

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 – MARCH 22, 2010

**CLOSED SESSION – MARCH 22, 2010
CITY HALL CONFERENCE ROOM - 5:00 P.M.
595 HARBOR ST., MORRO BAY, CA**

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: 625 Harbor Street; Library.
Negotiating Parties: SLO County and City of Morro Bay.
Negotiations: Lease Terms and Conditions.

CS-2 GOVERNMENT CODE SECTION 54956.9(B); CONFERENCE WITH LEGAL COUNSEL DUE TO ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9 as to one (1) matter.

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

**PUBLIC SESSION – MARCH 22, 2010
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 72 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 THE MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF MARCH 8, 2010; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR FUNDING TO ADD CLASS II BIKE LANES TO NORTH MAIN STREET; (PUBLIC SERVICES)

RECOMMENDATION: Authorize the Acting Public Services Director to enter into an agreement with the California Department of Transportation for funding to receive \$480,000 of American Resource and Recovery Act funding to add Class II bike lanes to North Main Street.

A-3 STATUS REPORT ON WATER USAGE FOR FEBRUARY 2010; (PUBLIC SERVICES)

RECOMMENDATION: Receive for information and file.

A-4 PROCLAMATION DECLARING APRIL 2010 AS “MONTH OF THE CHILD” AND “CHILD ABUSE PREVENTION MONTH” AND APRIL 10, 2010 AS “DAY OF THE CHILD”; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

A-5 PROCLAMATION DECLARING APRIL AS “FAIR HOUSING MONTH”; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Proclamation.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 CONSIDERATION OF PROPOSED TRANSIT SERVICE CHANGES; (PUBLIC SERVICES)

RECOMMENDATION: Conduct a public hearing on the proposed changes in transit service for Morro Bay Dial-a-Ride and trolley, and approve said changes to be effective October 4, 2010.

B-2 DRAFT ANTENNAS AND WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE; (PUBLIC SERVICES)

RECOMMENDATION: Review the draft ordinance and direct staff accordingly.

B-3 INTRODUCTION OF AN ORDINANCE OF THE CITY OF MORRO BAY, CALIFORNIA REPEALING ORDINANCE 551 AND ENACTING AN ORDINANCE ADDING SECTION 10.76.035 TO CHAPTER 10.76 TO PROVIDE RULES AND REGULATIONS FOR THE MORRO BAY SKATE PARK REQUIRING ANY PERSON RIDING A PERMITTED COASTING DEVICE AT THE MORRO BAY SKATE PARK TO WEAR A HELMET, ELBOW PADS, AND KNEE PADS; (RECREATION & PARKS)

RECOMMENDATION: Review and amend the Morro Bay Municipal Code Chapter 10.76 to include a new Section 10.76.035 requiring any person riding a permitted coasting device at Morro Bay Skate Park to wear a helmet, elbow pads and knee pads.

C. UNFINISHED BUSINESS – NONE.

D. NEW BUSINESS

D-1 CONSIDERATION OF CONTRACT EXTENSION WITH MV TRANSPORTATION; (PUBLIC SERVICES)

RECOMMENDATION: Approve two-year extension of the current Morro Bay Dial-a-Ride and Trolley Operations and Management Agreement with MV Transportation and return to Council for final approval of negotiated compensation rates resulting from changes to transit services approved by Council.

D-2 AUTHORIZATION TO HIRE A SECOND-IN-COMMAND FOR THE POLICE DEPARTMENT; (ADMINISTRATION)

RECOMMENDATION: Authorize the City Manager to proceed with the recruitment and rehiring of the Police second-in-command position with options.

D-3 SELECTION OF TWO COUNCIL MEMBERS TO SERVE ON THE CHORRO AND MORRO VALLEY WATER RIGHTS AD-HOC COMMITTEE; (CITY ATTORNEY)

RECOMMENDATION: Appoint two Council Members to the Chorro and Morro Valley Water Rights Ad-Hoc Committee.

D-4 SCHEDULE INTERVIEW DATE TO FILL VACANCIES ON TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD AND CITIZENS' OVERSIGHT COMMITTEE; (ADMINISTRATION)

RECOMMENDATION:

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.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN A CITY MEETING, PLEASE CONTACT THE CITY CLERK'S OFFICE AT LEAST 24 HOURS PRIOR TO THE MEETING TO INSURE THAT REASONABLE ARRANGEMENTS CAN BE MADE TO PROVIDE ACCESSIBILITY TO THE MEETING.

AGENDA NO: A-1

MEETING DATE: 3/22/10

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – MARCH 8, 2010
CITY HALL CONFERENCE ROOM - 5:00 P.M.

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

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember

STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

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

Mayor Peters 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 two (2) parcels.

- Property: Chorro Valley Property.
Negotiating Parties: Chorro Valley Property Owners and City of Morro Bay.
Negotiations: Water rights.
- Property: Vacant Lot/Corner of Coral/San Jacinto.
Negotiating Parties: Paul Saint Hilaire and City of Morro Bay.
Negotiations: Voluntary Purchase and Sale.

The meeting adjourned to Closed Session at 5:00 p.m. and returned to regular session at 5:50 p.m.

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

The meeting adjourned at 5:50 p.m.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 8, 2010
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Peters called the meeting to order at 6:10 p.m.

PRESENT:	Janice Peters	Mayor
	Carla Borchard	Councilmember
	Rick Grantham	Councilmember
	Noah Smukler	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Kessler	City Clerk
	Rick Algert	Harbor Director
	Rob Livick	Acting Public Services Director
	John DeRohan	Police Chief
	Dan Doris	Building Official
	Gene Lehotsky	Associate Planner
	Tim Olivas	Police Commander
	Mike Pond	Fire Chief
	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.

Mayor Peters requested to add to the agenda an emergency Item D-2 as follows:

D-2 CONSIDERATION OF SENDING CORRESPONDENCE TO CONGRESS-
WOMAN LOIS CAPPAS REGARDING FUNDING FOR WEST COAST
GROUNDFISH CATCH SHARE MANAGEMENT PROGRAM AND KEY
ISSUES FOR LOCAL FISHING COMMUNITIES

MOTION: Councilmember Grantham moved the City Council add Item D-2 to tonight's agenda. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

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PUBLIC COMMENT

Jeff Eckles, President of Morro Bay 4th, Inc., announced a benefit would be held at Tokyo Joe's Sushi on March 23rd to help fund the 4th of July festivities. He also announced upcoming meetings and fundraisers.

Virginia Hiramatsu announced a Relay for Life event would be held on August 7th; she said there will be a meeting for those who would like to learn more on March 9th and the following Tuesday evening there will be a meeting for team captains.

D'Onna Kennedy announced her candidacy for City Council in the Primary Election that will be held on June 8th.

Gina Dorrington stated she is the Operations Manager for Perc Water at the Santa Paula Water Recycling Facility. She urged the City Council and community to take time to research the options of its Wastewater Treatment Facility. Ms. Dorrington stated she has watched the City struggle through the facility design phase and violation period and millions of dollars spent on design while incurring violations; and, fortunate enough to witness her company [Perc Water] come to Santa Paula with a unique solution and design built operate finance solution, and now they are two months away from starting up the brand new water recycling facility for the community of Santa Paula. She said she would like to present the City of Morro Bay with another alternative for its wastewater treatment.

Nate Owen stated he is the Vice-President of Construction for Perc Water and has built five facilities for Perc Water. He listed the reasons of why the City should take a second look at the direction it is heading towards, and why the City should exhaust all other options prior to making any commitments to enter into a design contract which is where the City is currently heading towards. Mr. Owen stated Perc Water is a design, build, operate firm and their buildings are aesthetically and odor pleasing; they guarantee water quality, costs, and schedule of construction.

Nancy Johnson thanked those who contributed to the Chuck Meissner Memorial Bench. She also announced her candidacy for City Council in the Primary Election that will be held on June 8th.

Joan Solu announced the Del Mar Elementary School Art Auction and Barbeque will be held on March 24th

Jamie Irons announced there will be a volunteer trail clean-up at Morro Bay State Park on March 14th.

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Mayor Peters closed the hearing for public comment.

Mayor Peters called for a break at 6:58 p.m.; the meeting resumed at 7:08 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 FEBRUARY 22, 2010; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

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

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 in June 2005, staff recommended the City Council enact an interim urgency ordinance imposing a moratorium on medical marijuana dispensaries until staff had an opportunity to propose regulations. The interim urgency ordinance was not adopted by Council and staff was directed to allow medical marijuana dispensaries pursuant to our current municipal code. Pursuant to Council direction, medical marijuana dispensaries were allowed in the City of Morro Bay in the C-1 District by obtaining a business license and with a minor use permit in the MCR District under the category of “drugs”. Based upon Council’s action, in 2006, the City approved a medical marijuana dispensary at 780 Monterey Street. This location was in the General Commercial zoning district. Staff issued a business license since the sale of drugs (in this case medical marijuana) was an allowable use in the General Commercial zoning district. In 2007, an application was received for the establishment of a Medical Marijuana Dispensary at 2840 Main Street. This location is in the Mixed Commercial/Residential zoning district, so a minor use permit was required. Staff issued a minor use permit since the sale of drugs (in this case medical marijuana) was an allowable use in the Mixed Commercial/Residential zoning district. The minor use permit was appealed to the

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Planning Commission. While the appeal was pending, the City Council declared a moratorium on medical marijuana dispensaries. In 2008, after reviewing the current status of federal and state law and the associated risks and possible consequences of establishing an ordinance allowing medical marijuana dispensaries, the City Council instructed the City Attorney to prepare an ordinance that would eliminate the possibility of storefront medical marijuana sales in the City. Pursuant to Council's direction, Ordinance No 547 was enacted in 2009. However, Ordinance 547 had a sunset provision and expired in October 2009. During discussions on Ordinance 547, the City Council expressed interest in considering an ordinance that would establish provisions for locating and regulating medical marijuana dispensaries (MMDs) within the City of Morro Bay. The City's Attorney's Office has developed a possible approach to locating and regulating MMDs which entails specifying the zoning districts in which MMDs may be established and developing regulations governing the procedures to be followed in applying for, permitting, revoking and renewing a license required to operate an MMD. The draft ordinance is based upon the City Attorney Office's review of both adopted and draft ordinances of several jurisdictions that allow MMDs or are considering allowing MMDs. It represents a comprehensive examination of potential impacts and sets forth detailed requirements for the operators of an MMD. The City Attorney's office has attempted to draft an ordinance that suits the scale of Morro Bay by providing the possibility of a single medical marijuana dispensary under specific circumstances. The use of the license process will allow greater control by the City should the dispensary be found to be a nuisance. Mr. Schultz recommended the City Council review the staff Report and draft Regulations and Procedures entitled "Medical Marijuana Collectives and Cooperatives", and direct staff to return with this item for Introduction and First Reading with any changes suggested by Council.

Mayor Peters opened the hearing for public comment.

The following people spoke in support of medical marijuana dispensaries being approved to be located in the City of Morro Bay: Rich Donald, Warren Sarvis, Linda Hill, John Gay, Austin Connella, Bryce Prunte, Kent Connella, Adam Vincent and Allie Brown.

The following people expressed opposition to medical marijuana dispensaries being allowed in the City of Morro Bay: Jack Barrett, Jim Ross, Arby Kitzman, Barry Brannon, and Andrew Wilkie.

Gary Christianson stated he doesn't have an opinion on locating a medical marijuana dispensary in Morro Bay; his comment was for Council to consider the implications of marijuana being illegal.

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Susan Stewart stated she believes medical marijuana should be safely and legally available as a prescribed drug according to state law; however, she expressed concern with some of the language in the draft ordinance, and with the possible location of a dispensary in the 800 block of Main Street. She referred to Section 5.50.060(C.1) states the dispensary should not be located within 500 feet of an existing school, public parks, etc..., and noted this could affect the ability of herself and businesses in the area to hold art and music classes for children, or provide locations for birthday parties, weddings, etc.

Joan Solu requested Council be especially careful of where a dispensary would be located, and she also requested Council consider if the tax base will fully cover the increased pressure on the City services.

Mayor Peters closed the public comment hearing.

Councilmember Grantham stated this will happen one day because there is money to be made by the owners and by the government. He said the federal government currently classifies marijuana as a Class One narcotic, and federal government trumps state laws. There is a current delivery service that is unregulated and will deliver marijuana to patients, and physicians can prescribe Marinol tablets through a normal pharmacy. Councilmember Grantham stated he does not consider the 800 block of Main Street a suitable location for a MMD. He said he would like a Council sub-committee to work with stakeholders to ensure this issue works out the right way.

Councilmember Winholtz stated this ordinance has good guidelines that need to be tightened up regarding location. She said she is appreciative that the City is willing to meet this need.

Councilmember Smukler stated this is the time to regulate an unregulated industry. He said he supports a sub-committee with staff members and stakeholders involved. Councilmember Smukler stated local sourcing and quality control need to be included in order to be able to track and ensure safe, quality medicine as well as know where the sources are coming from and provide a responsible service. He expressed concern with locating a MMD in the C-1 zoned location.

Councilmember Borchard stated she is not supportive of placing a risk in this community until federal and state laws are met.

Mayor Peters stated she supports proceeding with a sub-committee working with staff and stakeholders in order to proceed in a safe manner.

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MOTION: Mayor Peters moved the City Council establish a sub-committee to work with stakeholders on locating a medical marijuana dispensary in Morro Bay; and, to bring back an ordinance within 60-90 days. The motion was seconded by Councilmember Smukler and carried with Councilmember Borchard voting no. (4-1)

MOTION: Mayor Peters moved the City Council appoint Councilmember Smukler and herself as sub-committee members, and Councilmember Grantham as alternate. The motion was seconded by Councilmember Smukler and carried with Councilmember Borchard voting no. (4-1)

Mayor Peters called for a break at 8:20 p.m.; the meeting resumed at 8:25 p.m.

B-2 CONTINUED DISCUSSION ON THE FISCAL YEAR 2010/2011 BUDGET
AND PRIORITIES; (ADMINISTRATION)

City Manager Andrea Lueker stated the City Council approved the budget calendar at their February 8, 2010 City Council meeting. As part of that discussion the City Council approved and encouraged additional opportunities to receive public comment in regard to the budget. In addition to general comments the Council is interested in members of the public answering two specific questions: 1) In these difficult budget times, what City services are most important to you; and 2) What do you value most about Morro Bay. Staff will collect all the comments/responses and provide that information to the City Council at their first budget/goal workshop scheduled for March 16th and 17th. Ms. Lueker recommended the City Council open the public hearing to receive comments in regard to the fiscal year 2010/2011 budget; no further action is recommended.

Mayor Peters opened the hearing for public comment.

Joan Solu stated she enjoys the safe clean environment and community of Morro Bay to raise her children. She requested Council not cut youth services in the Recreation & Parks Department; open the Teen Center as a Youth Center; and requested Council not cut funding in Community Promotions Committee or Visitor Center budgets.

Mayor Peters closed the public comment hearing.

No action was taken on this item.

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B-3 APPEAL OF THE PLANNING COMMISSION'S CONDITIONAL APPROVAL FOR A TENTATIVE PARCEL MAP AND COASTAL DEVELOPMENT PERMIT FOR A PROPOSED SUBDIVISION OF 3 RESIDENTIAL PARCELS [S00-101/CP0-321]; (PUBLIC SERVICES)

Associate Planner Genevieve Lehotsky stated on December 7, 2009, the Planning Commission considered the proposed application. Staff's recommendation was to deny the proposed subdivision exception request, which was to allow the access way (Agave Dr.) square footage to be included in the required lot square footage for single family residentially zoned lots and to revise the map reducing the requested three lots to two lots, which would allow the lots to meet the Subdivision Ordinance's requirements for the minimum lot size of 6,000 square feet for single family residentially zoned lots. On January 19, 2010, the project was once again brought before the Planning Commission. Pursuant to public testimony and Planning Commission discussion, a condition was placed on the project restricting the size of each residence to a maximum of 2,000 square feet, excluding the garage, with the second floor no more than 80% of the first floor square footage. This condition was placed on the project to ensure that future residences would not be of an excessive size in relation to the reduced size of each parcel which resulted from the subdivision exception request. In addition, the condition sought to prevent future homeowners from requesting variances or special exceptions due to the reduced size of the lots. Cathy Novak, on behalf of Dave and Dorene Stover, has appealed the Planning Commission's conditional approval, specifically Condition #14, which states: "The gross living area square footage allowed for each residence is 2,000 square feet total, excluding the garage, with the second floor no more than 80% of the first floor square footage". The appellant contends that the map is not a Vesting Tentative Parcel Map, only a Tentative Parcel Map, therefore the proposal does not require development plans or, in this case, building footprints as a part of the approval. As such, the Planning Commission does not have the authority to impose a condition related to future development since development plans are not a requirement of a Tentative Parcel Map. In addition, a condition was arbitrarily placed on the project by the Planning Commission which restricted the second floor of each residence to 80% of the first floor because there are currently no codified requirements to limit the size of the second floor of single family residences. Further, the appellant states that pursuant to Section 16-1.003B, nothing in the Subdivision Ordinance shall be read to limit the rights of the City to enact additional provisions concerning the division of land as are deemed necessary to protect the public health, safety and welfare and there is no nexus that can be made between restricting the size of the residences and protecting the public's health, safety, and welfare. Ms. Lehotsky recommended the City Council deny the appeal and uphold the Planning Commission's conditional approval of the project with the following modification: "Require an alternative condition that requires residences over 2,500 sq. ft., excluding a 400 sq. ft. garage, to be reviewed under a Conditional Use Permit consistent with Interim Urgency Ordinance No. 535."

