title, that do not comply with the provisions of this Chapter but that were legally erected pursuant to applicable state and city ordinances in effect at the time of construction, shall be regarded as nonconforming signs, subject to the following:

1. **Use Change.** Whenever the type of business or use with which a nonconforming sign is associated changes, the nonconforming sign associated with business shall be removed or otherwise made to conform to the provisions of this Chapter.
2. **Limited Expansion.** A nonconforming sign may not be expanded, extended, reconstructed, or altered in any way in its location or orientation to enable it to be read or viewed from a different direction than its original position. Except in the following cases:
 - a. Such sign may be removed for purposes of repair and routine maintenance, including painting, provided such sign is replaced within 60 days of its removal;
 - b. Changes in sign face, copy, graphic design or color are permitted.

- c. Such sign may be removed for the purpose of remodeling a building provided replacement occurs within 30 days after remodeling is completed.
- d. If change in ownership of the business occurs, without any change to the type of business advertised by a nonconforming sign, the new owner may change any name or names on such sign provided that there is no change in the sign size, configuration or orientation.

3. Other Requirements. Nonconforming signs are also subject to the provisions of Chapter 17.68: Nonconforming Uses and Structures.

B. **Illegal Signs.** Whenever a sign is found to be erected or maintained in violation of any provision of this Chapter, this Title, or any other Federal, State, or local law, and such sign is not a nonconforming sign (e.g. it was a legal sign under the sign regulations in effect prior to adoption of the ordinance codified in this Chapter), the Director shall order that such sign be altered, repaired, reconstructed, demolished or removed, as may be appropriate, to abate such condition or the Director may initiate proceedings to abate the sign as a public nuisance under the provisions of the Business and Professional Code (Sections 5499.1 to 5499.16). Any work required to be done shall be completed within ten days of the date of such order, unless otherwise specified in writing.

17.68.130 Appeals of Sign Permits

17.68.130.A Rights of Appeal

A. **Persons Who May Appeal:** Except as provided for elsewhere in this Title, appeals may be made by the following persons, in the following instances:

1. **Local Appeals.** Appeals to the Planning Commission or City Council may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Title.

B. **Final Decision Required.** Unless otherwise specified by Federal or State law, an appeal must be brought and a final decision rendered by the hearing body before the matter may be appealed to a court of law.

17.68.130.B Time Limits

Unless otherwise specified in State or Federal law, all appeals shall be filed within 10 days of the date of action.,

17.36.040 Local Appeals

- A. **Proceedings Stayed by Appeal.** The timely filing of an appeal shall stay all proceedings in the matter appealed, including, but not limited to, the issuance of City building permits and business licenses.
- B. **Appeals of Director Decisions.** A decision of the Director on any application may be appealed to the Planning Commission by filing a written appeal with the Planning Department. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal.
- C. **Appeals of Planning Commission Decisions.** Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal with the City Clerk. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal.
- D. **Transmission of Record.** The Director, or in the case of appeals to the City Council, the City Clerk, shall schedule the appeal for consideration by the authorized appellate body within 60 days of the date the appeal was filed. The Director shall forward the appeal, the Notice of Action, and all other documents that constitute the record to the appellate body. The Director also shall prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.
- E. **Appellate Body Action.** The appellate body shall review the appeal, the administrative record, and any written correspondence submitted after the appeal has been filed, and may take one of the following actions:
1. Conduct a public hearing and decide on the action; or
 2. Remand the matter to the decision-making body or official to cure a deficiency in the record or the proceedings.
- F. **No "De Novo" Review.** At an appeal or review, the appellate body shall consider only the same application, plans, and related project materials that were the subject of the original decision.
- G. **Appellate Body Decision.** The appellate body shall render its decision within 60 days of the date the hearing is closed unless State law requires a shorter deadline. An action to grant an appeal shall require a majority vote of the appellate body members. A tie vote shall have the effect of rejecting the appeal.
- H. **Standards of Review.** When reviewing any decision on appeal, the appellate body shall use the same standards for decision-making required for the original decision. The appellate body may adopt the same decision and findings as were originally approved.

17.12 Definitions

Abandoned Sign. A sign that no longer applies to a business space, building, or site, due to lack of a valid business license, change of business name, or for any other reason that renders the sign not applicable to the premises involved.

Attraction board means a device used to display information regarding conveniences, services and rates currently offered by facilities providing temporary accommodation.

Banners. A temporary sign of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame, and which is suspended, mounted, or attached to buildings or poles at two ends or continuously across its longest side so as to allow movements of the sign by atmospheric conditions.

Bench sign means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Billboard means the same as outdoor off-site freestanding sign.

Building Mounted Sign. Any sign mounted or erected on or against any building or façade and includes all walls signs, awning and canopy signs and projecting signs.

Business Sign. Any interior or exterior sign which is intended to identify the name or portions of the business name and which is viewable from any exterior area open to the public.

Canopy shall refer to an ornamental roof like structure upon which a sign may be attached or otherwise affixed which is usually located over gasoline pumps.

Changeable copy sign means a sign designed so that characters, letters or illustrations can be changed or rearranged without substantially altering the face or the surface of the sign.

Construction Sign. A sign displayed by a contractor, subcontractor, or architect on a project site whenever a building permit has been issued for construction, alteration, or repair of a structure and when work is in progress on site pursuant to such permit.

Directory Sign. A collection of signs which list names of individual businesses located in a single building, courtyard, or property. Directories are located on private property at one or more entrance(s) facing or near the public right of way.

Freestanding sign means any sign which is supported by one or more uprights, poles or braces in or upon the ground which are not a part of any building or enclosed within the exterior walls of any building, and are separated there from by a distance of a least six inches.

Frontage constitutes, for purposes of computing allowable sign area, the linear measurement in feet of

the property line directly fronting on a public street, or other public right-of-way to which such sign is oriented, excluding California State Highway One

Height of a sign means the greatest vertical distance measured from the ground level directly beneath the sign to the top of the sign or from the nearest property line fronting on a public street, whichever is lower.

Illuminated Sign. A sign which radiates light from any internal source or is backlit and is visible from any public right-of-way or from any area open to the public.

Marquee Sign. A projecting sign that is part of a permanent entryway or canopy and traditionally associated with theaters. A marquee may include a projecting vertical sign extending above the cornice line of a building.

Master Sign Plan. A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.

Monument Sign. A freestanding sign not erected on one or more poles or similar structures but erected to rest on the ground or to rest on a monument base designed as an architectural unit.

Nonconforming Sign. Any sign that existed prior to a change in the municipal code that prohibits such signs or any sign installed without approval from the City that requires approval by the City.

Open House Sign. An open house sign advertises that a house is open for view as part of the sale or exchange of the property.

Outdoor-off-site freestanding sign means a sign placed for the purpose of advertising products or services that are not produced, stored or sold on the property or any other subject no related to the property or use of the property, upon which the sign is located.