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Cathy Novak, representing the appellant, stated the homes were approximately 1,900 and 1,400 square feet. The exhibit used was intended as only an example to provide staff and the Planning Commission with sufficient information to analyze the subdivision design and lot sizes. However, the Planning Commission used this information to create condition #14 which reads, “Living Area: The gross living area square footage allowed for each residence is 2,000 square feet total, excluding the garage, with the second floor no more than 80% of the first floor square footage.” Ms. Novak stated the Planning Commission does not have the authority to impose a discretionary condition such as this because the individual home development plans are not a part of the project description or specifically allowed for consideration under any section of the Subdivision Ordinance for Tentative Parcel Maps. Because this project applied for an exception to the Subdivision Ordinance, it is being argued that by granting the exception the Planning Commission was allowed to impose additional conditions as part of the approval but the condition imposed should have been limited to the subdivision design and not the future home designs that were not a part of the project description. The City does not currently have any codified regulations that require the second floor of a single family home to be no more than 80% of the first floor square footage or limitations to gross living area square footage. The City previously had required homes in excess of 2,500 square feet to obtain Planning Commission approval where by the Commission had a nexus to request reductions in bulk, scale and mass of a project. Ms. Novak stated it is not the project applicant’s intent to maximize and build on every square inch of each of these parcels but rather to build a comfortable size home that meets their family needs. To this end and working towards a fair and just compromise, the applicant supports staff’s alternative condition that will require a Conditional Use Permit if the residences are over 2,500 square feet, excluding a 400 square foot garage, consistent with the City’s previous interim ordinance.

Mayor Peters opened the hearing for public comment.

Grant Crowl commended the Planning Commission by holding this project to the floor-to-area ratio.

Mayor Peters closed the public comment hearing.

Councilmember Winholtz stated the subdivision ordinance is clear in that the minimum lot size is 6,000 square feet. She said when requesting an exception such as this, there should be some type of payback because there is a violation of the community’s standards. Councilmember Winholtz stated it was a direct intent of the Planning Commission to go from 2 lots to 3 lots in order to obtain affordability and something that would fit in that area.

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Councilmember Smukler stated he agrees with Councilmember Winholtz comments. He said he has no problem with the 2-lot development concept; however, he has concern with granting this exception without receiving the conditions that are important for the community in that area. Councilmember Smukler stated he supports upholding the Planning Commission decision.

Councilmember Borchard stated she supports the alternative condition and urgency ordinance as the guidelines.

Mayor Peters agreed with Councilmember Borchard regarding the alternative condition and urgency ordinance as the guidelines.

Councilmember Grantham stated he supports the right of the property owner, which would allow the alternative approach to this property.

MOTION: Councilmember Borchard moved the City Council deny the appeal and approve the alternative condition that requires residences over 2,500 square feet, excluding a 400 square-foot garage, to be reviewed under a Conditional Use Permit consistent with Interim Urgency Ordinance No. 535. The motion was seconded by Councilmember Grantham.

Mayor Peters stated she would consider restricting the houses to 2,000 square feet maximum and taking off the percentage.

VOTE: The motion failed with Councilmember Smukler, Councilmember Winholtz and Mayor Peters voting no. (2-3)

MOTION: Mayor Peters moved the City Council deny the appeal and uphold the Planning Commission's decision, with the modification to remove the 80% restriction on the second floor. The motion was seconded by Councilmember Winholtz and carried with Councilmember Borchard and Councilmember Grantham voting no. (3-2)

B-4 APPEALS OF THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF A MINOR USE PERMIT (UP0-255) TO CONVERT A UNIT FROM COMMERCIAL USE TO RESIDENTIAL USE; (PUBLIC SERVICES)

Associate Planner Genene Lehotsky stated there were two separate appeals filed on this project. The first appeal was filed by Grant Crowl based on the Planning Commission's decision to deny an appeal of a Minor Use Permit (UP0-255) allowing the conversion of a commercial unit to a residential unit. The appellant cites that granted request is not

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consistent with City regulations. The second appeal was filed by Cathy Novak on behalf of the applicant, Michael Del Puppo, to request removal of a condition requiring an existing parking space, currently located behind a locked gate, to be made available for the tenants. The City Council should consider if the Planning Commission's decision to deny the previous appeal and uphold approval Minor Use Permit (UP0-255) allowing the use conversion was appropriate, if the residential use is appropriate for the surrounding neighborhood, and if the project is consistent with the Zoning Ordinance, General Plan and Local Coastal Plan. Ms. Lehotsky recommended the City Council deny the appeals and uphold the Planning Commission's approval of Minor Use Permit UP0-255 with either removal of the trash enclosure condition; or eliminate the parking space behind the building to allow for the trash enclosure.

Cathy Novak, representing the applicant, stated this project consists of six units total, five residential and one commercial. She said during the Minor Use Permit process, staff determined that the total number of parking spaces for this project required the applicant retain nine spaces. Originally, the appellant stated he assumed that the commercial operation is required by law to provide an ADA space. Ms. Novak stated the applicant responded to the Planning Commission that this project is not required by law to provide an ADA space however; they believe it is important to provide the special space and is doing just that. The appellant also contends that the ordinance requires an additional parking space to be used for guest parking. The applicant believes that staff has adequately addressed this in the report by concluding this change does not create a more intensive use and does not require more parking spaces than what already exists. The modification to a residential unit is a less intensive use as compared to commercial therefore under the code no additional parking is required. The second topic of this appeal is in regards to the residential to commercial ratios. The appellant is correct that this is a mixed use project in the MCR/R4 district. However, there are no current policies set by Council that places maximum or minimum percentages on the mix of uses. The appellant has argued that the LCP and Zoning Ordinance require a fixed ratio of commercial to residential uses. Ms. Novak stated this project is not a new or redevelopment project so it is considered an existing non-conforming structure and when it was originally constructed it was zoned differently and now they are trying to make this project conform to current codes that should only apply to a new or redeveloped building. She said under the MCR zoning designation and the Main Street Specific Plan, residential is an allowed use, and the Zoning Ordinance clearly states that the LCP should be used for exceptions to the ratio specific requirements in those areas of the City in which there is text specifically describing the mixed use relationship that should be allowed. In this particular area, the LCP states that a mixture of all uses as appropriate shall be encouraged and that the evaluation will be done on a case-by-case basis. Ms. Novak stated it is important to keep commercial properties to support the tax base, but if you have a commercial space and are not able to rent it because of the economy, it serves no

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purpose to leave it sitting vacant. The applicant would prefer to keep this unit commercial and when the economy turns around and he has the opportunity, he plans to convert it back to commercial. Ms. Novak noted an appeal was filed on behalf of the project applicant of Condition #7 that requires the applicant to open the fence, relocate the garbage container and provide the required parking for Unit #1 in the space to the rear of the building, and she thanked staff for their agreement with the applicant that the only appropriate location for the trash/recycling receptacle is behind the building. Ms. Novak requested on behalf of the applicant, Council's support by denying the appeal.

Grant Crowl, appellant, stated he was uncomfortable and objected to having the two appeals combined as one. He said the appeals are two different issues and will convolute the process and the truth. Mr. Crowl stated his appeal refers to the entire project and the procedural issues of the Planning Commission appeal/hearing process. He said it is about an illegal conversion that did not get a proper review because it was converted illegally without a permit; the property owner only sought a permit after being reported to the City for his illegal conversion. The policy question is whether this is appropriate; the legal question is whether it is consistent with the Local Coastal Plan. This property is along north Main Street in a commercial area; it is flanked by commercial businesses both to the north and the south. Mr. Crowl stated the City Council has repeatedly said south of San Jacinto should remain commercial to support and enhance our north Main Street businesses and tax base. The purpose of the MCR district is "to broaden the range of commercial market opportunities." He said staff stated they reviewed this conversion of use as an existing project. What can no longer be used on this property is the "parcel-by-parcel" language that staff has interpreted into "case-by-case" from Mixed Use Area F; what can be used is Zoning Ordinance 17.24.110, mixed commercial/residential (MCR) district. Designation of the MCR zone with an R-1, R-2, R-3, or R-4 suffix will permit residential development according to the designated density and applicable development standards of this plan. Also applies is the North Main Specific Plan (17.40.110.C) which states: "Allowable uses are listed in the applicable primary zoning district." Finally, regarding parking, Zoning Ordinance 17.44.010A.1, "Facilities Required. For every structure erected or enlarged, and for all land devoted to a new use, and for any structure or land changed to a more intensive use that would require the provision of more parking spaces over what already exists, off-street parking spaces shall be provided in accordance with the requirement and standards of this chapter, a change, expansion or intensification of land use which would increase the number of parking spaces required as provided in this title shall be based only upon the number of spaces required for the change or expansion." This point was never fully understood by the commissioners because the decision became about trash cans, storage, fines and the economy and more. What was not addressed was a conditional use permit over the minor use permit it was given. It was generally agreed that it was an illegal conversion and because of the misinterpretation of Mixed Use Area F by changing the wording from parcel-by-parcel to case-by-case they overlooked the legal consistency and appropriate change of use.

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Mayor Peters opened the hearing for public comment.

Chuck Reasor addressed mixed use areas and their uses. He said that staff misconstrued the word “shall” and instead used the word “may” in this case. Mr. Reasor also said staff did not use the entire quote for mixed-use for Area “F” in making their decision.

Nancy Bast stated the \$250 appeal fee should be refunded to the appellant since he had to pay it twice.

Steve Semas stated there are many commercial buildings that are sitting vacant, and a property owner should be able to keep their property viable.

Mayor Peters closed the public comment hearing.

Councilmember Winholtz referred to Morro Bay Municipal Code Section 17.24.110 that refers to MCR/R-4, which shows that the ratio must comply. She also referred to Section 17.44 relating to parking spaces and a change in use, which is a part of this issue.

Councilmember Smukler stated the issue is the loss of commercial use along North Main Street, which can be a challenge to build back. He said he is not interested in this conversion.

Councilmember Grantham stated this request provides affordable housing in the City. He said parking is an issue, and as long as there is a commercial use there should be a handicap parking spot. Councilmember Grantham stated he would prefer the building in use and being maintained than vacant.

Councilmember Borchard stated she would rather have residential there than more commercial vacancies. She said she is willing to support the building in use and being maintained than vacant.

Mayor Peters stated North Main Street commercial uses are not working in this economy. She said she looks at this building and it looks like an apartment building. Mayor Peters stated she does not see the point of trying to make something happen when there is no demand at this time.

MOTION: Mayor Peters moved the City Council deny the appeal and uphold the Planning Commission’s approval of the approval of Minor Use Permit UP0-255; also, refund \$250 to the appellant, Grant Crowl. The motion was seconded by Councilmember Borchard.

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Councilmember Winholtz stated she is not supportive of the motion in support of the present businesses along North Main Street. She also said it is not right for the City Council to go against the City ordinances and allow a property owner to change a use because of an economic situation.

Councilmember Smukler stated he will not support this motion because North Main Street is the frontage of the City into the downtown and Embarcadero.

VOTE: The motion carried with Councilmember Smukler and Councilmember Winholtz voting no. (3-2)

MOTION: Mayor Peters moved the City Council remove the trash enclosure condition and eliminate the parking space behind the building to allow for the trash containers. The motion was seconded by Councilmember Borchard.

Mayor Peters withdrew her motion; Councilmember Borchard withdrew her second.

MOTION: Councilmember Winholtz moved the City Council uphold the Planning Commission's approval and deny the appeal. The motion was seconded by Mayor Peters and failed with Councilmember Borchard, Councilmember Grantham and Councilmember Smukler voting no. (2-3)

MOTION: Councilmember Grantham moved the City Council deny the appeal and uphold the Planning Commission's approval of Minor Use Permit UP0-255 by placing the trash receptacles behind the gate, and that the applicant will provide nine parking spaces. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

C. UNFINISHED BUSINESS – None.

D. NEW BUSINESS

D-1 POTENTIAL TOPICS FOR THE JOINT CITY COUNCIL/PLANNING COMMISSION MEETING; (PUBLIC SERVICES)

Acting Public Services Director Rob Livick stated in anticipation of the joint City Council/Planning Commission meeting on March 15th, the Planning Commission discussed potential topics at their March 1, 2010 meeting. The following are potential topics as prioritized by the Planning Commission: 1) presentation from the County on

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REGULAR MEETING – MARCH 8, 2010

Land Use Element Update Process plus time for questions and answers; 2) Downtown Visioning/Revitalization Plan plus time for questions and answers; 3) Pro/Con Analysis of City property; 4) Tree Replacement Policies and how that works with the Tree Committee; and, 5) request City to hire lobbyist to secure our General Plan and Zoning Ordinance. Mr. Livick recommended the City Council consider and discuss the potential topics for the March 15th joint City Council/Planning Commission meeting.

Council discussed the topics for discussion at the Joint City Council/Planning Commission meeting.

No further action was taken on this item.

D-2 CONSIDERATION OF SENDING CORRESPONDENCE TO CONGRESSWOMAN LOIS CAPPS REGARDING FUNDING FOR WEST COAST GROUND FISH CATCH SHARE MANAGEMENT PROGRAM AND KEY ISSUES FOR LOCAL FISHING COMMUNITIES; (HARBOR)

Harbor Director Rick Algert reviewed the draft letter regarding funding for the West Coast Groundfish Catch Share Management Program and key issues for local fishing communities and requested the City Council approve the sending to Congresswoman Lois Capps.

MOTION: Mayor Peters moved the City Council approve sending a letter to Congresswoman Lois Capps regarding funding for West Coast Groundfish Catch Share Management Program and Key Issues for Local Fishing Communities. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

E. DECLARATION OF FUTURE AGENDA ITEMS – NONE.

ADJOURNMENT

The meeting adjourned at 10:55 p.m.

Recorded by:

Bridgett Kessling
City Clerk



AGENDA NO: A-2

Meeting Date: March 22, 2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 16, 2010

FROM: Rob Livick, PE/PLS – Acting Public Services Director/City Engineer

SUBJECT: Authorization to execute an agreement with the California Department of Transportation for funding to add Class II Bike Lanes to North Main.

RECOMMENDATION:

It is recommended that the City Council authorize the Acting Public Services Director to enter into an agreement with the California Department of Transportation for funding to receive an \$480,000 of American Resource and Recovery Act (ARRA) funding to add Class II Bike lanes to North Main Street.

MOTION: I move that the City Council authorize the Acting Public Services Director to enter into an agreement with the California Department of Transportation for funding to receive \$480,000 of American Resource and Recovery Act (ARRA) funding to add Class II Bike lanes to North Main Street.

FISCAL IMPACT:

The construction cost for striping, minor widening, and curb, gutter and sidewalk construction has been estimated at \$540,000. The City has approximately \$60,000 in funds for the North Main bike lane project including approximately \$30,000 in Transportation Development Act (TDA) money for Citywide bicycle projects. The difference in project costs between the available City funds is proposed to be funded through ARRA program.

BACKGROUND:

The need for Class II bike lanes along North Main Street has been identified in the City's Circulation Element of the General Plan, City's 1997 Bikeways Study and the Bicycle Transportation Plan currently under preparation. The North Main Street Bike Lane Project was also brought to the Council's attention as one of the City's unmet transportation needs for the past several years. Most recently, this topic was discussed by the City Council at the March 9, 2009 meeting where staff was given direction to seek out funding and seek out public input.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Page 1 of 3

On December 17, 2008 the Public Works Advisory Board (PWAB) reviewed the design and discussed the proposal. PWABs issue of concern was the cost of “Bulb-in” construction when there is alternative parking available either onsite or on adjacent streets. PWAB ultimately supported the Class II bike lanes along North Main Street from Highway 41 to Yerba Buena project, and made a recommendation that if funds were not available for the entire reach, to phase the project. The PWAB also discussed the project at their October 15, 2009 meeting as a part of the Bike Committee’s presentation. Also in early 2009, staff was directed to establish a list of “shovel read” projects that could be submitted to the San Luis Obispo Council of Governments (SLOCOG) for the anticipated ARRA funds. The City submitted many projects for ARRA funding and the two that were considered for transportation funds were this bike lane project and the Main Street – Surf to Highway 1 rehabilitation project. The North Main Street Bike Lane project was selected as the preferred project by SLOCOG.

Once the North Main Bike Lane project became viable from a funding standpoint, staff refined the plans and worked with Caltrans Local Assistance to complete the required NEPA (environmental documents), Right of Way Clearance and the preparation of the construction documents.