Real Estate Sign. A sign identifying that a property is for sale, lease, exchange, or rent. The purpose of this sign is to help owners in the sale of their property by providing information on the location of the property to potential buyers without impairing the appearance of the community.

Roof Sign. Any sign erected, constructed, and maintained wholly upon or over the roof of any building.

Signs. Any object, structure, symbol, emblem, logo, or display, or any combination thereof, which is

intended to or does identify, attract attention to, advertise, or communicate information of any kind to the public. See also Chapter 17.68: Signs.

Sign Area. The entire area of a sign calculated for maximum sign area purposes, pursuant to Chapter 17.68:

Sign Face. The surface or surfaces used for the display of a sign message as seen from any one direction.

Snipe Sign. An off-site sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects.

Temporary Sign. A sign or advertising display designed or intended to be displayed for a short period of time.

Wall Sign. Any sign that is fastened, affixed, or attached to and erected parallel to a building wall.

Window sign means any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

DRAFT

ATTACHMENT 11

Planning Commission Proposed Changes

- One a-frame sign per business per frontage during business hours only.
- A-frame or feather sign to be allowed.
- Fee shall be waived until June 2012 for the A-frame signs whereby it would be set at \$40 as a onetime permit fee.
- Allow for provisions for directional pole signage as brought by Mr. Schmidt of the Chamber of Commerce to include in this ordinance.
- To include corrections of the projection signs section from 12 to 24 inches and
- Include vacation rentals under the Real Estate section.

ATTACHMENT 12



AGENDA NO: D-1
Meeting Date: 04/26/11

Council Report

TO: Mayor and City Council **DATE:** April 20, 2011
FROM: Mayor William Yates, Councilmember Carla Borchard
SUBJECT: Enforcement of Regulations Prohibiting A-Frame Signs

RECOMMENDATION:

Immediate enforcement of Morro Bay Municipal Code Section 17.68.030 prohibiting A-frame signs and rescinding the A-frame sign exception.

DISCUSSION:

A-frame signs in Morro Bay, particularly on the Embarcadero, have become a visual blight, an impediment to pedestrian traffic, and are counter to Council's on-going efforts to "clean up the waterfront."

On the Embarcadero, the City has recently painted the curbs. The plethora of *No Parking* and *Oversize Vehicle* signs have been removed. PG&E has painted the lamp posts. A new flag pole will be installed at the top of Centennial Staircase. Several business owners are working on refurbishing their signs and storefronts. The standpipes by the North T-pier are being painted (courtesy of the Coast Guard). Directional and informational signs are being re-painted. New banners will be installed by Memorial Day. A list of small details – repairs/refurbishments – is being addressed. All is geared toward giving the waterfront a new, fresh "look," the belief being our visitors will feel something special, new, and exciting is happening here and take that message home. The ultimate goal is increasing tourism, thereby increasing revenues into the City.

Attached hereto are pictures of A-frame signs throughout the City. The A-frame signs that have proliferated the City have become blight, an impediment to pedestrian traffic, and are counter to Council's on-going efforts just expressed. The presenters of this item believe the removal of all A-frame signs will further those efforts.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

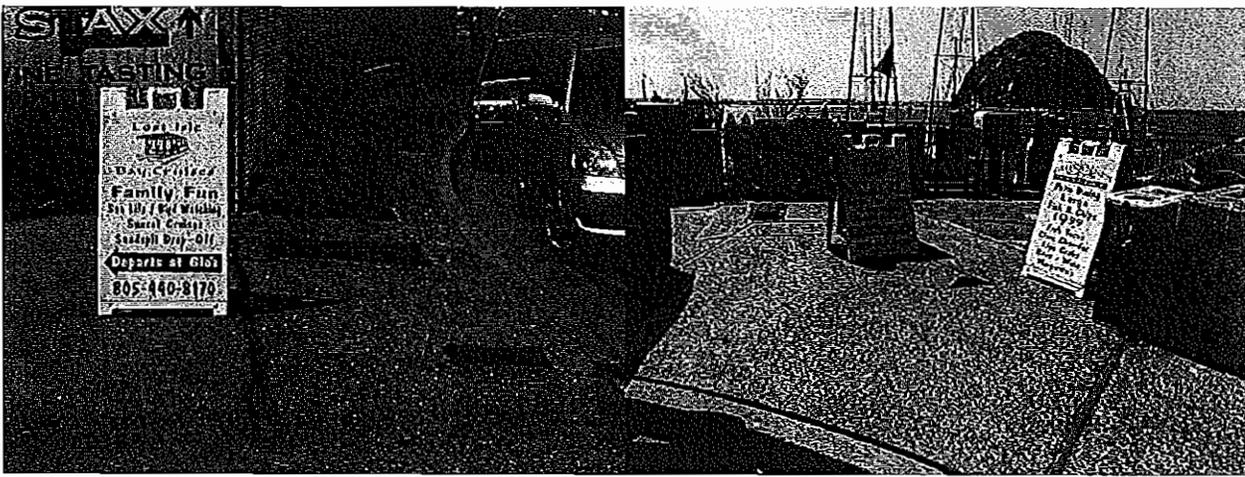
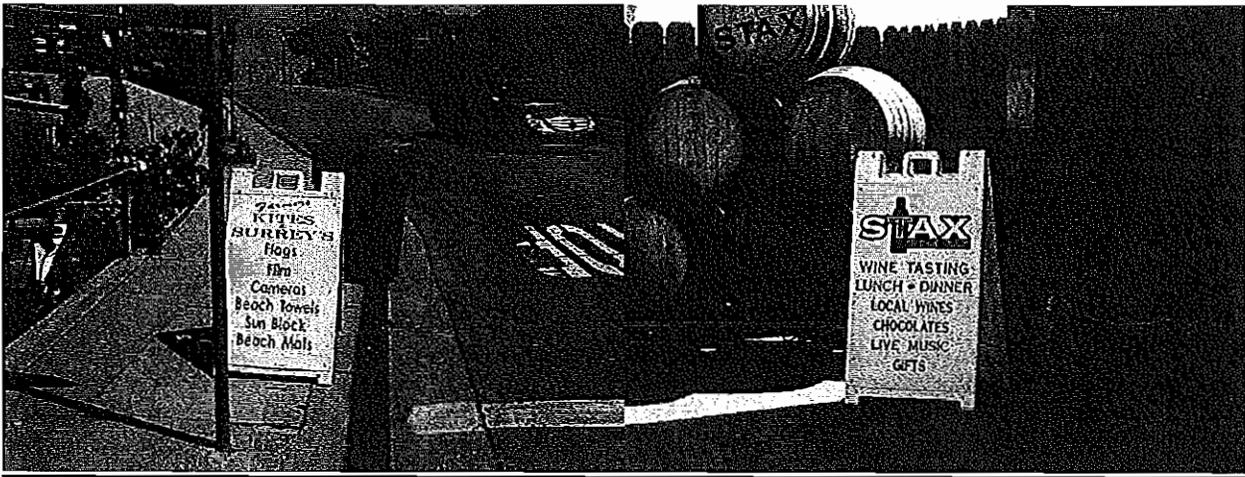
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Council Report
A-Frame Signs
Page 2 of 2