DISCUSSION:

Staff has reviewed and updated the previous design based on PWAB and public comments received. The design includes a four foot wide bike lane on the west side of Main Street, two eleven foot wide travel lanes and a twelve foot wide Class II bike lane/parking lane on the East side of the street. Where existing improvements do not allow for the full width parking, the East twelve foot wide combination bike/parking lane is reduced to a five foot minimum and parking is restricted. The restrictions to parking are mainly at the North and South sections of the project with over 4,400 linear feet of parking available including the critical reach between Elena to Sequoia Streets.

Caltrans has supplied the City with the approved Finance Letter and the Administering Agency-Federal Agreement. Caltrans has requested that the City execute the Master Agreement within 90 day of the date of the transmittal which is May 24, 2010. Caltrans is also requiring a copy of the authorizing resolution that clearly identifies the official authorized to execute agreements.

CONCLUSION:

Staff recommends that the City Council authorize the Acting Public Services Director to enter into an agreement with the with the California Department of Transportation for funding to receive an \$480,000 of American Resource and Recovery Act (ARRA) funding to add Class II Bike lanes to North Main Street.

Attachments:

1. Reduced Plans – North Main Street Bike Lane Project
2. Caltrans Finance Letter

RESOLUTION NO. 14-10

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA
AUTHORIZING THE ACTING PUBLIC SERVICES DIRECTOR TO EXECUTE THE
AGREEMENT ASSOCIATED WITH THE ARRA FUNDED NORTH MAIN STREET
TRANSPORTATION PROJECT**

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

WHEREAS, the San Luis Obispo Council of Governments (SLOCOG) solicited transportation projects to be funded by the American Resource and Recovery Act (ARRA); and

WHEREAS, SLOCOG approved the City's North Main Street Bike Lane Project and included it in their recommendations to the California Transportation Commission for ARRA funding; and

WHEREAS, the Caltrans Policies and Procedures require that the signatory of the Federal Master Agreement receive authorization from the local governing body; and

WHEREAS, the State of California has authorized \$480,000, under the ARRA program, for the North Main Street Bike Lane Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the Acting Public Services Director, or his duly appointed representative, is authorized to execute the Agreement for the North Main Street Bike Lane Project.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the _____ nd day of _____, 2010 on the following vote:

AYES:

NOES:

ABSENT:

JANICE PETERS, Mayor

ATTEST:

BRIDGETT KESSLING, City Clerk



AGENDA NO: A-3

MEETING DATE: March 22, 2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 16, 2010
FROM: Dylan Wade, Utilities/Capital Projects Manager
SUBJECT: Status Report on Water Usage for February 2010

RECOMMENDATION:

It is recommended that the City Council review and file this status report.

FISCAL IMPACT:

The water enterprise fund has been impacted by the shift from primarily State Water as the main source of the City's water supply to groundwater and the Desalination Plant product as the main sources of supply, with the accompanying increase in operational and employee expenses. While the operating expenses have increased in the short term, no rate increase is currently anticipated because the net difference to the overall operating budget is minimal and reserves can be used to cover any shortfall.

BACKGROUND:

The water supply for the City of Morro Bay has four main sources. In order of the quantity supplied, these sources are: the State Water Project, Chorro groundwater, Morro groundwater, and the Desalination Plant. Deliveries of water from the State Water Project started this year at their lowest level in the history of the project. Since this primary water supply source for the City of Morro Bay has been unavailable, the City has been forced to rely more heavily on the other sources.

Nitrate contamination of both the Chorro and Morro groundwater resources by agricultural activities has greatly impacted our water supplies. During periods of reduced State Water Project deliveries, it is necessary to blend our other sources of water together in order to reduce nitrate levels in the distribution system. The Desalination Plant, which has recently been used to remove nitrates from the Morro groundwater, is undergoing a series of upgrades to restore its operation.

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

DISCUSSION:

February Water Usage

Total February Water production was 62.35 af, with 39.56 af of water from the Morro groundwater basin receiving treatment through the Desalination plant, 0 af of State water delivered, and 22.74 af of groundwater from the Morro and Chorro basins. This is one of the lowest monthly water usages on record for the City of Morro Bay.

Current Water Usage

During the month of March the City has used water from the Morro and Chorro groundwater basins. The majority of water produced has been treated by Brackish Water Reverse Osmosis (BWRO) treatment in the Desalination Plant. Water from the Chorro groundwater basin receives only chlorination as treatment. The recent storm events have increased the bacteriological loading to both of the groundwater basins while also substantially reducing community water demands.

State Water Project Deliveries

State Water Project deliveries were increased from 5% to 15% as shown in the attached announcement. With the County's unused Table A allocation being used to augment deliveries to the subcontractors, including Morro Bay, we will have near full water deliveries available to us for the remainder of the year. This will enable Morro Bay to be able to meet water demands without continuing mandatory water conservation measures.

Recent Division Activities

In addition to utilizing the Desalination Plant for water treatment, staff has made valve repairs to the West tank on King. This work was in response to a valve failure that occurred last month. Since the tank had to be drained to perform this work, staff made the decision to keep the tank offline in order to make some other interior modifications to the tank. This work should be completed later in the month and includes cleaning the tank and modifying internal piping.

With the potential for reduced State Water Project water deliveries, the City of Morro Bay will likely require blending of chloraminated State Water with chlorinated local sources. In order to modify our local chlorinated source to produce a residual with chloramines that is compatible with State Water Project deliveries, the City required an ammonia injection facility. Currently the City is using free chlorine as the residual disinfectant, which has led to some customer complaints. Morro Bay recently received the necessary State permits to operate these newly installed chemical injection systems, meaning that the City will have a much greater ability to blend water sources in the future. When the West tank comes back online, the City will switch back to a residual of chloramines. While chloramines reduce taste and odor complaints, they do represent a risk to people on kidney dialysis.

During this time of reduced demand, the division has also been working on flushing dead end water mains. While we do not receive the irrigation benefit that accompanies flushing

dead end lines during summer months as was past practice, this change in approach should help soften peak summertime demands.

Chorro Groundwater Issues

The City has produced water from the Chorro groundwater basin to meet water demands. Our groundwater permits require that stream flows be above 1.4cfs when extractions occur. Currently, the City is measuring creek flows biweekly. Our permit conditions require continuous flow monitoring, which has not yet been installed. City and County Staff met to discuss the creek flow monitoring locations and the County offered to grant lead agency status to the City for the environmental portion of this work. Staff has also met with several property owners in the Chorro valley and is discussing what facilities they will need in order to be disconnect from our system.

Future Water Usage

It is anticipated that in the month of April, the water system will rely on the Chorro and Morro groundwater basins in a much more limited capacity. The increases in State Water Project deliveries will potentially enable the City of Morro Bay to lift the mandatory conservation measures while meeting water demands.

CONCLUSION:

It is recommended that the City Council review and file this status report.

**PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
PROCLAIMING APRIL 2010 AS "MONTH OF THE CHILD" and
"CHILD ABUSE PREVENTION MONTH"
AND APRIL 10, 2010 AS "DAY OF THE CHILD"
*"Express Yourself: Dance to the Beat of your own Drum"***

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

WHEREAS, Saturday, April 10, 2010, will commemorate the "Day of the Child" celebration "Express Yourself: Dance to the Beat of your own Drum" during Children's Day in the Plaza from 10:00 a.m. to 3:00 p.m. in the San Luis Obispo Mission Plaza. A day where children and families can play, learn and interact with the agencies and programs providing services throughout the County; and

WHEREAS, the Month of the Child and Child Abuse Prevention Month is a time to recognize that children's opportunities are our responsibilities, and to commit ourselves to ensuring that each and every child experiences a high quality early environment – at home, at child care, at school and in the community – that will promote their optimal development.

WHEREAS, the City of Morro Bay recognizes that every moment in a child's life is an opportunity for that child to learn, and that the quality of these experiences may determine whether a child succeeds in school and in life, and that all children need caring and loving adults in their lives;

WHEREAS, the activities of this month will provide an opportunity to acknowledge youth and early care and education programs and their dedicated staff, and to raise the awareness of the community, employers and elected officials of the need to improve the quality, availability, and accessibility of such programs;

And, may we remember to listen to and watch the children around us, to have patience and to allow them the opportunity to enjoy the journey of childhood.

NOW, THEREFORE, BE IT RESOLVED that the City of Morro Bay is proclaiming April 2010 as the "Month of the Child", and "Child Abuse Prevention Month" and April 10, 2010 as "Day of the Child".

IN WITNESS WHEREOF I have
hereunto set me hand and caused the
seal of the City of Morro Bay to be
affixed this 22nd day of March 2010

JANICE PETERS, Mayor
City of Morro Bay, California

**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DECLARING THE MONTH OF APRIL
“FAIR HOUSING MONTH”**

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

WHEREAS, the City of Morro Bay is joining with the United States Department of Housing and Urban Development (HUD) and other housing agencies in celebrating the anniversary of the National Fair Housing Law, Title VII of the Civil Rights Act of 1968.

WHEREAS, the City of Morro Bay encourages fair housing through the sales and rentals, as well as, through its housing rehabilitation programs;

WHEREAS, discrimination in housing is against the law, no person shall be discriminated against because of race, color, religion, sex, handicaps, familial status, or national origin in the sale, rental, or advertising of dwelling, in the provisions of brokerages services, or in the availability of residential real estate related transactions;

WHEREAS, if any City resident believes he or she has been discriminated against, the resident should contact the Department of Fair Employment and Housing District Office at 1732 Palma Dr., #200, Ventura, CA 93003, (805) 654-4514. The Fair Housing Information Office helps to ensure that all residents of the City of Morro Bay and surrounding communities are treated fairly and that all the property owners and landlords abide by the letter and spirit of the Fair Housing Law; and

WHEREAS, the City of Morro Bay, the State of California, HUD and various local agencies are working together to ensure equal treatment of all citizens, we urge everyone to practice the Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Janice Peters and the City Council of the City of Morro Bay, declare the month of April as Fair Housing Month in the City of Morro Bay.

IN WITNESS WHEREOF I have hereunto
set my hand and caused the seal of the City
of Morro Bay to be affixed this 22nd day of
March, 2010

JANICE PETERS, MAYOR
City of Morro Bay, California



AGENDA NO: B-1

MEETING DATE: March 22, 2010

Staff Report

TO: Honorable Mayor and Council **DATE:** March 17, 2010
FROM: Janeen Burlingame, Management Analyst
SUBJECT: Consideration of Proposed Transit Services Changes

STAFF RECOMMENDATION

Staff recommends the City Council conduct a public hearing on the proposed changes in transit service for Morro Bay Dial-A-Ride (MBDAR) and trolley, as outlined in the staff report, and approve said changes to be effective October 4, 2010.

MOTION: I move that the City Council approve changes to Morro Bay Dial-A-Ride and trolley services as outlined in Exhibits A, B and C.

Approval of the staff recommendation would result in the achievement of two Management Partners' recommendations regarding elimination of general fund support for trolley service and making the Transit enterprise fund self sufficient.

In addition, staff recommends the City Council consider the options to address the March 11, 2010 notice from the San Luis Obispo Council of Governments that the FY 2009/2010 Local Transportation Fund (LTF) apportionment would be reduced by \$24,607 and direct staff as to which option would be implemented.

MOTION: I move that the City Council direct staff to implement (insert Option 1, 2 or 3 here) to address the March 11, 2010 \$24,607 FY 2009/2010 LTF reduction.

FISCAL IMPACT

Due to the recession and changes in the State budget regarding transit funding, MBDAR has lost more than \$171,000 in Transportation Development Act (TDA) funds with which to operate service since April 2008. The anticipated funding shortfall for existing MBDAR services for FY 2010/2011 is estimated at more than \$143,000. Approval of the proposed changes to MBDAR and trolley services is anticipated to result in no funding shortage for FY 2010/2011 and would eliminate general fund support for the summer trolley service as summer trolley operations would be funded with TDA.

PUBLIC WORKS ADVISORY BOARD AND TRANSIT WORKSHOP

The Public Works Advisory Board will review this item at its March 17, 2010 meeting. Staff will forward pertinent comments and the Board's recommendation to the Council as an addendum to this staff report prior to the March 22, 2010 Council meeting.

In addition, staff will hold a public workshop on March 18, 2010 to review and receive comments from the public on the proposed transit service changes. As with the PWAB recommendation, comments will be forwarded to the Council as an addendum to this staff report.

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

SUMMARY

The City receives Local Transportation Funds (LTF) and State Transit Assistance (STA) from the State for transportation programs. The City currently uses these funds to operate MBDAR service. No State funding is used to operate the summer trolley service as all of the State transit funds the City receives are used for MBDAR.

The Management Partners Assessment of City Organization and Financial Options report included a recommendation to eliminate general fund support of the trolley service. In addition, there was also a recommendation that all enterprise funds, which include the Transit enterprise fund, should be self-supporting.

Transit funding from the State has been cut repeatedly over the past three fiscal years; in April 2008 for FY 2007/2008 (12.3% LTF cut), during the middle of FY 2008/2009 (10% LTF cut and 50% STA cut) and for FY 2009/2010 (12.3% LTF cut mid-year and STA eliminated for the fiscal year).

The cut to LTF in FY 2007/2008 was back filled by SLOCOG using STA discretionary funds so transit service would remain whole as the City uses 100% of its TDA funds on MBDAR. Unfortunately, the same could not be done for the other two fiscal years. For the LTF and STA cuts mid-year in FY 2008/2009, the City received approval from SLOCOG to use a previously awarded capital Rural Transit Fund grant for operating assistance to back fill the funding loss. For the LTF mid-year cut in the current fiscal year, the City Council authorized the use of three alternative funding sources in order to avoid having to cut MBDAR service in half for the remainder of the fiscal year.

Late on March 11, City staff received notice from the SLOCOG that a second cut to the LTF would occur in the current fiscal year which has a little over three months remaining. LTF would be cut by \$24,600, bringing the total funding loss to transit at more than \$171,000 since April 2008. Staff understands from the Administrative Services Director that there are no general funds available to back fill this latest loss in transit funding other than general accumulation funds. Further discussion of this latest loss of LTF funds for FY 2009/2010 and options to address said loss will be addressed in the DISCUSSION section herein below.

Since FY 2007/2008, MBDAR has lost more than \$171,000 in LTF and STA funds with which to operate service. As mentioned above, the City has been able to make adjustments during the fiscal year in which these cuts occurred to ameliorate the funding losses without having to sacrifice transit service, with the exception of the March 11 reduction to LTF which is to be addressed herein. The LTF funding available for FY 2010/2011 for transit services is estimated to be a levels below that which the City received in FY 2000/2001.

As the City begins the budget development process for FY 2010/2011, it must look at what funding will be allocated from the State to determine whether or not existing MBDAR services can be provided beyond the current fiscal year, and if not, what type of transit services can be provided with the available funding.

BACKGROUND

The Transportation Development Act (TDA) provides two sources of funding for transportation programs: LTF and STA. The LTF is derived from 1/4 cent of each 7.25 cents collected in retail sales taxes. The STA is derived from the statewide sales tax on vehicle fuel. Both of these funds are distributed to the region by the State and allocated by the San Luis Obispo Council of Governments (SLOCOG) to each of the seven cities, the County, SLOCOG, and Ride-On - the Consolidated Transportation Services Agency (CTSA) for the San Luis Obispo region. The County Auditor provides SLOCOG with LTF estimates each spring that are used to develop the upcoming fiscal year allocation. The State provides SLOCOG with STA estimates that are used to develop the upcoming fiscal year allocation. These estimates are usually received by March of each year and in April the SLOCOG Board approves the apportionment of these funds for the next fiscal year so transit operators can begin developing their budget.

LTF funds provide off-the-top funding for SLOCOG planning/administration before the remaining amount is apportioned according to population for public transit, street/road improvements, bikeway/pedestrian facilities, and Regional Transit Authority (RTA) service per the Joint Powers Agreement between the seven cities and the County. STA funds are used for public transit purposes. The City uses 100% of its LTF (after the required 2% bikeway/pedestrian set aside and RTA allocation) and STA apportioned to operate MBDAR. No TDA funds are used for trolley service.

Between FY 2000/2001 and FY 2006/2007, the LTF apportioned to the City increased by 40%, to \$297,413 available for MBDAR operations. During the same time, operating costs had been stable, averaging 4% increases per year, despite the price of fuel rising in each of those fiscal years and contract required compensation increases to the contractor.

In FY 2007/2008, several changes occurred. First, there was a 29% increase in operating costs. At that time, fuel costs were at its highest level when the price of gasoline was heading towards \$5.00 per gallon and fuel expenditure increased by a third from FY 2006/2007 and were more than double from FY 2003/2004. Second, the City Council approved an increase to the compensation paid to MV Transportation in order for there to be an increase to the wages for the local drivers and dispatchers so that they would be on par with the wage structure of other transit operators in the county to combat issues of driver turnover.

Lastly, the City's original FY 2007/2008 LTF apportionment of \$332,420 was cut in the 4th quarter of the year to \$289,922. What was originally supposed to be a 17% increase to LTF for the City turned into a 2.3% increase to LTF. As mentioned previously, this cut was back filled by SLOCOG using STA discretionary funds so transit service would remain whole as the City uses 100% of its TDA funds on MBDAR; however, this was just the beginning of the State's economic downturn that would result in additional decreases to LTF funding over the next two fiscal years.

In FY 2008/2009, the City's original LTF apportionment was \$281,718, already down from the LTF received in FY 2007/2008 after the 4th quarter cut, and was cut 10% mid-year to \$245,079. The decrease occurred because actual sales tax revenue generated was not coming in it at the levels estimated by the County Auditor used to determine annual apportionments. At the same time, the Governor's budget was adopted which included a 50% decrease to STA allocations for FY 2008/2009 and the elimination of STA allocations for FY 2009/2010 resulting in more than \$28,000 lost between the two fiscal years. For the LTF and STA cuts mid-year in FY 2008/2009, the City received approval from SLOCOG to use a previously awarded capital Rural Transit Fund grant for operating assistance to back fill the funding loss.

The FY 2009/2010 original LTF apportionment was \$247,040. In addition to the required bike/pedestrian and RTA set asides, this year also included an unanticipated \$15,000 set aside for the City's TDA required Triennial Performance Audit that would be conducted during this fiscal year. In the past, SLOCOG used the STA funds it received to pay for transit agencies performance audits; however, with the Governor's elimination of STA fund allocations, SLOCOG informed transit agencies the cost for these audits would now be borne by them and the cost would be taken off the top of the LTF apportionment.

Unfortunately, the economy has been slow to start recovering and the FY 2009/2010 LTF apportionment was cut mid-year by 12.3% to \$204,009, the lowest levels since FY 2000/2001. For the LTF mid-year cut in the current fiscal year, the City Council authorized the use of three alternative funding sources in order to avoid having to cut MBDAR service in half for the remainder of the fiscal year.

Transit funding news is not getting better as staff has recently been notified by the SLOCOG that the County Auditor is estimating FY 2010/2011 LTF to be 6.5% lower than the prior fiscal year and a second LTF reduction will occur in this fiscal year and an additional reduction to LTF would occur this fiscal year.

DISCUSSION

Since FY 2007/2008, MBDAR has lost more than \$171,000 in LTF and STA funds with which to operate MBDAR service, which includes the most recent news of an additional \$24,607 reduction to LTF this fiscal year. As the City begins the budget development process for FY 2010/2011, it must look at what funding will be allocated from the State to determine whether or not existing MBDAR services can be provided beyond the current fiscal year, and if not, what type of transit services can be provided with the available funding.

With a current MBDAR operating budget of \$379,154, \$204,009 anticipated LTF for FY 2010/2011 and \$38,000 estimated fares, MBDAR would be short more than \$137,000 to operate existing service levels before additional increases to the operating budget are contemplated for the annual Consumers Price Index increase per the contract for services and fuel as the price per gallon is higher now than when the budget was prepared for this fiscal year. As such, it is apparent that current MBDAR service levels cannot be maintained for FY 2010/2011.

Dial-A-Ride type transit services are the most expensive because there are fixed costs associated with their operations that are not associated with other types of transit services. For example, dispatching is required for dial-a-ride service, but not for fixed route service, as the dispatcher answers calls from customers requesting service, schedules the ride time with the rider and dispatches that information to the drivers throughout the day, whereas with fixed route service, no reservations are taken that require dispatching to drivers.

Transit Service Options

- Reduce MBDAR service hours
- Establish year round fixed route trolley service and reduce MBDAR service hours
- Establish year round fixed route trolley service and eliminate MBDAR service

Reduce MBDAR Service Hours

This option would be to reduce MBDAR service hours and/or days in order to retain a demand response type transit service. Unfortunately, in order to develop an operating budget that utilizes the anticipated LTF apportionment, vehicle service hours would need to be reduced by 80%, to 900 hours per year, with service operated one day a week, resulting in approximately 83% of current riders not being provided local transit service. In addition, the farebox ratio would be estimated at 3.5%, well below the TDA required 10%. If the farebox ratio falls below 10%, transit funding can be withheld until changes are made to bring the ratio back to 10%. This option is not viable and is not recommended.

Establish Year Round Fixed Route Trolley Service and Reduce MBDAR Service Hours

This option would be to establish a year round weekday fixed route and reduce the MBDAR service hours by approximately 50% (use one vehicle instead of two and shorten the MBDAR day to 8 hours from 11.25). This option would provide for an estimated 5,067 vehicle service hours (2,613 for trolley; 2,454 for MBDAR).

The fixed route to be created would essentially combine the North and Downtown trolley routes into one North/South route. Exhibit B outlines the proposed year round weekday fixed route schedule. Service would be hourly with half hour service to City Park for connections with the RTA Route 12A and 12B. The idea is to operate the early morning and early evening hours to provide service to commuters connecting with RTA, hospitality service workers and the students who can use fixed route service.

During the summer season, in addition to the weekday North/South route that would be in operation, trolley service would be expanded to include Saturday and Sunday service for the North/South route and add the Waterfront route. Exhibit C outlines the proposed summer Saturday/Sunday route schedule.

Since MBDAR service would be reduced in the morning and early evening, mandated Americans with Disabilities Act (ADA) paratransit service for those persons whose disabilities prevent them from using the

accessible fixed route trolley service would be provided by Runabout. Runabout is operated by the RTA and riders must meet the criteria specified by the ADA to become certified as eligible to use Runabout and have a guaranteed ride.

Current ridership make up is such that the 52% of MBDAR passengers who are Regular fare riders, meaning they are not a senior or disabled, could transition to the fixed route service, and of the remaining 48% of MBDAR passengers, a high percentage of those riders could go through the process to become ADA certified to use the Runabout while the other riders could transition to the fixed route service.

With this option, there would be a funding shortage of more than \$287,000 after fares and advertising revenues are factored in. In addition, while the trolley farebox ratio would be estimated at 21.7%, well above the TDA required 10%, the MBDAR farebox ratio would be estimated at 6.6%, well below the TDA required 10%. This option is not viable and is not recommended.

Establish Year Round Fixed Route Trolley Service and Eliminate MBDAR Service

This option would be to establish a year round weekday fixed route and eliminate MBDAR service. This option would provide for an estimated 2,613 vehicle service hours.

The fixed route to be created, as in the previous option, would combine the North and Downtown trolley routes into one North/South route. Exhibit B outlines the proposed year round weekday fixed route schedule. Service would be hourly with half hour service to City Park for connections with the RTA Route 12A and 12B. The idea is to operate the early morning and early evening hours to provide service to commuters connecting with RTA, hospitality service workers and students who can use fixed route service.

During the summer season, in addition to the weekday North/South route that would be in operation, trolley service would be expanded to include Saturday and Sunday service for the North/South route and add the Waterfront route. Exhibit C outlines the proposed summer Saturday/Sunday route schedule.

Since MBDAR service would be eliminated, mandated ADA paratransit service for those persons whose disabilities prevent them from using the accessible fixed route trolley service would be provided by Runabout. Runabout is operated by RTA and riders must meet the criteria specified by the ADA to become certified as eligible to use Runabout and have a guaranteed ride. More information on Runabout and the application process are available online at the RTA website: www.slorta.org/.

As mentioned in the previous option, current ridership make up is such that the 52% of MBDAR passengers who are Regular fare riders, meaning they are not a senior or disabled, could transition to the fixed route service, and of the remaining 48% of MBDAR passengers, a high percentage of those riders could go through the process to become ADA certified to use the Runabout while the other riders could transition to the fixed route service.

With this option, there would be no funding shortage after fares and advertising revenues are factored in. In addition, the trolley farebox ratio would be estimated at 21.7%, well above the TDA required 10%.

In addition, with this option, the City would achieve two Management Partners’ recommendations regarding elimination of general fund support for trolley service and making the Transit enterprise fund self sufficient.

Fares

Since fixed routes cost less to operate than demand response type service, fixed route fares tend to be lower than those charged for dial-a-ride. The current MBDAR fare is \$2.00 for Regular and \$1.50 for discount. The fare for other fixed routes operated in the county are as follows:

	Regular	Discount	Children
RTA Route 12A*	\$1.25	\$0.60	5 & under free

SLO Transit	\$1.25	\$0.60	5 & under free
SCAT (South County)	\$1.25	\$0.60	5 & under free
North County Shuttle	\$1.25	\$0.60	3 & under free
Paso Express	\$1.25	\$0.60	42" & under free

*For trips going from SLO to SLO or Morro Bay/Los Osos to Morro Bay/Los Osos. For trips between areas, additional charges apply.

The SLOCOG's Regionwide Fare Improvement Study was completed in November 2008. The study evaluated the fare policies and practices of all transit operators in the county and made recommendations that would work towards improving regional mobility and ensure passengers are treated consistently as they travel across transit systems. As one can see, the Regular and Discount fares for the fixed route operators in the county have the same fare. This ensures consistency among different transit systems and reduces a potential barrier to using public transit.

Staff proposes the following fare structure:

- Regular: \$1.25 per ride
- Discount: \$0.60 per ride

The discount fare is proposed to be offered to senior (65 and older) and disabled riders as is the current policy for the MBDAR.

With regard to other types of fare categories/media, staff recommends an item be brought to the PWAB and City Council in April to establish additional fare policies relating to other types of fares offered, such as a day pass, monthly pass, punch pass based on rides, punch pass based on dollar amount, student pass, etc. after additional evaluation of what other fixed route operators provide.

MARCH 2010 FY 2009/2010 LTF REDUCTION

As mentioned previously, the City was notified by SLOCOG on March 11 that a second LTF reduction would occur this fiscal year. With only three months remaining in the fiscal year and an additional LTF reduction to occur, there are three options for Council to consider in addressing the \$24,607 cut to FY 2009/2010 LTF:

1. MBDAR service reduction for remainder of fiscal year;
2. Authorize use of \$24,607 in general accumulation funds to ameliorate the LTF reduction and keep MBDAR whole for the remaining three months of the fiscal year; or
3. Begin proposed service changes outlined in Exhibits A, B and C on May, 3, 2010 and authorize use of general accumulation funds for the difference between the cost savings from starting the transit changes early and the LTF reduction.

Option 1

With this option, MBDAR would be reduced to address the \$24,607 FY LTF reduction. At the most, there are two months left in the fiscal year with which to spread out the \$24,607 funding loss, once it is taken into account a 4 week noticing period to current riders and the public of any MBDAR service reduction through the end of June 2010. This equates to 50 operating days (approximately 900 vehicle service hours) available to address the latest LTF reduction.

In order to address the \$24,607 funding loss, the City would have to stop operating MBDAR on May 7. The MBDAR would cease providing service from May 7 through the remainder of the fiscal year at which time, the new fiscal year begins and MBDAR would resume service from July to October 4 when the proposed transit changes to MBDAR and the trolley in Exhibits A, B and C are proposed to take effect.

There is concern with stopping the provision of MBDAR service without having the immediate start of the

transit service change to the trolley fixed route as there would be a period of several months with no local transit service for the public. In addition, there are riders for whom public transit is the only source of transportation to get to work, school, doctors, groceries, and other social engagements. This gap between when MBDAR service stops and the transit service changes begin with the new fiscal year would create anxiety with riders who would have to find alternative means to get around town for a period of four months. Staff does not recommend Option 1 to address the \$24,607 FY LTF reduction, unless no other option is available.

Option 2

With this option, Council would authorize the use of general accumulation funds to address the \$24,607 FY LTF reduction in order to keep MBDAR service operating through the remainder of the this fiscal year, at which time, the transit service changes in Exhibits A, B and C, if approved, would take effect. Under this option, there would be no gap in local service which would reduce stress for transit riders as they would not have to find alternative means of transportation for four months until the new local fixed route service began.

Option 3

With this option, two things would occur: the transit service changes outlined in Exhibits A, B and C would be implemented May 3, 2010, rather than the proposed October 4, 2010 after the summer trolley season ends, and Council would authorize the use \$5,600 in general accumulation funds to fund the difference between the \$24,607 LTF reduction and the cost savings associated with starting the transit service changes in May 2010.

There would be cost savings converting from a dial-a-ride service to fixed route service in addition to a reduction in vehicle service hours and associated fuel/maintenance expenses related to those service hours that would be offset with the additional trolley hours starting in May. The total cost savings would address approximately 77% of the \$24,607 LTF reduction, leaving approximately \$5,600 of the reduction amount remaining.

In addition, there would be no gap in local service which would reduce stress for transit riders as they would not have to find alternative means of transportation as the new local fixed route service would began immediately after the MBDAR service ends.

CONCLUSION

Due to the recession and changes in the State budget regarding transit funding, MBDAR has lost more than \$171,000 in Transportation Development Act (TDA) funds with which to operate service since April 2008. The anticipated funding shortfall for existing MBDAR services for FY 2010/2011 is estimated at more than \$143,000.

As such, the existing MBDAR service levels cannot be maintained in FY 2010/2011 and after evaluating different transit service options based upon the level of State transit funding that is anticipated to be allocated to the City, staff recommends establishing a year round fixed route trolley to replace MBDAR service as outlined in Exhibits A, B and C.

Approval of the staff recommendation would result in the achievement of two Management Partners' recommendations regarding elimination of general fund support for trolley service and making the Transit enterprise fund self sufficient.

In addition, the Council is requested to provide direction to staff with regard to the most recent reduction in LTF and how to address the shortfall for the current fiscal year, selecting from the options outlined above.

Exhibit A
Proposed Morro Bay Transit Service Changes

Trolley Fixed Route

- Establish year round fixed route (North and Downtown summer trolley routes combined into one route and also travel along Piney Way)
- Service hours 6:40 a.m. - 5:30 p.m., Monday - Friday (1 vehicle; hourly schedule)
- Connections to RTA every half hour at City Park
- ADA service provided by Runabout*

Trolley Fixed Route Summer Season

- Add Waterfront and North/South routes on Saturday and Sunday
- Service hours 10:40 a.m. - 5:55 p.m.
- Operate Memorial Day and Labor Day holidays; 10:40 a.m. – 5:55 p.m.
- Operate 4th of July 10:40 a.m. - approx. 1 hour after fireworks

MBDAR

- Demand response service would be eliminated and replaced with year round weekday fixed route trolley service described above

Fare

- Regular: \$1.25 per ride
- Discount: \$0.60 per ride (senior and disabled)

Proposed Start Date: October 4, 2010

*ADA stands for the Americans with Disabilities Act. Signed into law in 1990, the ADA is a federal civil right law prohibiting discrimination against individuals with disabilities in a range of categories, including transportation.

The ADA law mandated that improvements such as insuring that all new buses used for fixed route bus service must have a lift or ramp to allow boarding by those passengers who cannot, or have difficulty boarding the bus using steps be made to public transit systems to make them accessible to persons with disabilities.

The ADA law also mandated that public transit systems provide ADA paratransit service for those persons whose disabilities prevent them from using accessible fixed route bus services. This does not include disabilities that make use of fixed route bus service difficult or inconvenient. The specific criteria for determining who is eligible for ADA paratransit are defined by ADA law.

Runabout is the ADA paratransit service for San Luis Obispo County. Runabout provides door-to-door transportation service and is sponsored by the San Luis Obispo Regional Transit Authority, local governments, and the other local fixed route bus systems in the County. Only riders who meet the criteria specified by the ADA and who have been certified as eligible will have a guaranteed ride.