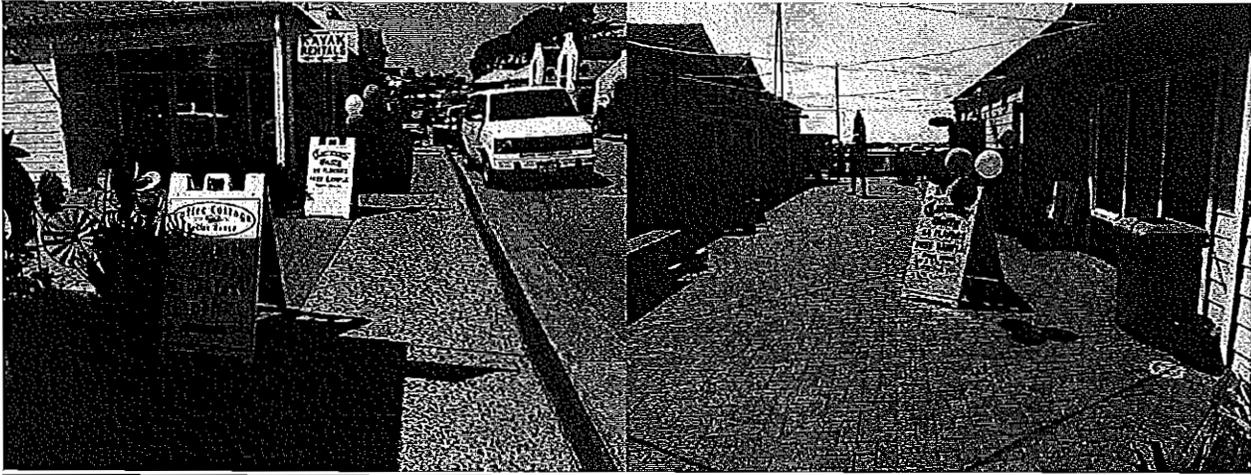
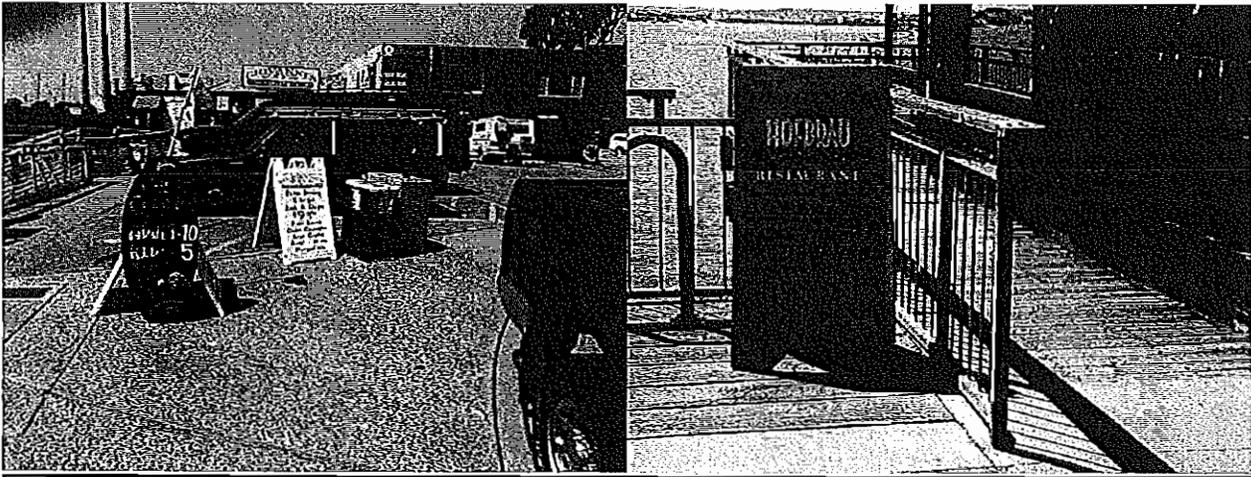
We recognize this will be controversial with business owners, but believe prohibition of the signs *is* a business friendly move. The cleaner the waterfront, downtown and North Main Street business areas are, the more welcoming they will be; it is all about bringing more visitors to our city. More visitors translate into increased business. Increased business translates into more City revenue. Furthermore, the A-frame signs have multiplied to the extent they have become an obstacle to pedestrian traffic.

The presenters of this item are proponents of allowing Pub Signs on the waterfront. These are small signs that overhang the sidewalk as shown in the attached photos. Pub signs keep the sidewalk clear while allowing businesses to promote their business. Specific regulations for pub signs will be forthcoming.