Exhibit B
Proposed Weekday Fixed Route Schedule*

YEAR ROUND WEEKDAY TROLLEY - NORTH/SOUTH ROUTE

NORTHBOUND											
CITY PARK - HARBOR @ PINEY (Leave)	640	740	840	940	1040	1140	1240	1340	1440	1540	1640
SHASTA @ KENNEDY WAY (LIBRARY)	642	742	842	942	1042	1142	1242	1342	1442	1542	1642
KENNEDY WAY @ QUINTANA	643	743	843	943	1043	1143	1243	1343	1443	1543	1643
MAIN @ LEMOS RANCH	644	744	844	944	1044	1144	1244	1344	1444	1544	1644
MAIN @ ERROL	646	746	846	946	1046	1146	1246	1346	1446	1546	1646
MAIN @ BONITA	648	748	848	948	1048	1148	1248	1348	1448	1548	1648
MAIN @ ELENA	649	749	849	949	1049	1149	1249	1349	1449	1549	1649
MAIN @ SEQUOIA	650	750	850	950	1050	1150	1250	1350	1450	1550	1650
MAIN @ JAMAICA	651	751	851	951	1051	1151	1251	1351	1451	1551	1651
MAIN @ TAHITI	652	752	852	952	1052	1152	1252	1352	1452	1552	1652
MORRO STRAND CAMPGROUND	655	755	855	955	1055	1155	1255	1355	1455	1555	1655
SOUTHBOUND											
HWY 1 @ SAN JACINTO	659	759	859	959	1059	1159	1259	1359	1459	1559	1659
ATASCADERO @ TRAILER PARK	701	801	901	1001	1101	1201	1301	1401	1501	1601	1701
ATASCADERO @ MORRO DUNES PARK	704	804	904	1004	1104	1204	1304	1404	1504	1604	1704
ATASCADERO @ TRAILER PARK	705	805	905	1005	1105	1205	1305	1405	1505	1605	1705
MAIN @ ERROL	706	806	906	1006	1106	1206	1306	1406	1506	1606	1706
MBB @ MARKET	710	810	910	1010	1110	1210	1310	1410	1510	1610	1710
MBB @ MAIN	710	810	910	1010	1110	1210	1310	1410	1510	1610	1710
MBB @ NAPA	711	811	911	1011	1111	1211	1311	1411	1511	1611	1711
CITY PARK - HARBOR @ PINEY	712	812	912	1012	1112	1212	1312	1412	1512	1612	1712
MBB @ NAPA	714	814	914	1014	1114	1214	1314	1414	1514	1614	1714
MBB @ MONTEREY	715	815	915	1015	1115	1215	1315	1415	1515	1615	1715
MORRO BAY STATE PARK	720	820	920	1020	1120	1220	1320	1420	1520	1620	1720
NORTHBOUND											
MAIN @ KERN	722	822	922	1022	1122	1222	1322	1422	1522	1622	1722
PINEY @ ANCHOR	724	824	924	1024	1124	1224	1324	1424	1524	1624	1724
TRANSIT OFFICE - HARBOR @ NAPA	725	825	925	1025	1125	1225	1325	1425	1525	1625	1725
MBB @ MARKET	728	828	928	1028	1128	1228	1328	1428	1528	1628	1728
MBB @ MAIN	728	828	928	1028	1128	1228	1328	1428	1528	1628	1728
MBB @ NAPA	729	829	929	1029	1129	1229	1329	1429	1529	1629	1729
CITY PARK - HARBOR @ PINEY (Arrive)	730	830	930	1030	1130	1230	1330	1430	1530	1630	1730

*The weekday fixed route would operate year round.

Exhibit C
Proposed Summer Fixed Route Expanded Service*

SUMMER SATURDAY & SUNDAY TROLLEY - NORTH/SOUTH ROUTE

NORTHBOUND								
CITY PARK - HARBOR @ PINEY (Leave)	1040	1140	1240	1340	1440	1540	1640	1740
SHASTA @ KENNEDY WAY (LIBRARY)	1042	1142	1242	1342	1442	1542	1642	1742
KENNEDY WAY @ QUINTANA	1043	1143	1243	1343	1443	1543	1643	1743
MAIN @ LEMOS RANCH	1044	1144	1244	1344	1444	1544	1644	1744
MAIN @ ERROL	1046	1146	1246	1346	1446	1546	1646	1746
MAIN @ BONITA	1048	1148	1248	1348	1448	1548	1648	1748
MAIN @ ELENA	1049	1149	1249	1349	1449	1549	1649	1749
MAIN @ SEQUOIA	1050	1150	1250	1350	1450	1550	1650	1750
MAIN @ JAMAICA	1051	1151	1251	1351	1451	1551	1651	1751
MAIN @ TAHITI	1052	1152	1252	1352	1452	1552	1652	1752
MORRO STRAND CAMPGROUND	1055	1155	1255	1355	1455	1555	1655	1755
SOUTHBOUND								
HWY 1 @ SAN JACINTO	1059	1159	1259	1359	1459	1559	1659	-
ATASCADERO @ TRAILER PARK	1101	1201	1301	1401	1501	1601	1701	-
ATASCADERO @ MORRO DUNES PARK	1104	1204	1304	1404	1504	1604	1704	-
ATASCADERO @ TRAILER PARK	1105	1205	1305	1405	1505	1605	1705	-
MAIN @ ERROL	1106	1206	1306	1406	1506	1606	1706	-
MBB @ MARKET	1110	1210	1310	1410	1510	1610	1710	-
MBB @ MAIN	1110	1210	1310	1410	1510	1610	1710	-
MBB @ NAPA	1111	1211	1311	1411	1511	1611	1711	-
CITY PARK - HARBOR @ PINEY	1112	1212	1312	1412	1512	1612	1712	-
MBB @ NAPA	1114	1214	1314	1414	1514	1614	1714	-
MBB @ MONTEREY	1115	1215	1315	1415	1515	1615	1715	-
MORRO BAY STATE PARK	1120	1220	1320	1420	1520	1620	1720	-
NORTHBOUND								
MAIN @ KERN	1123	1223	1323	1423	1523	1623	1723	-
PINEY @ ANCHOR	1124	1224	1324	1424	1524	1624	1724	-
TRANSIT OFFICE - HARBOR @ NAPA	1125	1225	1325	1425	1525	1625	1725	-
MBB @ MARKET	1128	1228	1328	1428	1528	1628	1728	-
MBB @ MAIN	1128	1228	1328	1428	1528	1628	1728	-
MBB @ NAPA	1129	1229	1329	1429	1529	1629	1729	-
CITY PARK - HARBOR @ PINEY (Arrive)	1130	1230	1330	1430	1530	1630	1730	-

SUMMER SATURDAY & SUNDAY TROLLEY - WATERFRONT ROUTE

EMBARCADERO @ FRONT
MORRO ROCK
EMBARCADERO @ COLEMAN BEACH
EMBARCADERO @ BEACH
EMBARCADERO @ HARBOR
EMBARCADERO @ PACIFIC
EMBARCADERO @ MARINA
TIDELANDS PARK
EMBARCADERO @ DRIFTWOOD
EMBARCADERO @ GIANT CHESSBOARD
MARKET @ MBB (transfer to N/S route)

*Summer Waterfront Route is approximately 20 minutes

*The summer fixed route expanded service would operate Memorial Day weekend through the 1st weekend in October. If additional funding becomes available, a second vehicle can be added to the North/South route to provide for half hour service along the whole route.

Title 17

ZONING*

CHAPTERS:

- 17.04** **General Provisions**
- 17.08** **Interpretation**
- 17.12** **Definitions**
- 17.22** **Zoning Map - Boundaries**
- 17.24** **Primary Districts**
- 17.27* *Antennas and Wireless Telecommunications Facilities*
- 17.30** **Special Uses, Special Use Permits and Temporary Use Permits**
- 17.40** **Special Treatment Overlay and Combining Districts and Specific Plans**
- 17.44** **Parking, Driveway and Loading Facilities**
- 17.45** **Bluff Development Standards**
- 17.48** **General Regulations, Conditions and Exceptions**
- 17.49** **Community Housing Project Regulations, Residential Conversions and Demolition**
- 17.50** **Affordable Housing, Density Bonuses and Incentives**
- 17.52** **Performance Standards**
- 17.56** **Nonconforming Uses and Structures**
- 17.58** **Coastal Development Permits and Procedures**
- 17.60** **Use Permits, Procedures Notices and Variances**
- 17.61** **Enforcement**
- 17.64** **Amendments**
- 17.68** **Signs**
- 17.70** **Adult Entertainment Businesses**
- Appendix A**

* Prior ordinance history: Prior code && 5101.1 -- 5101.3, 5102.1, 5103.1 -- 5103.5, 5104.1, 5104.2.1 -- 5104.2.12, 5104.3, 5104.3.1 -- 5104.3.7, 5104, 5104.4.1 -- 5104.4.4, 5105.1 -- 5105.8, 5106.1 -- 5106.22, 5106.24, 5107.1 -- 5107.9, 5108.1 -- 5108.6, 5109.1 -- 5109.9, 510.1 --

5110.4, 5110.6 --5110.14, 5111.1 -- 5111.7, 5112.1 -- 5112.6; Ords. 65, 77, 100, 107, 136, 141, 173, 174, 176, 178, 182, 186, 195, 204, 207, 208, 212, 220, 225, 230, 236, 243, 445, 470.

Chapter 17.27 Antennas and Wireless Telecommunications Facilities

Sections:

17.27.010 Purpose

17.27.020 Applicability; Exemptions

17.27.030 Submittal Requirements

17.27.040 Standards

17.27.050 Procedures

17.27.060 Cessation; Exercise of Permits, Transfer of Permits

17.27.010 Purpose

This Chapter provides a uniform and comprehensive set of standards and procedures to regulate the development, siting, installation, and operation of wireless telecommunications antennas and related facilities ("wireless telecommunications facilities") consistent with the goals, objectives, and policies of the General Plan and the applicable requirements of federal law. The regulations are intended to provide for the appropriate development of wireless telecommunications facilities within the City to meet the needs of residents, business-owners, and visitors while protecting public health and safety and preventing visual blight and degradation of the community's aesthetic character and scenic vistas. It is the City's intent to apply these regulations to accomplish the following:

- A. Provide incentives for well-designed and appropriately located antennas and wireless communications facilities.
- B. Encourage the leasing of publicly owned properties where feasible or desirable.
- C. Encourage the use of existing facilities and co-location of facilities by multiple service providers.
- D. Encourage the placement of antennas on existing structures.
- E. Provide a competitive and broad range of telecommunications services and high quality telecommunications infrastructure to meet the community's needs and serve as an important and effective part of Morro Bay's emergency response network.

17.27.020 Applicability; Exemptions

The requirements of this Chapter shall apply to all telecommunications facilities that transmit and/or receive electromagnetic signals including, but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities. All of the following facilities are exempt from these requirements provided that the primary use of the property is not a telecommunications facility and that the antenna use is accessory to the primary use of the property:

- A. Licensed amateur (ham) radio and citizen band operations.
- B. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
- C. Emergency services radio.
- D. Radio and television mobile broadcast facilities.
- E. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
- F. A single ground or building-mounted receive-only radio or television antenna not exceeding the maximum height permitted by this ordinance, including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:

1. Residential Districts.

- a. **Satellite Dish One Meter or Less.** A satellite dish that does not exceed one meter in diameter and is for the sole use of a resident occupying the same residential parcel is permitted anywhere on a lot in the residential district so long as it does not exceed the height of the ridgeline of the primary structure on the same parcel.
- b. **Satellite Dish Greater than One Meter.** A satellite dish that is greater than one meter in diameter, is not located within a required front yard or side yard abutting a street, and is screened from view from any public right-of-way and adjoining property.
- c. **Antennas.** An antenna that is mounted on any existing building or other structure that does not exceed 25 feet in height. The antenna must be for the sole use of a resident occupying the same residential parcel on which the antenna is located.

2. Commercial and Industrial Districts.

- a. **Satellite Dish Two Meters or Less.** A satellite dish that does not exceed two meters in diameter is permitted anywhere on a lot in a commercial or industrial district so long as the location does not reduce required parking, diminish pedestrian or vehicular access, or require removal of landscaping maintained as a condition of project approval.
- b. **Satellite Dish Greater than Two Meters.** A satellite dish that is greater than two meters in diameter that is not located within a required front yard or side yard abutting a street and is screened from view from any public right-of-way and adjoining property.
- c. **Mounted Antennas.** An antenna that is mounted on any existing building or other structure when the overall height of the antenna and its supporting tower, pole or mast does not exceed a

height of 30 feet or 25 feet if located within 20 feet of a residentially zoned lot.

- d. Free-Standing Antennas. A free standing antenna and its supporting tower, pole, or mast that complies with all applicable setback ordinances when the overall height of the antenna and its supporting structure does not exceed a height of 30 feet or 25 feet if located within 20 feet of a residentially zoned lot.
- e. Undergrounding Required. All wires and/or cables necessary for operation of an antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.
- f. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.
- g. Minor modifications to existing wireless facilities, including replacement in-kind or with smaller or less visible equipment, that meet the standards set forth in this Chapter and will have little or no change in the visual appearance of the facility following written notification to the Director.

17.27.030 Submittal Requirements

An applicant shall file a written application for a Minor Use Permit or Conditional Use Permit with the Director accompanied by the required fee as established in the City's fee schedule. Applications shall be submitted pursuant to application requirement handouts maintained by the City and as amended from time to time.

17.27.040 Standards

In order to ensure compatibility with surrounding land uses and protect public safety and natural, cultural, and scenic resources, all wireless telecommunications facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district and overlay district that applies.

A. Location and Siting. All facilities shall be designed and sited to minimize their visibility, prevent visual clutter, and reduce conflicts with surrounding land uses. As used in this Chapter, "readily visible" means that a person with normal vision can see the facility and distinguish it as an antenna or other component of a wireless telecommunications facility.

- 1. View Corridor. No facility shall be sited where it will be silhouetted against the sky as viewed from a designated Scenic Highway, public park, or other public recreation area or intrude into a significant or sensitive view corridor.

2. Public Locations. No facility shall be sited where it will be readily visible from a public right-of-way, public park or cultural facility.
3. Residential Areas. No facility shall be located in an R district where it is readily visible within 300 feet from a dwelling unit.
4. Primary Use. No telecommunications antenna or ancillary facility shall be established as the primary use on any site, except within an M-1 or M-2 district, unless the site has already been developed with a legally established wireless facility.
5. Mounted Facility. Antennas, support structures, and equipment shelters may be installed on the roof or directly attached to any existing building or structure so long as they comply with the height requirements of this Chapter and they are architecturally integrated into the design of the building or structure and do not protrude more than two feet horizontally from the building or structure.
6. Relation to Other Facilities. A wireless facility that is readily visible from an off-site location shall not be installed closer than one mile from another wireless telecommunications facility that is readily visible or un-camouflaged, unless it is a co-located facility on a multiple-user site or has been designed or camouflaged so that it blends into the surrounding natural or existing built environment.

B. Support Structures. Support structures for wireless telecommunications facilities shall be any of the following:

1. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole must be constructed to allow for co-location of at least one other similar wireless communications provider.
2. A monopole mounted on a trailer or a portable foundation if the use is for a temporary wireless communications facility.
3. An existing non-residential building.
4. An existing structure other than a building including but not limited to, light poles, electric utility poles, water towers, steeples, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.
5. A new alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that is designed to conceal or camouflage the facility. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless telecommunications function.

C. Height.

1. Freestanding Antenna or Monopole. A freestanding antenna or monopole shall not exceed the height limit of the district in which the antenna is located.
2. Building-Mounted Facilities. Building-mounted wireless telecommunications facilities shall not exceed a height of 15 feet above the height limit of the district or 15 feet above the existing height of a legally established building or structure, whichever is higher, measured from the top of the facility to the point of attachment to the building.
3. Facilities Mounted on Structures. Wireless telecommunications facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennae may extend up to 15 feet above the height of an electric utility pole.

D. Setback. When determining whether a wireless telecommunications facility complies with the following requirements, the setback shall be measured from the closest point on the base of the tower or structure to the applicable property line or structure.

1. Setback from Zoning District. All wireless facilities shall be set back a minimum distance of 100 feet from an Residential district, dwelling unit, school or daycare facility, public park, or outdoor recreation area.
2. Setback from Property Line. Facilities that are not building-mounted shall be set back from any adjacent property line a minimum distance that is equal to 110 percent of the height of the facility (including attached antennae) or a minimum distance equal to the building setback for the district in which it is located, whichever is greater. Guy wire anchors shall be set back at least 20 feet from any property line.

E. Design and Screening. Facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing supporting structures, so as to reduce visual impacts to the extent feasible.

1. Preference for Facility Type. Based on their potential aesthetic impact, the order of preference for facility type is: façade-mounted, roof-mounted, ground-mounted, and free-standing tower or monopole. A proposal for a new ground-mounted or free-standing tower shall include factual information to explain why other facility types are not feasible.
2. Minimum Functional Height. All free-standing antennas, monopoles, and lattice towers shall be designed to be the minimum functional height and width required to support the proposed antenna installation unless it can be demonstrated that a higher antenna, monopole, or tower will facilitate co-location or other objectives of this Chapter.
3. Camouflaged. Telecommunications facilities that are mounted on buildings or structures shall

be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened to minimize their appearance in a manner that is compatible with the architectural design of the building.

4. Landscaping. All telecommunications facilities subject to the requirements of this Chapter shall be installed in such a manner so as to maintain and enhance existing native vegetation and minimize disturbance of existing topography unless the Public Services Director determines that such changes will help to minimize the visual impact of the facility. Site plans shall include suitable mature landscaping to screen the facility, where necessary.

5. Maintenance of Landscaping. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it. The owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping.

6. Lighting. Wireless telecommunication facilities shall be not be lighted except when authorized personnel are present on-site at night or unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes, if the beam is directed downwards, shielded from adjacent properties and kept off when personnel are present at night.

7. Advertising. No advertising shall be placed on wireless telecommunications facilities, equipment cabinets, or associated structures.

F. Equipment Cabinets and Buildings.

1. Location and Screening. Equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the City. Any wall shall be architecturally compatible with the building or immediate surrounding area.

2. Size. An equipment cabinet shall not exceed eight feet in height and a building shall not exceed one story. An equipment cabinet or building may contain an area of up to 300 square feet for a single provider or 600 square feet for multiple wireless providers. An equipment cabinet or building for servicing a public safety communications tower may exceed the size limitations set forth herein.

G. Security Features. All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.

1. Fencing. Security fencing, if any, shall not exceed 6 feet to 10 feet in height, consistent with fencing in the area. Fencing shall be no less than the above grade height of the equipment cabinet. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.

2. Maintenance. The permittee shall be responsible for maintaining the site and facilities free from graffiti.

H. Radio Frequency Standards; Noise.

1. Radio Frequency. Wireless telecommunications facilities shall comply with federal standards for radio frequency (RF) emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.

2. Noise. Wireless facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of forty (40) decibels (dBa) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of fifty (50) dBa during the hours of 7:00 a.m. to 10:00 p.m. and forty (40) dBa during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any non-residential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

I. Co-location. The applicant and owner of any site on which a wireless facility is located shall cooperate and exercise good faith in co-locating wireless facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

1. All facilities shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third party technical study at applicant's expense. The City may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

2. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever possible.

3. No co-location may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunications facilities or failure of the existing facilities to meet federal standards for emissions.

4. Failure to comply with co-location requirements when feasible or cooperate in good faith as

provided for in this Chapter is grounds for denial of a permit request or revocation of an existing permit.

J. Fire Prevention. All telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.

1. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;
2. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Uniform Building Code.
3. Monitored automatic fire extinguishing systems approved by the Fire Chief shall be installed in all equipment buildings and enclosures.
4. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.

K. Surety Bond. As a condition of approval, an applicant for a building permit to erect or install a wireless telecommunications facility shall be required to post a cash or surety bond in a form and amount acceptable to the City Manager to cover removal costs of the facility in the event that its use is abandoned or the approval is otherwise terminated.

17.27.050 Procedures

A wireless telecommunications facility subject to the requirements of this Chapter shall not be established, expanded, or otherwise modified except in conformance with the following requirements.

A. Public Services Director Determination of Compliance. The following wireless telecommunications facilities shall be permitted in any Commercial or Industrial district subject to the Director's determination of compliance with the applicable requirements of this Chapter:

1. A facility affixed to an existing building or structure.
2. A new ground-mounted monopole in an Industrial zone that is not readily visible from off-site or, if visible from off-site, is located at least one mile from any existing or approved monopole.
3. A new alternative tower structure.
4. Public safety communications towers sixty five (65) feet in height or less.
5. Temporary wireless telecommunications facilities.

B. Minor Use Permit. The Director may issue a Minor Use Permit to establish any of the following facilities subject to the requirements of this Chapter, and based on the applicable findings in Section 17.27.050 (D) below.

1. A facility co-located on an existing legally established monopole or support structure in any zoning district.
2. A ground-mounted tower or monopole that complies with the height limit in any Commercial or Industrial district.
3. The location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
4. The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be as attractive as the nature of the use, and its location and setting warrant.
5. The proposal is consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan/Local Coastal Program, with any other applicable plan adopted by the City Council and with the standards and requirements of this Title.

C. Conditional Use Permit. All other wireless telecommunications facilities shall require the approval of a Conditional Use Permit by the Planning Commission following a public hearing.

D. Findings Required. The Planning Commission or the Director, in the case of a Minor Use Permit, may approve or approve with conditions any Use Permit required under this Chapter after making the findings required for approval of such permits.

1. The applicant has made good faith and reasonable efforts to locate the proposed wireless facility on a support structure other than a new ground-mounted antenna, monopole, or lattice tower or to accomplish co-location; and
2. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site.

17.27.060 Cessation; Exercise of Permits; Transfer of Permits

A. Cessation; Exercise of Permits. Permits for wireless telecommunications facilities shall be deemed exercised or expired pursuant to the provisions of Chapter 17.30: Common Procedures.

B. Transfer of Permit. Any FCC-licensed telecommunications carrier that is buying, leasing, or considering a transfer of ownership of an already approved facility, shall provide written

notification to the Director and request transfer of the existing Use Permit. The Director may require submission of any supporting materials or documentation necessary to determine that the proposed use is in compliance with the existing Use Permit and all of its conditions including, but not limited to, statements, photographs, plans, drawings, models, and analysis by a State-licensed radio frequency engineer demonstrating compliance with all applicable regulations and standards of the Federal Communications Commission and the California Public Utilities Commission. If the Director determines that the proposed operation is not consistent with the existing Use Permit, he/she shall notify the applicant who may revise the application or apply for modification to the Use Permit pursuant to the requirements of Chapter

17.41.070 Wireless Telecommunications Definitions

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception, or both, of electromagnetic radiation waves.

Antenna Types.

Amateur Radio Antenna. Any antenna used to receive or transmit radio signals on the amateur radio bandwidth, as designated by Federal regulation.

Satellite Antenna. Any antenna used to receive or transmit radio or television signals from orbiting communication satellites.

Building-Mounted Telecommunications Facility. A facility constructed in two general forms, roof mounted, in which an antenna is placed on or above the roof, and facade-mounted, in which an antenna is mounted on the side of a building. Building-mounted facilities can be located on or inside various structures such as building roof or eave trim, church steeples, or other innovative locations.

Monopole. A facility that consists of a single pole structure erected on the ground to support wireless communication antennas and connecting appurtenances.

Telecommunications Facility. A facility that transmits or receives electromagnetic signals, including antennas for cellular, enhanced specialized mobile radio (ESMR), personal communications services (PCS), microwave dishes, earth stations for satellite-based communications, and similar facilities.

Telecommunications Facility, Co-Located. A facility comprised of a single telecommunications tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

17.24.020 Agricultural (AG) District Table

<p>Unless otherwise designated, the following uses, or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.</p>	<p>Conditional Use Permit Required.</p>	<p>Maximum Building Height</p>	<p>Minimum Building Site Area</p>	<p>Minimum Lot Area Per Unit</p>	<p>Minimum Front Yard Setback</p>	<p>Minimum Side Yard Setback (Exterior Yard)</p>	<p>Minimum Side Yard Setback (Interior Yard)</p>	<p>Minimum Rear Yard Setback</p>	<p>Landscaping</p>	<p>Maximum Lot Coverage</p>
<p>Principle Permitted Uses: The following uses are permitted in the AG zone: crop farming; viticulture; livestock farming and grazing; accessory uses and buildings including but not limited to barns, corrals and storehouses, which are normally incidental to other permitted uses; equestrian boarding facilities for not more than four horses.</p>	<p>No</p>	<p>25 ft</p>	<p>General: 20 acres</p> <p>Between Little Morro Creek Rd. & Morro Creek: 40 acres or pursuant to 17.24.020.B.4</p>	<p>General: 20 acres</p> <p>Between Little Morro Creek Rd. & Morro Creek: 40 acres</p>	<p>Corral, barns & other animal enclosures: 75 ft. from dwelling (see 17.16.050)</p>				<p>NA</p>	<p>5%</p>
<p>One single-family residence</p>	<p>Minor use permit</p>			<p>1/Lot</p>					<p>2%</p>	
<p>Guest house (no kitchen) or Granny Unit with a Single Family Residence</p>										
<p>Temporary produce stand</p>										
<p>Conditionally Permitted Uses: The following may be permitted in the AG zone subject to a Conditional Use Permit: farm labor quarters; public coastal accessways; greenhouse and nurseries; other uses per the land use plan of Section 17.24.020.B if the appropriate findings are made by the Planning Commission.</p>	<p>Yes</p>									
<p>Antennas and Wireless Telecommunications Facilities</p>	<p>See Section 17.27</p>									

17.24.030 Suburban Residential (RA) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Single-family dwelling	No	25 ft. (no wall may exceed 30 ft.)	20,000 sq. ft.	20,000 sq. ft.	20 ft.	10 ft. garage entrance 20ft.	10% of ave. with 10 ft. maximum requirement	20% of the depth of the lot with 20 ft. maximum	35% minimum permeable surface	45%
Crop and tree farming: viticulture, farming and if one acre or more grazing, of not more than two (2) cattle or horses per acre or not more than four (4) sheep or goats per acre.					Refer to Chapter 7.16 for animal keeping setbacks					
Rabbit and chicken ranching involving not more than twelve (12) animals										
Expressly prohibited: commercial dairies and kennels;										
Accessory uses and buildings normally incidental to other permitted uses but not including commercial uses, and located in accordance with Title 7; home occupations										
Guest House (no Kitchen) or Granny Unit with a Single Family Residence	Minor Use			1 per lot	20 ft.	10 ft.	10 %	20%		
Temporary Produce Stands			10 acres				10 % of ave. width with 10 ft. maximum requirement	20% of the depth of the lot with 20 ft. maximum		
Additional Residences for Agricultural Employees	Yes				Not permitted within 100' of residential structure or adjacent residentially zoned property					
Equestrian Boarding					Per CUP					
Special Use Permits pursuant to 17.30 Antennas and Wireless Telecommunications Facilities	Yes	See section 17.27								

17.24.050 Duplex Residential (R-2) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
All principally permitted uses in the R-1 district.	No	25 ft.	Refer to Subdivision regulations for sizes for new lots	2,900 sq. ft.	20 ft.	20% of avc. width of lot with 10 ft. maximum and 5 ft. minimum Garage entrance 20ft.	10% of avc. width of lot with 5 ft. maximum and 3 ft. minimum	5 ft.	N/A	50 %
Duplexes (single structure); second single family dwellings										
Home occupations, structures and uses normally incidental to primary use										
Guest house (no kitchen) or Granny unit with a Single Family Residence	Minor Use Permit									
Apartment units/Bed and Breakfast	Yes									
Community Housing projects			10,000 sq. ft.							
Mobile home parks and other permitted uses as stated in Section 17.40.0660			2 acres							
Parking lots-only to serve residential uses			Per CUP	N/A						
Special Use Permits pursuant to 17.30	Yes		Per	CUP						
Antennas and Wireless Telecommunications Facilities	See Section 17.27									

Plan required
15%

minimum permeable surface

17.24.060 Multiple Family Residential (R-3) District Table

<p>Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.</p>	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
<p>All principally permitted uses in the R-1 and R-2 districts.</p>	No	25 ft.	Refer to Subdivision Regulations for sizes for new lots	2,175 sq. ft.	15 ft. Garage entrance 20 ft.	20% of ave. width of lot with 10 ft. maximum and 5 ft. minimum Garage entrance 20ft.	5 ft.	5 ft. except where abuts an R-1 or R-2 zone, in which case the R-1 criteria applies	N/A	60%
									Plan required 15% minimum permeable surface	
<p>Home occupations: structures and uses normally incidental to primary use</p>										
<p>Apartment units</p>										
<p>Guest house (no kitchen) or Granny unit with a Single Family Residence</p>	Minor Use Permit								N/A	
<p>Rooming and boarding house: bed and breakfast establishment</p>	Yes			2,900 sq. ft.					Plan required 15% minimum permeable surface	
<p>Community Housing project</p>			6,000 sq. ft.							
<p>Parking Lot</p>			3 acres	N/A						
<p>Mobile home park</p>			3 acres	2,900 sq. ft.						
<p>Special Use Permits pursuant to 17.30</p>	Yes		Per	CUP						
<p>Antennas and Wireless Telecommunications Facilities</p>										
		See Section 17.27								

17.24.070 Multiple Residential (R-4) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.

Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
No	30 ft	Refer to Subdivision Regulations for sizes for new lots	1,800 sq. ft.	15 ft. Garage entrance 20 ft.	20% of ave. width of lot with maximum and 10 ft. minimum Garage entrance 20 ft.	5 ft.	5 ft. except where abuts an R-1 or R-2 zone, in which case the R-1 criteria applies	N/A	60%
Minor Use Permit									
Rest home, rooming and boarding houses	Yes	6,000 sq. ft.	750 sq. ft.					Plans required 15% minimum permeable surface	
Hotel and Motel: Bed and Breakfast establishment									
Mobile Home Park		3 acres	2,900 sq. ft.						
Commercial uses and services, including but not limited to newsstands, gifts and notions, coffee shops, self service laundries and bike rental, which are normally incidental to hotels, motels and mobile home parks, if such uses are provided without direct access to a public street									
Parking lots									
Professional, governmental and general business offices which do not engage in retail sales on the premises									
Special Use Permits pursuant to 17.30	Yes	Per	CUP						
Antennas and Wireless Telecommunications Facilities	See Section 17.27								

17.24.090 Central Business (C-1) District Table II

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Tattoo parlors	None except minor CUP if within 100' of or across the street from a residential zone or a school zone									
Video arcades										
Bars when not part of a restaurant	Yes	30 ft. except 25 ft. within 20 ft. of a residential district other than R-4	Refer to Subdivision Regulations for sizes for new lots	2,500 sq. ft.	0 ft. with an average of 2 ft. except 10 ft. when across the street from a residential district		0 ft. except 10 ft. when adjacent to a residential district		Plan required per Section 17.48.290	90%
Hotels, motels;										
Plant nurseries, home improvement centers and tire shops/auto repair subject to a CUP [Ord. 324 exn. B s1, 1988]										
Multi-story parking garages										
Retail sales and personal services not with-in a building.										
Drive-in or drive-thru restaurants.										
Service stations with minor auto repair, car wash.										
Fabrication of items sold on the premises										
Antennas and Wireless Telecommunications Facilities	See Section 17.27									

17.24.100 Service Commercial (C-2) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Retail uses within a building except liquor stores	No	30 ft. except 25 ft. within 20 ft. of a residential district other than R-4	Refer to Subdivision Regulations for sizes for new lots	N/A	Average of 2 ft. except 10 ft. when across the street from a residential district		0 ft. except 10' when adjacent to a residential district		Plan required per Section 17.48.290	90%
Business and professional offices	None required except when within 100' or across the street from a residential zone in which case a Minor Use Permit is required									
Liquor sales and convenience stores	Yes									
Outdoor storage and sales establishments and any uses permitted without a use permit when carried on outside a building.										
Home improvement centers.										
Service stations, auto body, and paint shops; building and repair of boats.										
Fish processing excluding canning; light fabrication contractors' yards; uses clearly ancillary to primary uses										
One residence for security purposes										
Antennas and Wireless Telecommunications Facilities	See Section 17.27									

17.24.110 Mixed Commercial/Residential (MCR) District Table II

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Parking lots.	Yes	25 ft. (Refer to special standards for limitations and variations)	Refer to Subdivision Regulations for commercial for new lots		5 ft. (Refer to special standards) except 10 ft. when across the street from a residential zone		5 ft. setback for buildings of 15 foot height or less, 10 ft. setback for buildings of greater than 15 foot height.		Plan Required	60%
Fabrication of items sold on the premises.										
bars when not part of a restaurant.										
Hotels, motels.										
Nurseries and home improvement centers.										
The following retail uses and service, within a building: animal hospital; auto sales and service; automotive repair shop; car cleaning and detailing establishments; dry cleaners; heavy equipment sales and service; laundries; locker plants; plumbing shops; second hand sales; cabinet shops; tire shops.										
When not on Main Street. Storage and warehouse establishments such as: mini-warehouses; commercial public storage; wholesale storage retail outlets; restaurant suppliers excluding wholesale food distributors; and Contractors' yards										
Service stations, auto body and paint shops, building and repair of boats Antennas and Wireless Telecommunications Facilities	See Section 17.27									

17.24.120 Visitor-Serving Commercial (C-VS) District Table II

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Overnight R-V camping, in-park stores for sundries and other R-V related goods.	Yes	30 ft.	Refer to Subdivision Regulations for sizes for new lots	2,900 sq. ft.	23 ft.	15 ft.	10 ft.	10 ft.	Plan Required per Section 17.48.290. All street yards shall be landscaped in addition to parking lot landscaping	60%
Antennas and Wireless Telecommunications Facilities	See Section 17.27									

17.24.130 General Office (G-O) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Police and fire stations; professional Offices; general Business Offices; retail sales within a building.	None except Minor use Permit if within 100' of or across the street from a residential zone	25 ft.	Refer to Subdivision Regulations for sizes for new lots		5 ft.	5 ft.	0 ft. except 10 ft. when adjacent to a residential district		Plan required in accordance with Chapter 17.48 in addition to any parking related landscaping and screening as provided in Chapter 17.44	80%
Governmental offices; offices or meeting facilities of non-profit organizations; medical and dental offices and clinics										Must meet R-2 standards
Residential Uses per R-2 standards				2,900 sq. ft.	Must meet R-2 standards		Must meet R-2 standards			80%
Medical, Dental and optometrical laboratories, for the fabrication and processing of products of general sale and distribution; pharmacies; stations; printing and duplicating	Yes				5 ft.	5 ft.	0 ft. except 10 ft. when adjacent to a residential district.			
Plant Nurseries										
Coffee Shops										
Personal services permitted in the C-1 zone such as barber shops, beauty shops and shoe repair.										
Municipal parking lots										
Antennas and Wireless Telecommunications Facilities	See Section 17.27									