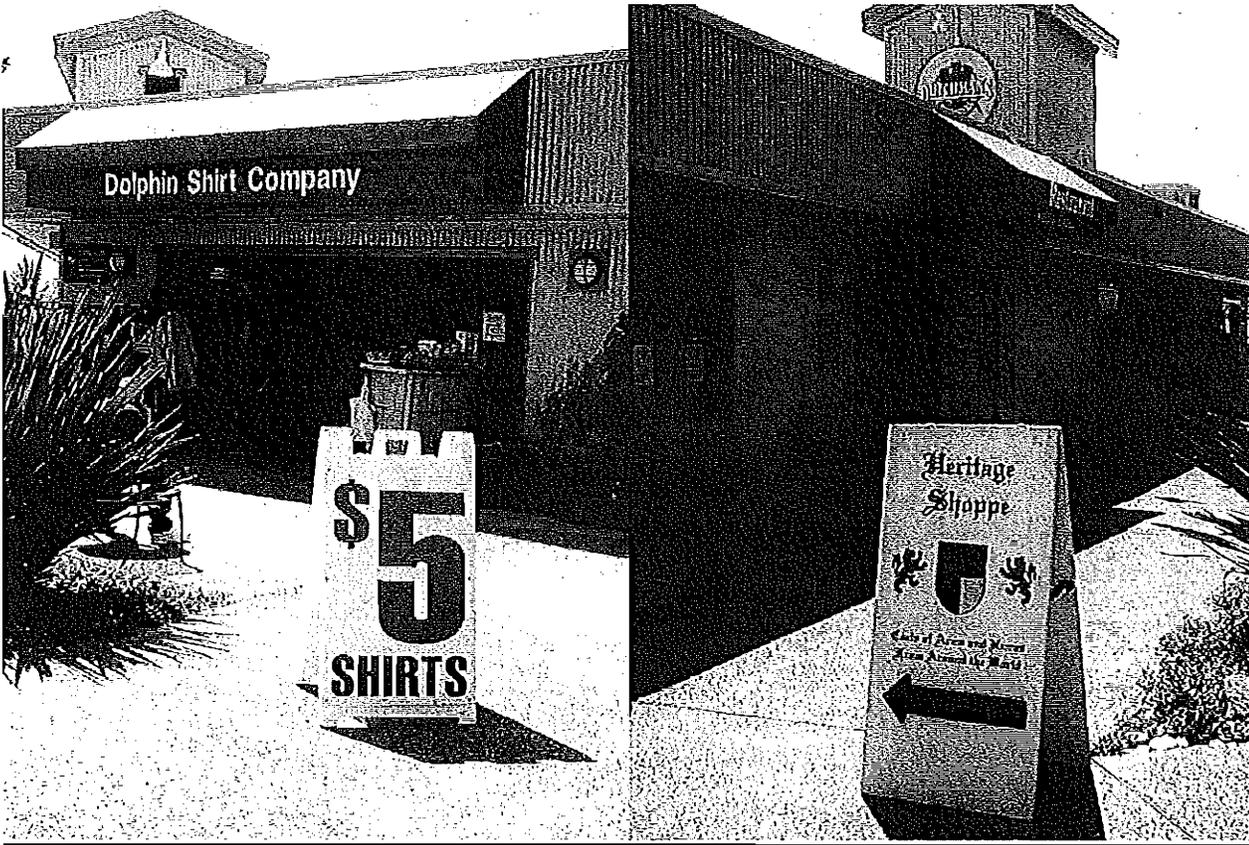
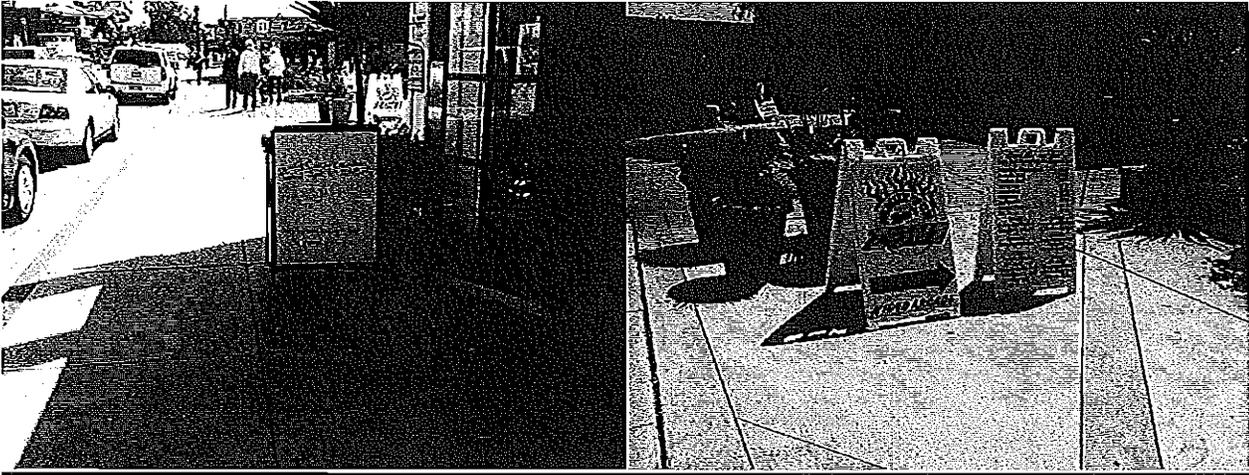
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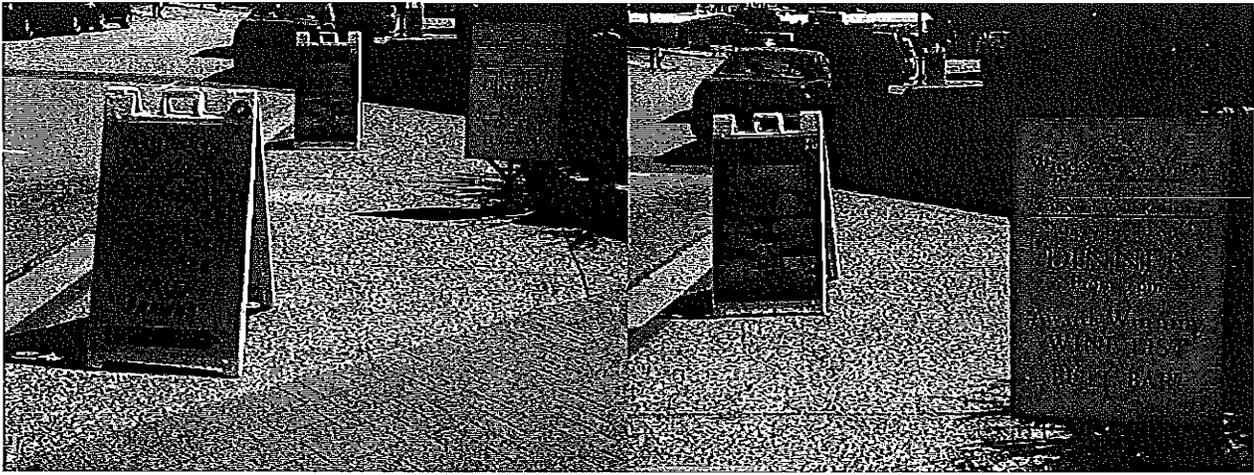
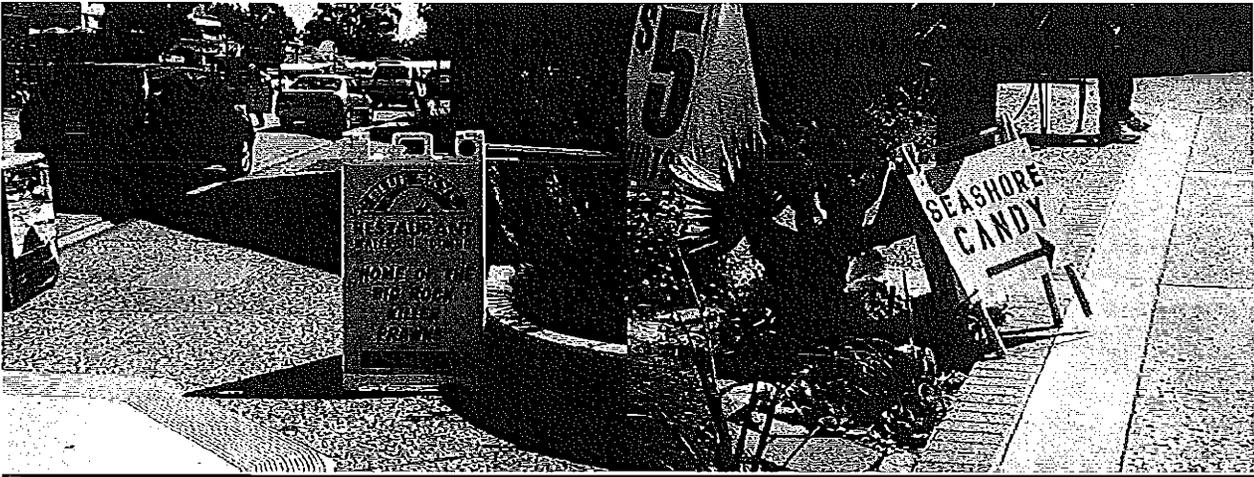
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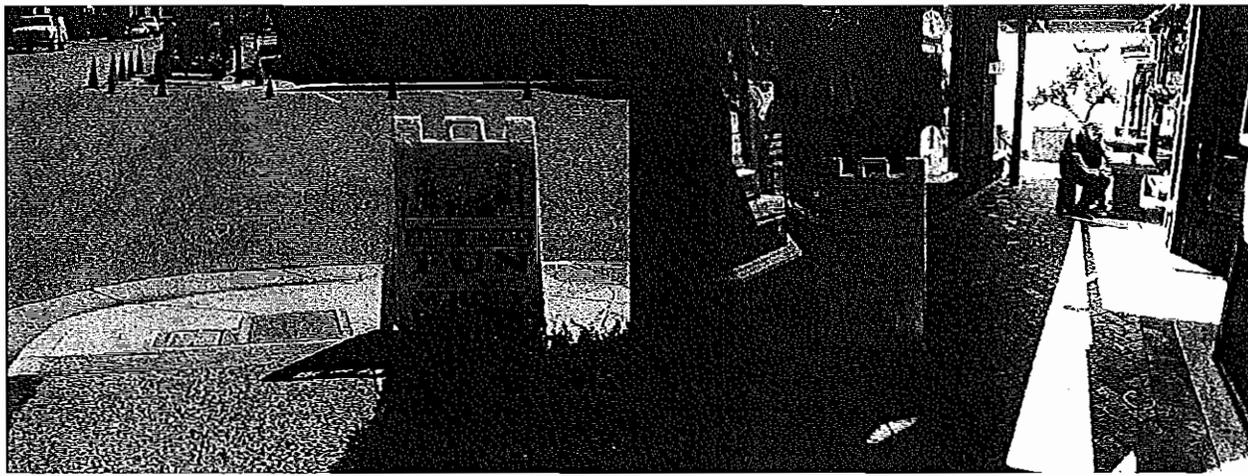