17.24.140 Light Industrial (M-1) District Table

<p>Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.</p>	<p>Conditional Use Permit Required.</p>	<p>Maximum Building Height</p>	<p>Minimum Building Site Area</p>	<p>Minimum Lot Area Per Unit</p>	<p>Minimum Front Yard Setback</p>	<p>Minimum Side Yard Setback (Exterior Yard)</p>	<p>Minimum Side Yard Setback (Interior Yard)</p>	<p>Minimum Rear Yard Setback</p>	<p>Landscaping</p>	<p>Maximum Lot Coverage</p>
<p>The following uses within a building or surrounded by landscaping and a solid fence or wall at least six (6) feet high; blacksmith shop; lumber yard; boat building; machine shop; bottling plant; heavy equipment and building materials sales and storage; cabinet shop; pipe yard; locker plant; contractors yard; service yard; feed and fuel yard; outdoor storage and sales but not including self-service fuel dispensing facilities; sheet metal shop; auto mechanic shop; auto body paint and repairs shop; warehousing; dry cleaning plant and laundry; nursery for plants.</p>	<p>None except when within 300' of other non M-1 Districts a Minor Use Permit is required, or within 100' or across the street from a residential zone in which case a regular CUP is required</p>	<p>30 ft.</p>	<p>Refer to Subdivision Regulations for sizes for new lots</p>	<p>N/A</p>	<p>25 ft.</p>	<p>10 ft.</p>	<p>0 ft. except 10 ft when adjacent to a residential zone or use</p>	<p>Plan Required</p>	<p>90%</p>	
<p>Light manufacturing, fabrication, component assembling, small parts processing.</p>										
<p>Residence for security purposes</p>										
<p>Food and seafood processing</p>	<p>Yes</p>									
<p>Antennas and Wireless Telecommunications Facilities</p>	<p>See Section 17.27</p>									
<p>Agaculture</p>										

17.24.150 Coastal Dependant Industrial (M-2) District Table

<p>Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.</p>	<p>Conditional Use Permit Required.</p>	<p>Maximum Building Height</p>	<p>Minimum Building Site Area</p>	<p>Minimum Lot Area Per Unit</p>	<p>Minimum Front Yard Setback</p>	<p>Minimum Side Yard Setback (Exterior Yard)</p>	<p>Minimum Side Yard Setback (Interior Yard)</p>	<p>Minimum Rear Yard Setback</p>	<p>Landscaping</p>	<p>Maximum Lot Coverage</p>
<p>Thermal power plant and support facilities; pipelines; storage tanks; wastewater treatment facilities ; other industrial uses which must be located on or adjacent to the sea in order to function; Excluding: OCS land-based support facilities including but not limited to support bases, pipe storage yards and pipeline coating yards</p>	<p>Yes</p>	<p>30 ft. (For new construction only - does not apply to replacement or repair of existing structures)</p>	<p>Refer to Subdivisions Regulations</p>	<p>N/A</p>	<p>25 ft.</p>	<p>10 ft.</p>	<p>0 ft. except 10 ft. when adjacent to residential use or zone.</p>	<p>Plan Required</p>	<p>90%</p>	
<p>Aqua-culture and fish processing plants. Uses allowed in the M-1 Zone if coastal related, such as but not limit to: boat construction marine supply and repair, Recreational Vehicle service and other Coastal Related Manufacturing uses.</p>										
<p>Antennas and Wireless Telecommunications Facilities</p>	<p>See Section 17.27</p>									

17.24.160 Open Area (OA) District Table II

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
<p>Conditionally Permitted Uses in the OA-2 District:</p> <p>Golf Course, driving range, boating club, campground and picnic areas;</p> <p>Commercial uses (concessions) accessory to permitted uses, such as refreshment stands, restaurants, sports equipment rental and sale;</p> <p>Museums, art galleries, libraries;</p> <p>Parks, playgrounds, athletic fields, swimming pools, and other recreational uses;</p> <p>Ranger stations, maintenance buildings and other uses clearly ancillary to the primary use and intended for administration maintenance and security purposes;</p> <p>Other support structures such as restrooms, dressing rooms and parking lots</p> <p>Antennas and Wireless Telecommunications Facilities</p>	<p>Yes</p>	<p>Per CUP</p> <p>Plan Required</p>								
	<p>See Section 17.27</p>									

17.24.170 Waterfront (WF) District Table II

<p>Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.</p>	<p>Conditional Use Permit Required.</p>	<p>Maximum Building Height</p>	<p>Minimum Building Site Area</p>	<p>Minimum Lot Area Per Unit</p>	<p>Minimum Front Yard Setback</p>	<p>Minimum Side Yard Setback (Exterior Yard)</p>	<p>Minimum Side Yard Setback (Interior Yard)</p>	<p>Minimum Rear Yard Setback</p>	<p>Landscaping</p>	<p>Maximum Lot Coverage</p>
<p>Support uses, structures, connections, and appurtenances to water uses including wharves, docks, pier, slips, quay, launches, fuel docks, hoists, and other facilities necessary or convenient for the promotions and accommodation of commerce and navigation;</p> <p>Parks, observation decks and platforms, patios, boardwalks, benches, kiosks, kiosks and other facilities necessary or convenient for the promotion and accommodation of public access to the waterfront;</p> <p>Revetments, bulkheads, seawalls, cliff retaining walls, and other such structures that alter shoreline processes which are found to be necessary for protection of existing development (new development must ensure stability without depending on shoreline protection devices) or public recreation areas, or other coastal development uses [Ord. 263 s1 (part), 1984]</p>	<p>Yes</p>	<p>The height limit for structure shall be twenty five (25) feet, except for development on the west side of the Embarcadero which shall be limited to seventeen (17) feet; height determined by average grades of the hand proportion of the site not including bank.</p>	<p>Refer to Subdivision Regulations for new commercial lots</p>	<p>N/A</p>	<p>0 ft. with a 5 ft. average</p>	<p>5 ft. with a 5 ft. average</p>	<p>0 ft.</p>	<p>0 ft. except 10 ft. in areas where public boardwalks and viewing platforms are required</p>	<p>Plan required</p>	<p>90%</p>
<p>Antennas and Wireless Telecommunications Facilities</p>	<p>Section 17.27</p>									

17.24.180 Commercial/Recreational Fishing (CF) District Table II

<p>Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.</p>	<p>Conditional Use Permit Required.</p>	<p>Maximum Building Height</p>	<p>Minimum Building Site Area</p>	<p>Minimum Lot Area Per Unit</p>	<p>Minimum Front Yard Setback</p>	<p>Minimum Side Yard Setback (Exterior Yard)</p>	<p>Minimum Side Yard Setback (Interior Yard)</p>	<p>Minimum Rear Yard Setback</p>	<p>Landscaping</p>	<p>Maximum Lot Coverage</p>
<p>Parks, public open spaces, beach, bike lanes, benches, boardwalks, kiosks, fences and other facilities necessary or convenient for the promotion and accommodation of public access to the waterfront;</p>	<p>Yes</p>	<p>14 ft. along Coleman Drive; 30 ft. other areas (see exception, Section 17.24.180.B.6.e)</p>	<p>Refer to Subdivision Regulations for new commercial lots</p>	<p>N/A</p>	<p>5 ft.</p>	<p>5 ft.</p>	<p>0 ft.</p>	<p>0 ft.</p>	<p>Plan required</p>	<p>50%</p>
<p>Government buildings and land based support facilities, including but not limited to connections and appurtenances to docks and piers, which are necessary and convenient for the safety and maintenance of waterways;</p>										
<p>Power plant cooling water intake facilities, if found to be consistent with Section 17.24.180.B.1 [Ord. 263 s1 (part), 1984]</p>										
<p>Antennas and Wireless Telecommunications Facilities</p>	<p>See Section 17.27</p>									

17.24.200 Mariculture and Marine Research (MMR) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Mariculture, marine biology and oceanographic commercial and scientific research;	Yes	14 ft. except 4 ft. within a public viewshed corridors defined in the LCP Land Use Plan	N/A	Refer to Subdivision Regulations for new commercial lots	20 ft.	10 ft.	5 ft.	10 ft.	Plan Required	20%
Breeding, hatching and propagation of fish, shellfish and marine organisms;										
Grow-out and raising of fish and shellfish in ponds, tanks or raceways utilizing sea water;										
Sea water intake and outlet pipelines providing a source of sea water used in mariculture and research activities;										
Related administrative and office uses ancillary to the primary mariculture and marine research uses;										
Parking, delivery and service facilities related to the primary mariculture or research uses [Ord. 338 s2 (part), 1988]										
Antennas and Wireless Telecommunications Facilities	See Section 17.27									



AGENDA NO: B-3

MEETING DATE: 03/22/2010

Staff Report

TO: Honorable Mayor and City Council **DATE:** 03/22/2010

FROM: Joe Woods, Recreation and Parks Director

SUBJECT: Introduction of an Ordinance of the City Of Morro Bay, California Repealing Ordinance 551 and enacting an Ordinance adding Section 10.76.035 to Chapter 10.76 to provide rules and regulations for the Morro Bay Skate Park requiring any person riding a permitted coasting device at the Morro Bay Skate Park to wear a helmet, elbow pads, and knee pads.

RECOMMENDATION:

Staff recommends City Council review and amend the Morro Bay Municipal Code Chapter 10.76 to include a new Section 10.76.035 requiring any person riding a permitted coasting device at Morro Bay Skate Park to wear a helmet, elbow pads and knee pads.

MOTION: I move for introduction and first reading of Ordinance No. 554 by number and title only.

FISCAL IMPACT:

No Fiscal impact realized by this proposed action.

BACKGROUND/SUMMARY:

In August of 2009, City Council adopted Ordinance 551, which requires any person riding a permitted coasting device and Morro Bay State Park to wear a helmet, elbow pads and knee pads. The August Staff report is attachment for review. Unfortunately, Ordinance 551 references and amends an outdated version of Chapter 10, and must be rectified for proper enforcement. Ordinance 554 repeals Ordinance 551, and amends the newly adopted Chapter 10, specifically 10.76. Council's adoption of this Ordinance is a formality for filing and should not constitute an additional burden on the City.

Prepared By: JMW

Dept Review:

City Manager Review:

City Attorney Review:

ORDINANCE NO. 554

**AN ORDINANCE OF THE CITY OF MORRO BAY, CALIFORNIA
REPEALING ORDINANCE 551 AND ENACTING ORDINANCE 554 ADDING SECTION
10.76.035 TO CHAPTER 10.76 TO PROVIDE RULES AND REGULATIONS FOR THE
MORRO BAY SKATE PARK**

WHEREAS, the City of Morro Bay owns and operates a skateboard park available for the use by the public at the Morro Bay Teen Center; and

WHEREAS, the City of Morro Bay lacks the financial resources to provide staff supervision of the use of the skateboard park during its hours of operation; and

WHEREAS, California Health and Safety Code Section 115800 prohibits any operator of a skateboard park from permitting any person to ride a skateboard in its skateboard park unless that person is wearing a helmet, elbow pads, and knee pads; and

WHEREAS, Section 115800 allows cities operating unsupervised facilities to comply with their obligation to enforce the helmet, elbow pads, and knee pads requirement by adopting an ordinance requiring the use of such safety equipment and posting of signage advising users of the safety requirements.

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

SECTION 1. That new Section 10.76.035 is hereby added to the Morro Bay Municipal Code and shall be codified to read as follows:

10.76.035 Rules and regulations applicable to the Morro Bay Skate Park.

A. It shall be unlawful and a violation of this section for any person to engage in, or for any adult responsible for the supervision of a minor child to permit a minor child to engage in, any activity prohibited under this section.

B. The Morro Bay Skate Park is an unsupervised facility. Riding or otherwise using a skateboard or any other permitted coasting device in the skate park, or entering into the skate park for the purpose of engaging in such activity, without wearing a helmet, elbow pads, and knee pads is prohibited.

C. Use or occupation of the skate park during non-open hours is prohibited and constitutes trespassing.

D. Use of alcoholic beverages, tobacco, and/or drugs at the skate park is strictly prohibited.

E. The use of coasting devices, including skateboards and in-line skates, is considered a hazardous recreational activity that creates a substantial risk of serious injury or death to participants, those assisting participants, and spectators of such activities. All users of the skate park voluntarily assume the risk of serious injury or death in use of the skate park facility.

SECTION 2. The City shall cause signs to be posted at the Skate Park at 231 Atascadero Road providing notice that any person riding permitted coasting devices in the facility must wear a helmet, elbow pads, and knee pads and that any person failing to do so will be subject to citation and/or prosecution pursuant to Morro Bay Municipal Code Section 10.76.040.

INTRODUCED at a regular meeting the of the City Council of Morro Bay, held on the ____ day of _____, 2010 by motion of Councilmember _____, seconded by Councilmember _____.

PASSED AND ADOPTED on the ____ day of _____, 2010, by the following vote:

AYES:
NOES:
ABSENT:

Janice Peters, Mayor

ATTEST:

Bridgett Kessler, City Clerk

APPROVED AS TO FORM:

Robert Schultz, City Attorney

ATTACHMENT ONE

Chapter 10.76

COASTERS, ROLLER SKATES AND SIMILAR DEVICES

Sections:

- 10.76.010 Use of prohibited on streets and sidewalks.**
- 10.76.020 Application of foreign substance**
- 10.76.030 Reckless skateboarding and rollerskating**
- 10.76.035 Rules and regulations applicable to the Morro Bay Skate Park.**
- 10.76.040 Violations and penalties**

10.76.010 Use of prohibited on streets and sidewalks.

- A. Skateboarding and rollerskating shall be prohibited on any public street, sidewalk, parking lot or other public property when such area is prohibited or restricted by resolution of the city council.
- B. Skateboarding and rollerskating shall be prohibited on any private property when the owner or person in charge of the property has posted an appropriate sign restricting or prohibiting such use.
- C. Skateboarding and rollerskating shall be prohibited on downtown streets between Market Avenue and Shasta Avenue on Morro Bay Blvd. and between Dunes Street and Pacific Street on Main Street when posted.

10.76.020 Application of foreign substance

It is unlawful for any person to apply any foreign substance, including wax, oil or other similar material, whether as a solid or a liquid, on to or remove any non-slip material from any curb, stair, railing, ramp, sidewalk, bench or other abutment for the purpose of aiding any stunt, turn or other acrobatic action while riding a skateboard or rollerskates. Such application is prohibited from any public or private property without notice.

10.76.030 Reckless skateboarding and rollerskating

No person shall use or operate any skateboard or rollerskate on any public or private property in such a negligent and/or reckless manner with disregard for the safety of persons or property, and/or interfere with the orderly flow and right-of-way of vehicular traffic in such a manner as to be a hazard to pedestrians, vehicular traffic, the skateboarder/rollerskater themselves, or any other persons.

10.76.035 Rules and regulations applicable to the Morro Bay Skate Park.

- A. It shall be unlawful and a violation of this section for any person to engage in, or for any adult responsible for the supervision of a minor child to permit a minor child to engage in, any activity prohibited under this section.
- B. The Morro Bay Skate Park is an unsupervised facility. Riding or otherwise using a skateboard or any other permitted coasting device in the skate park, or entering into the skate park for

the purpose of engaging in such activity, without wearing a helmet, elbow pads, and knee pads is prohibited.

C. Use or occupation of the skate park during non-open hours is prohibited and constitutes trespassing.

D. Use of alcoholic beverages, tobacco, and/or drugs at the skate park is strictly prohibited.

E. The use of coasting devices, including skateboards and in-line skates, is considered a hazardous recreational activity that creates a substantial risk of serious injury or death to participants, those assisting participants, and spectators of such activities. All users of the skate park voluntarily assume the risk of serious injury or death in use of the skate park facility.

10.76.040 Violations and penalties

Any person who is convicted of violation of any provision of this chapter is guilty of an infraction, punishable by:

- A. A fine not exceeding fifty dollars for a first violation;
- B. A fine not exceeding one hundred dollars for a second violation of the same ordinance within one year;
- C. A fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year.

ATTACHMENT TWO

SECTION 115800

California Health and Safety Code.

115800.

(a) No operator of a skateboard park shall permit any person to ride a skateboard therein, unless that person is wearing a helmet, elbow pads, and knee pads.

(b) With respect to any facility, owned or operated by a local public agency, that is designed and maintained for the purpose of recreational skateboard use, and that is not supervised on a regular basis, the requirements of subdivision (a) may be satisfied by compliance with the following: (1) Adoption by the local public agency of an ordinance requiring any person riding a skateboard at the facility to wear a helmet, elbow pads, and knee pads. (2) The posting of signs at the facility affording reasonable notice that any person riding a skateboard in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation under the ordinance required by paragraph (1).

(c) "Local public agency" for purposes of this section includes, but is not limited to, a city, county, or city and county. (d) (1) Skateboarding at any facility or park owned or operated by a public entity as a public skateboard park, as provided in paragraph (3), shall be deemed a hazardous recreational activity .



AGENDA NO:

MEETING DATE: August 10, 2009

Staff Report

TO: Honorable Mayor and City Council **DATE:** August 10, 2009

FROM: Joe Woods, Recreation and Parks Director

SUBJECT: Introduction of Ordinance 551 to amend the Morro Bay Municipal Code Chapter 10.54 to include a new Section 10.54.065 requiring any person riding a permitted coasting device at the Morro Bay Skate Park to wear a helmet, elbow pads, and knee pads.