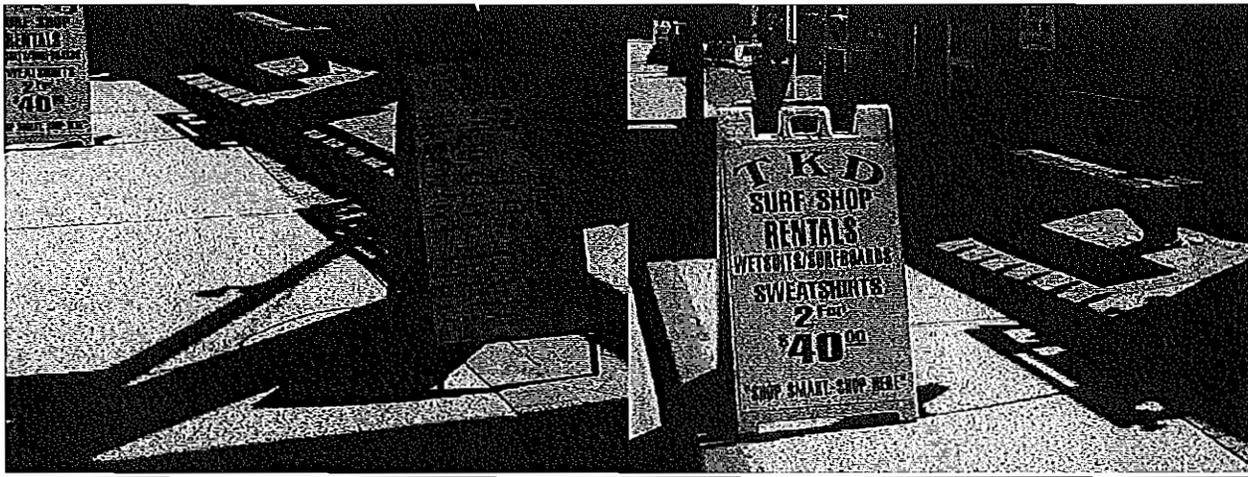
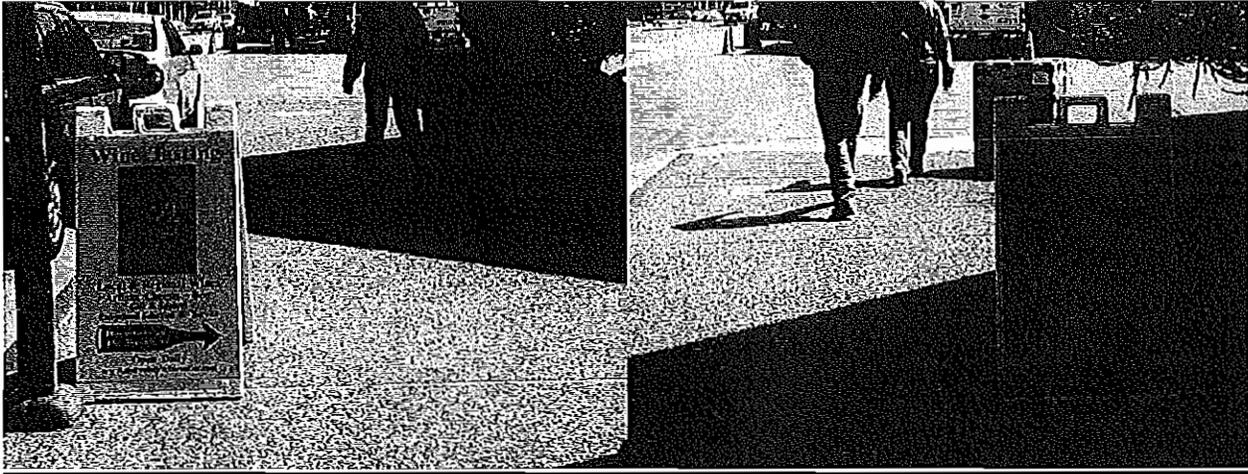
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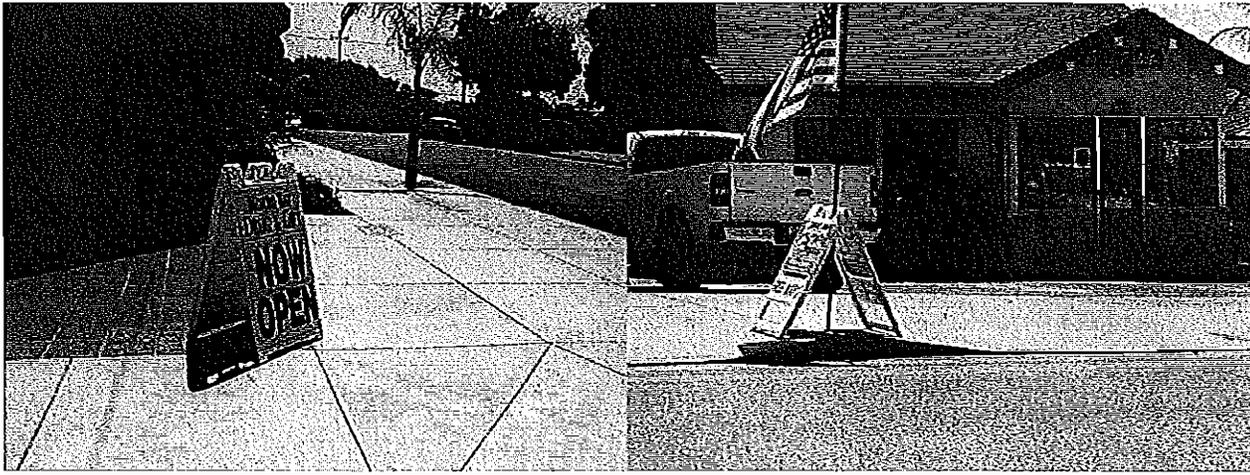
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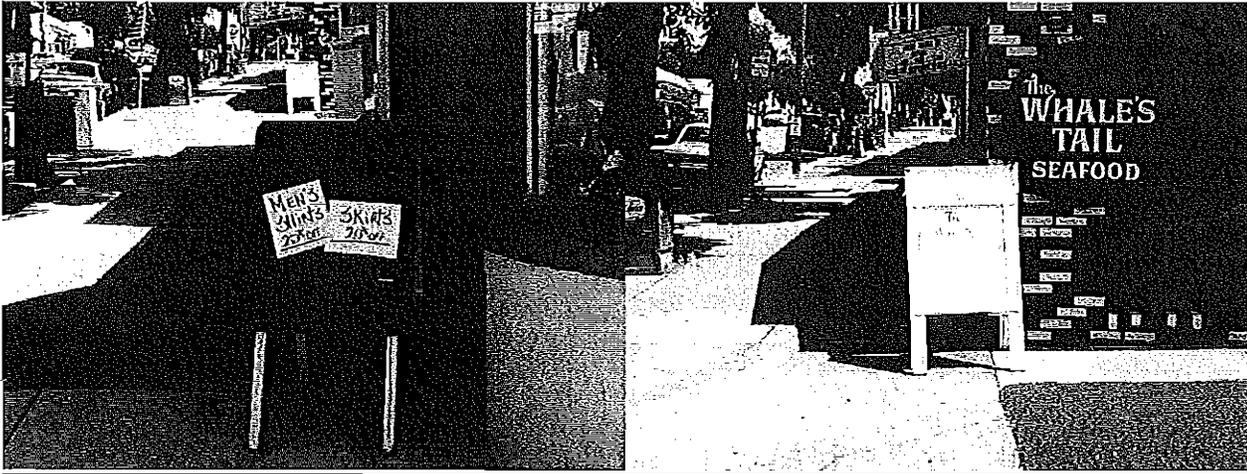
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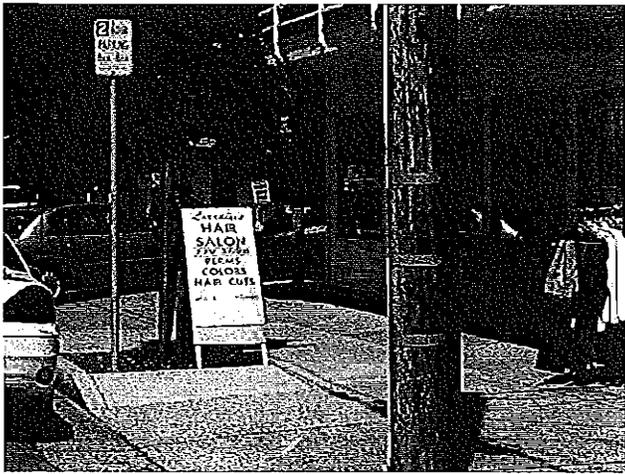
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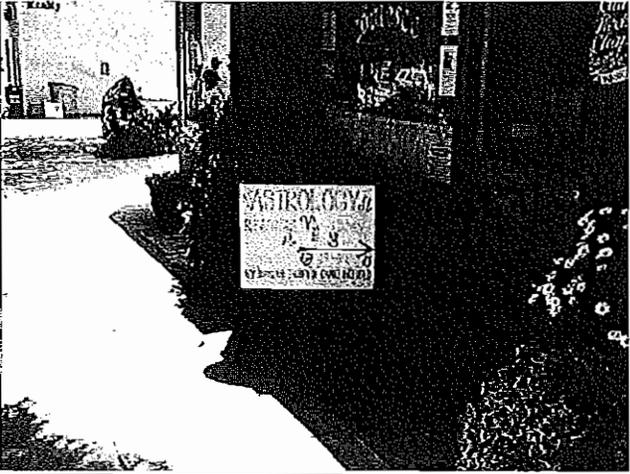
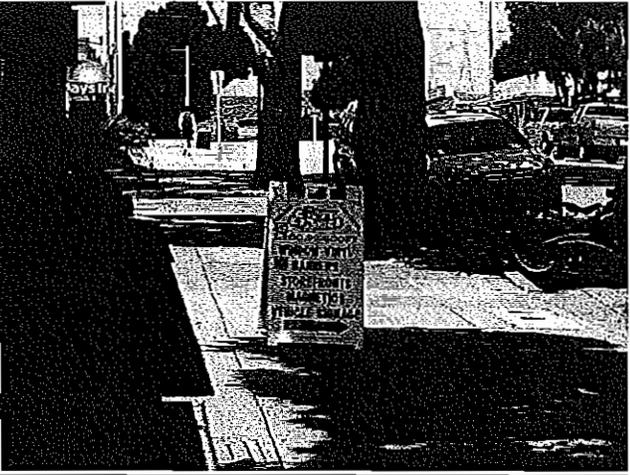
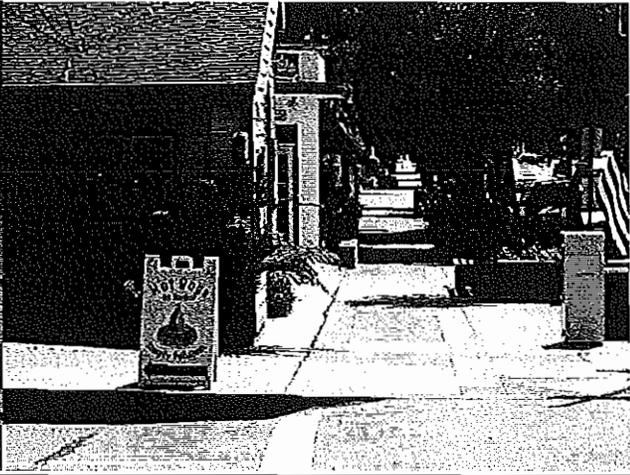
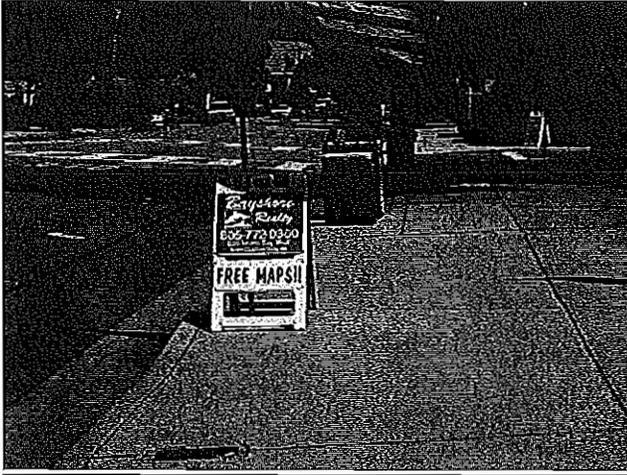