RECOMMENDATION:

Staff recommends City Council review and amend the Morro Bay Municipal Code Chapter 10.54 to include a new Section 10.54.065 requiring any person riding a permitted coasting device at Morro Bay Skate Park to wear a helmet, elbow pads and knee pads.

MOTION: I move for introduction and first reading of Ordinance No. 551 by number and title only.

FISCAL IMPACT:

By eliminating direct supervision at the Morro Bay Skate Park, the City will save \$19,900 annually. Some revenues may be realized if citations are administered; the exact amount is unknown at this time.

BACKGROUND:

The current Skate Park is located at Coleman Park at the intersection of Embarcadero and Coleman Drive. The Skate Park elements have deteriorated over the course of several years and Staff felt the need for a Manufacturer's representative to inspect the elements. Skate Wave company determined all the elements were deficient and would need to be replaced under the current warranty. Staff is in the process of receiving the new elements. The timing of replacement is opportune for Staff to relocate the Park to a milder environment.

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

A new location for the Skate Park would be at the Teen Center, 231 Atascadero Road, which would offer the City different opportunities and realize significant savings to the General Fund. Placing the Skate Park at Rockies, the Morro Bay Teen Center located at 231 Atascadero Road, would allow Teen Center Staff to open and close the gates to the Skate Park. The plan to use the front parking lot is based on a Temporary Use Permit and the Skate Park will be located in such a way as to allow access during the construction phase of the Teen Center Master Plan. The Skate Park will eventually be relocated in the rear of the property.

DISCUSSION:

It is the City's intent to relocate the Skate Park to the Teen Center and to operate the Skate Park as an unsupervised park. As an incorporated City, Morro Bay is mandated to adhere to California Health and Safety Code, Section 115800 (attachment 2). The California Health and Safety Code, Section 115800 prohibits any operator of a skateboard park to permit any person to ride a skateboard in its skate park, unless that person is wearing a helmet, elbow pads, and knee pads. The code allows cities operating unsupervised facilities to comply with its obligation to enforce the helmet, elbow pads, and knee pads requirements by adopting an ordinance requiring the use of such safety equipment and posting signage advising users of the safety requirements.

CONCLUSION:

Mandating those who skate in the Skate Park to wear a helmet, elbow pads, and knee pads not only benefits the participants but also fulfills a State mandate. Additionally, Staff will be able to combine activities and reduce program staff costs to save General Fund monies.



AGENDA NO: D-1

MEETING DATE: March 22, 2010

Staff Report

TO: Honorable Mayor and Council **DATE:** March 16, 2010
FROM: Janeen Burlingame, Management Analyst
SUBJECT: Consideration of Contract Extension with MV Transportation

RECOMMENDATION

Staff recommends the City Council approve a two (2) year extension of the current Morro Bay Dial-A-Ride and Trolley Operations and Management Agreement with MV Transportation and return to Council for final approval of negotiated compensation rates due to the anticipated changes to transit services under consideration in agenda item B-1.

MOTION: I move that the City Council approve a two (2) year extension of the current Morro Bay Dial-A-Ride and Trolley Operations and Management Agreement with MV Transportation and return to Council for final approval of negotiated compensation rates resulting from the changes to transit services approved by the Council under agenda item B-1.

FISCAL IMPACT

Per Article 5.1 of the operations and management agreement, with regard to the fixed monthly management fee, the City may, at its sole discretion, negotiate with the Contractor to establish compensation rates based on an annual or multi-year extension period as determined by the City.

In addition, per Article 3.4 of the operations and management agreement, for increases to service hours in excess of 20% over the service hours set in the agreement, the City and Contractor may elect to enter into negotiations of the vehicle service hour fee with any new rate negotiated applying only to the excess amount of service hours.

With approval of the proposed transit service changes under agenda item B-1, funds for transit operation of the year round and expanded summer trolley services would be funded with Transportation Development Act monies annually apportioned to the City.

DISCUSSION

The current operations and management agreement with MV Transportation expires at midnight on June 30, 2010. All terms and conditions are applicable during any extension period. MV Transportation began providing transit service for the City in July 2001. The existing agreement with MV Transportation began July 1, 2004, a two year contract extension was approved, effective July 2007, and a subsequent one year contract extension was approved, effective July 2009.

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

The most recent extension was designed to allow time for staff to participate in the San Luis Obispo Council of Government (SLOCOG) transit efficiencies process to examine possible efficiencies to operating transit services within the county and develop efficiency improvement strategies for consideration. There has not been much progress with the transit efficiencies process this year as the SLOCOG moved its operations into a new building and the Regional Transit Authority embarked on the process of taking service in-house, moving to a new facility and working on an update to their short range transit plan.

It is unknown when the SLOCOG transit efficiencies study the City is participating would be completed, and there is uncertainty as to what changes may be recommended for consideration by the City Council to incorporate into the City's transit system that would impact the operations and management agreement, particularly in light of the repeated State transit funding cuts and the need to address the funding issue directly before the next fiscal year begins.

With approval of the proposed transit service changes under agenda item B-1 to eliminate demand response service and establish a year round fixed route trolley service, negotiation of a new fixed monthly management fee is warranted as there are certain fixed costs associated with demand response service, such as dispatching, that are not associated with fixed route service.

In addition, the City would be increasing the number of trolley service hours by 67% with approval of the proposed transit service changes under agenda item B-1 and per the agreement, the City and Contractor have the ability to negotiate a new vehicle service hour fee that would apply to the excess service hours.

The extension period would allow for the transit service changes to take effect without having to go through the request for proposals (RFP) process at the same time as the service changes with the potential to transition to a new contractor who may have to hire and train new employees. In addition, the extension would give the time for the service changes to be in place for over a year to collect service data that would be needed for an RFP process so that prospective bidders would have actual data to design bid cost models.

The City has not had any issues with MV Transportation during the existing and prior contract extension periods.

CONCLUSION

It would be prudent to extend the current transit operations and management agreement with MV Transportation for a period of two years in order wait until the transit efficiencies study is completed, provide for a sufficient period of time for the new transit service changes to be in place in order to accumulate service data for a future RFP, and then develop and conduct an RFP for the next transit operations and management agreement.



AGENDA NO: D-2

MEETING DATE: 03/22/10

Staff Report

TO: Honorable Mayor and City Council

DATE: March 13, 2010

FROM: Andrea K. Lueker, City Manager

SUBJECT: Authorization to Hire a Second-in-command for the Police Department

RECOMMENDATION:

Staff recommends the City Council review the staff report concerning a second-in-command position, review the options including title, proximity from home to work, patrol time and scheduling, direct staff in regard to those options and authorize the hire.

MOTION: I move to authorize the City Manager to proceed with the recruitment and rehiring of the Police second-in-command position with the following options....

FISCAL IMPACT:

Not applicable at this time.

SUMMARY

Pursuant to the 2009 Goal Setting Workshop, the City Manger was tasked with assessing each City Department with an assessment of the Police Department presented at a Special City Council meeting on June 29, 2009. A wide variety of topics were covered in the assessment including:

- Job categories and employee numbers
- Employee Unions
- Job responsibilities
- Training requirements
- Non-sworn staff
- Police Commander
- Scheduling
- SLO County Sheriff proposal

Following that presentation, the City Council motioned to direct staff to no longer pursue any further review of the Police Department other than meet and confer discussions, the motion passed 4-1. However, some months later, during discussion on executive contract benefits, a majority of the Council members indicated they were interested in revisiting the

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Commander (second-in-command) position. Staff has gathered information regarding the second-in-command position as well as addressed some of the concerns voiced by the City Council and presents the following information.

BACKGROUND

The second-in-command provides highly complex staff assistance to the Chief. This work requires considerable experience and judgment in the interpretation and application of rules, regulations, policies, laws and ordinances. Considerable latitude is permitted for independent action by the second-in-command within the framework of department policies and procedures. To maintain confidentiality, consistency and protocol within the law enforcement profession, second-in-command positions typically communicate and correspond with other second-in-command positions in other agencies.

The second-in-command is also an important link to the Sergeant and Corporal supervisory staff at the Police Department. The position is responsible for improving operations, decreasing turnaround times, and streamlining work processes by working cooperatively and jointly to provide quality seamless customer service to the community and allied agencies. The second-in-command is also very important for retention and recruitment of staff. As well, the second-in-command is expected to have an open door policy and to possess strong mentoring and coaching skills. These attributes are used to monitor morale and implement opportunities for employees to experience career development and advancement within the command structure of the department.

The Minimum Qualifications for the existing Commander position include:

- Bachelor Degree from Accredited College
- POST Basic, Advanced, and Supervisory Certificates
- 7 years Peace Officer / At least 3 years rank Sergeant or above

Attached (Attachment A) is a comprehensive list of the Essential Duties and Responsibilities of the Commander position and specific examples of those duties and responsibilities specific to the Morro Bay second-in-command. As the Mayor and Council know, the City of Morro Bay has had a Commander/Lieutenant position since 1984 (Attachment B- History), however during several interim years (1995-1999) the position was classified as a supervising Sergeant.

In addition, all other Police Departments in the County operate with at least one second-in-command (at a management level) with most agencies having two individuals with this designation. The only exception locally is the City of Guadalupe.

DISCUSSION:

Staff is keenly aware of the financial constraints that are affecting all cities at this time, including the City of Morro Bay. As a result, an extensive review of the second-in-command position has been made to determine the best recommendation to the City Council with the anticipated vacancy. Staff has attached a chart (Attachment C) which provides the cost of the Commander versus that of a Sergeant and an Admin. Sgt. In reviewing this concept it is important to keep in mind the second-in-command position is a management level position and thus exempt from any overtime compensation and is paid an annual salary independent of how many hours he/she works. In the attached chart, a very conservative estimate of 3 hours/sergeant or 7 hours/Admin. Sgt. was used as an average of overtime worked each week. Furthermore, there are other financial implications including advanced post pay, bilingual pay, uniform pay and the cost to contract out Internal

Investigations. Pursuant to standard Police policy, Internal Investigations are conducted by a rank higher than the accused employee and often the complaints that require such an investigation involve a Sergeant ranked employee. When the complete package is calculated, the cost of the second-in-command is less than would be for a Sergeant or Admin. Sgt. A possible option would be to decrease the overall salary range for the second-in-command but leave the position in the Management Unit. While this would save a minimal amount of funds, the compaction issue with subordinates becomes a significant issue, specifically a second-in-command making less than an individual that he/she supervises. This would also severely impact the recruitment and retention efforts. In addition, when the Management Group COLA was deferred during the FY 2009/2010 budget process and with the Police Sergeants receiving their scheduled COLA, an even more significant compaction issue occurred resulting in the Sergeants salaries encroaching on the second-in-command's salary.

While it does not appear that the substitution of the second-in-command position with a non-management Sergeant or Admin. Sgt. position saves funding, based on comments received, it is clear the City Council may have some further apprehension in regard to the refilling of the position. Based on the discussions that have taken place and the concerns other than fiscal savings, staff presents the following options for the Council to consider:

1. Amend the Commander title to that of a Captain. Routinely, the Captain position is below that of a Commander.
2. Require the second-in-command position to live within the same mileage constraints as the new Police Chief. This will be restricted to driving to no more than 30 miles or 30 minutes for purposes of commuting to residence to city limits.
3. Have the second-in-command position report to work in uniform at least two days each week and respond outside the office when there are multiple incidents or a shortage of patrol officers.
4. Have the second-in-command alter his/her work schedule periodically to work during the weekend.

CONCLUSION

While staff believes there is a significant need for a second-in-command in the Police Department, it is certainly possible to make some amendments to the existing position in order to respond to the concerns voiced by the City Council. Those options presented above would certainly change the position of second-in-command, not result in additional General Fund costs as well as address the concerns of the City Council.

History of the Second in Command Position – Morro Bay

In terms of history, the City of Morro Bay was incorporated in July 1964. Chief Holman was recruited from Seal Beach Police Department and tasked with building Morro Bay's first Police Department. Morro Bay officially began operation of their Police Department in July 1965 with the positions of Chief, 3 Sergeants and 7 Officers for a total of 11 sworn positions.

A few years later it became obvious that a second-in-command position was needed to maintain order within the department and assist with providing adequate services to the community. In 1969, a Captain's position was created to be the second-in-command. Sometime prior to 1980, the Captain at that time was demoted back to the rank of Sergeant for disciplinary reasons. The Captain's duties were temporarily reassigned to a Sergeant. In 1980-81 the Chief (Olson) designated a title of Administrative Sergeant to handle the second-in-command duties. In 1982, the Administrative Sergeant position was reclassified to a second-in-command position of Lieutenant (Carpenter). Morro Bay Police Department maintained a Lieutenant as the second-in-command for the next 13 years. In 1989, a fifth Sergeant position was created to supervise the Detective Bureau and assist the Lieutenant with other administrative duties.

The sudden departure of the City Manager in 1994 created an opportunity for the current Chief (Howell) to accept the position of City Manager. The Lieutenant (Loven) at that time was appointed interim Chief and was officially promoted to the Chief position in 1995. At this time, the second-in-command position was temporarily eliminated. Most of the second-in-command's duties were reassigned to the fifth Sergeant position which was referred to as an Administrative Sergeant. It is important to note that when the decision was made to temporarily eliminate the second-in-command position there were a total of 18.5 sworn positions (including four patrol Sergeants and one administrative Sergeant) and three part time positions assigned to handle code enforcement, vehicle maintenance, equipment testing, evaluation, and purchase.

In 2000, it became apparent the Administrative Sergeant was performing duties that were more appropriately performed by a second-in-command management position. The Administrative Sergeant position was reclassified to a Lieutenant (Beuer), second-in-command position. At this time there were a total of 20 sworn positions, one full time code enforcement position and two part time technician positions.

The current Chief (DeRohan) was recruited in 2002 to fill the second-in-command position and to replace the current Chief who had announced his retirement within the year. A short time later the second-in-command position was renamed Commander to be consistent with other second-in-command titles throughout the county and state. This was a change in title only with no additional pay and was also done in order to attract qualified applicants with management experience for the position vacated by Chief DeRohan when he became Chief. The second-in-command position remained vacant through a three month recruiting process. During the recruitment process the Chief remarked that it was three of the most difficult months of his career, trying to perform the duties of a Chief and a second-in-command.

After a three month recruiting and hiring process, the Commander (Olivas) position was filled and remains an integral part of the Police Department's infrastructure. At the time of this report there are 17 sworn positions and no part time positions to perform duties related to code enforcement, vehicle maintenance, and equipment evaluation, maintenance and purchase.



AGENDA NO: D-3

MEETING DATE: 03/22/10

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 16, 2010
FROM: Rob Schultz, City Attorney
SUBJECT: Selection of Two Council Members to Serve on the Chorro and Morro Valley Water Rights Ad Hoc Committee

RECOMMENDATION:

Staff requests that Council decide whether to appoint two members to the Chorro and Morro Valley Water Rights Ad Hoc Committee.

DISCUSSION:

Because of the degradation to the water quality and the changes in regulations, the City no longer has the ability to both maintain the pumping of wells in the Chorro Groundwater Basin as well as provide water that meets all State and Federal standards to customers in the basin. In order to both provide water to the customers outside the City limits and maintain the Chorro Groundwater resource for the benefit of the customers within the City limits, major modifications to the City's infrastructure would be required. These modifications would be needed to effectively deal with the nitrate contamination while also providing disinfection of the occasional bacteriological contamination events that impact the Chorro Groundwater Basin. These issues are further complicated by Water Right Permits that limit the City's ability to pump water from its wells.

In order to fully understand the water issues facing the City, Staff recommends that the City Council appoint an Ad Hoc Committee to help develop strategies and solutions to the City's Water Rights issues in the Chorro and Morro Valley.

CONCLUSION:

The City Council needs to decide whether to form a Chorro and Morro Valley Water Rights Ad Hoc Committee. If the City Council decides to form an Ad Hoc Committee, then it should determine which two Council Members should serve on the committee.

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



AGENDA NO: D-4

MEETING DATE: 3/22/10

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 15, 2010

FROM: Bridgett Kessling, City Clerk

SUBJECT: Schedule Interview Date to Fill Vacancies on Tourism Business Improvement District Advisory Board and Citizens' Oversight Committee

RECOMMENDATION

Staff recommends the City Council schedule a date to interview candidates to fill vacancies on both the Tourism Business Improvement District Board and the Citizen's Oversight Committee.

MOTION: I move the City Council set _____ as the date for candidate interviews to fill vacancies on the Tourism Business Improvement District Board and the Citizen's Oversight Committee.

DISCUSSION

The City has received a resignation on March 1, 2010 from Joyce Lundy who served on the Citizens' Oversight Committee; and also a resignation on March 3, 2010 from Valerie Seymour who served on the Tourism Business Improvement District Board.

Prepared By: B. Kessling

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____