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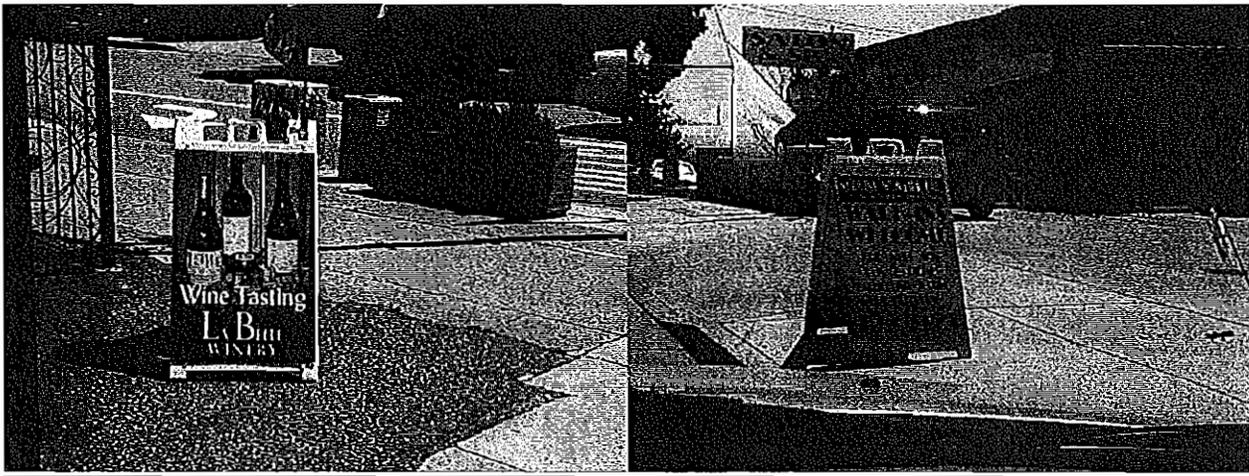
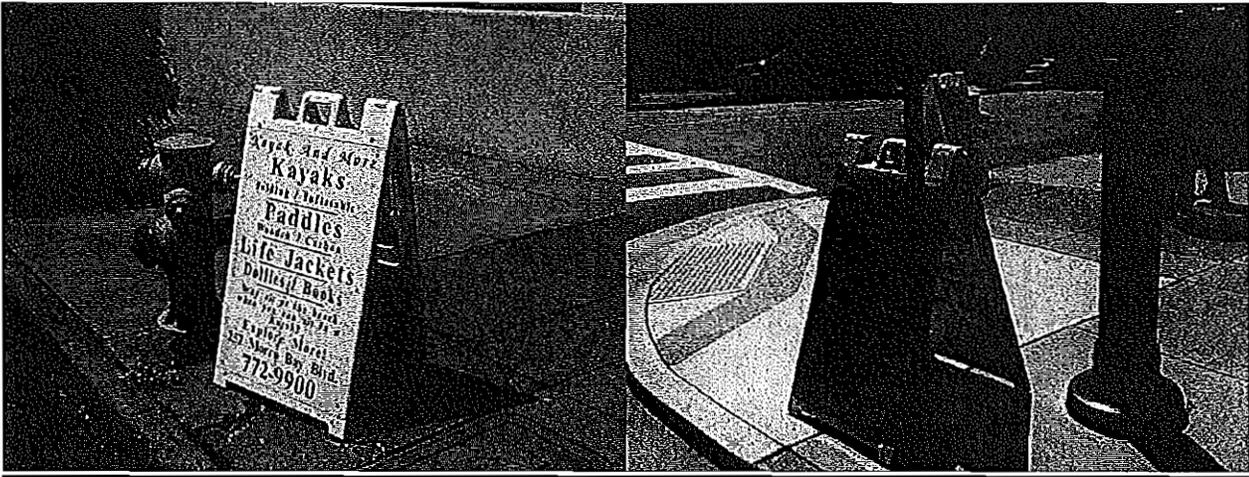
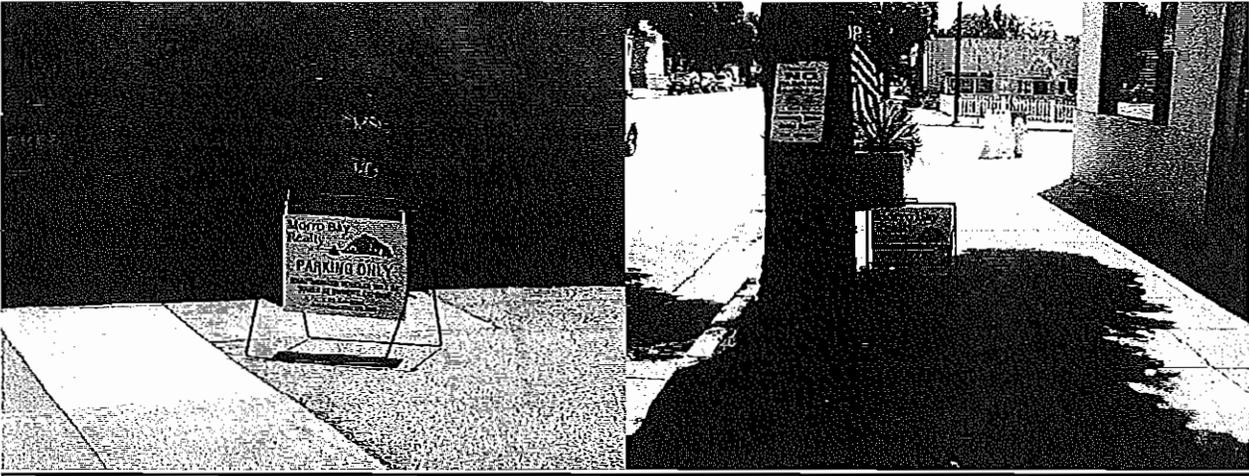
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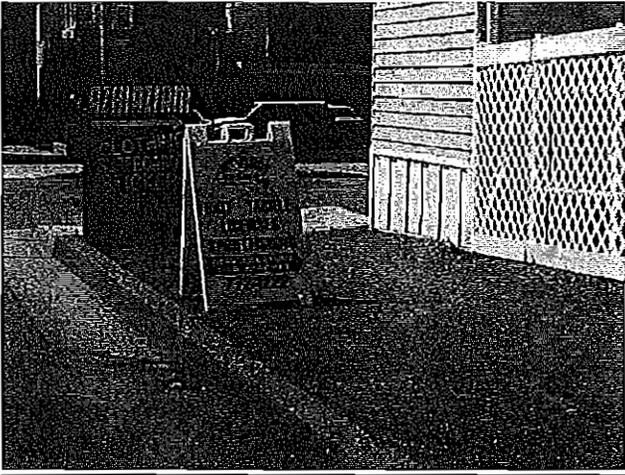


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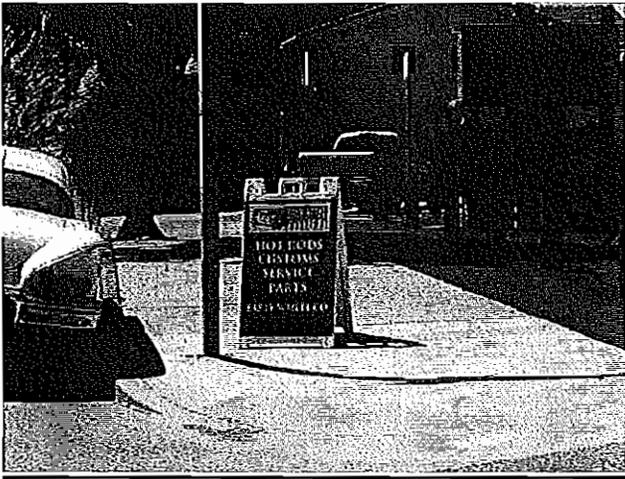


Main Street





Beach Street

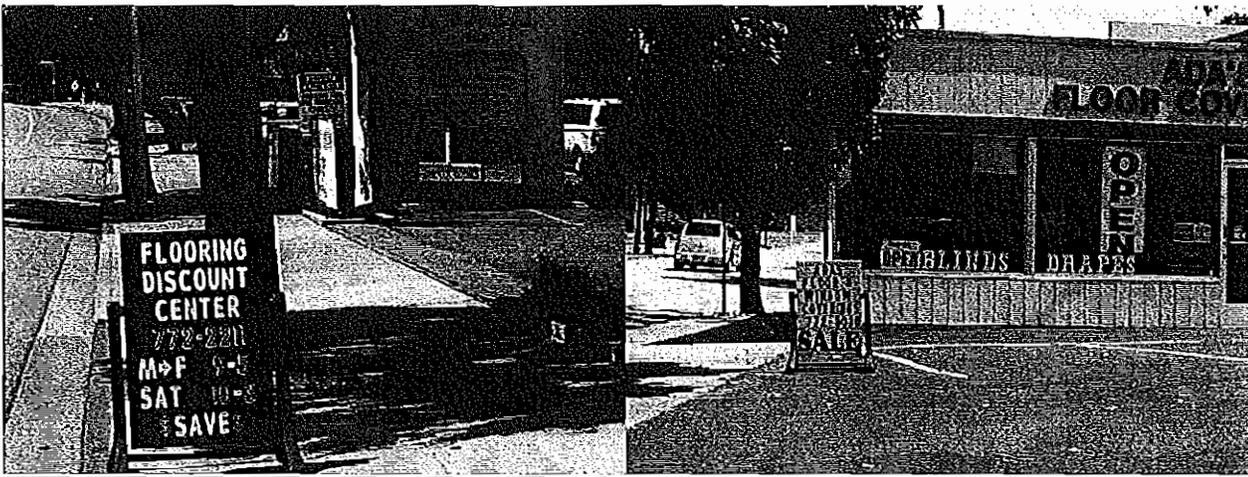


Beach Street

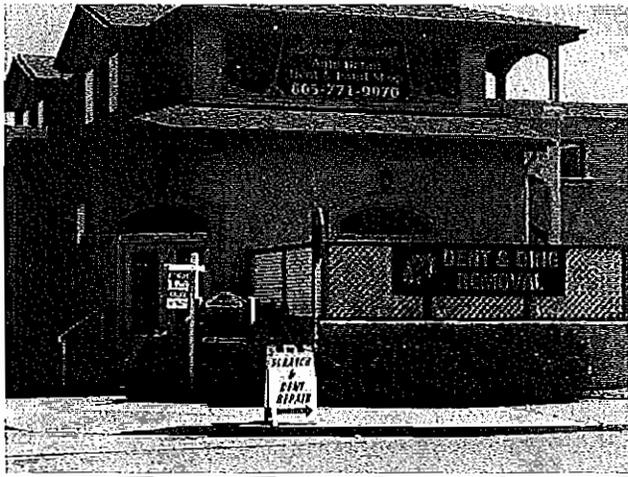
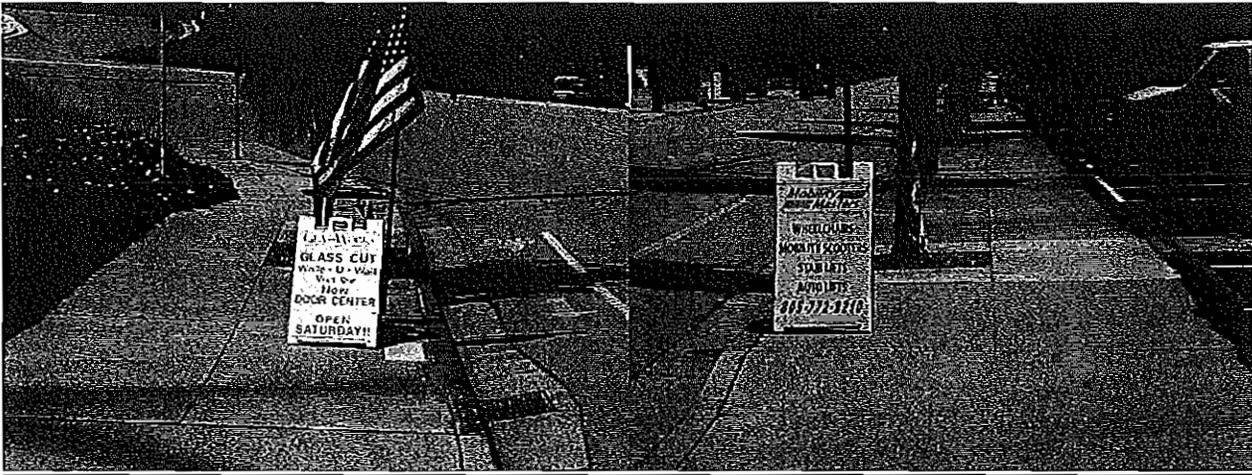


Harbor Street

Quintana Road



Quintana Road



North Main Street

