

# City of Morro Bay

## City Council Agenda

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### *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.*

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**REGULAR MEETING – APRIL 26, 2010**

**CLOSED SESSION – APRIL 26, 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.

Property: 699 Embarcadero; Lease Site 75-77/75W-77W

Negotiating Parties: City of Morro Bay and Morro Bay Marina, Inc.

Negotiations: Lease Terms and Conditions.

**CS-2 GOVERNMENT CODE SECTION 54957; PERSONNEL ISSUES.**  
Discussions regarding Personnel Issues related to the reorganization of City Public Services Department.

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

**PUBLIC SESSION – APRIL 26, 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 ARBOR DAY PROCLAMATION; (RECREATION & PARKS)

**RECOMMENDATION: Adopt Proclamation.**

A-2 PROCLAMATION DECLARING BIKE MONTH; (ADMINISTRATION)

**RECOMMENDATION: Adopt Proclamation.**

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

**RECOMMENDATION: Review and file status report.**

A-4 SECOND READING AND ADOPTION OF ORDINANCE NO. 555 TO AMEND THE MORRO BAY MUNICIPAL CODE, CHAPTER 10.44 TO INCLUDE A NEW SECTION 10.44.070 TO REGULATE MUNICIPAL PARKING LOTS AND ESTABLISH AUTHORITY TO CHARGE FEES FOR PARKING; (HARBOR)

**RECOMMENDATION: Adopt Ordinance No. 555**

A-5 APPROVAL OF MINUTES OF THE APRIL 12, 2010 CITY COUNCIL MEETING; (ADMINISTRATION)

**RECOMMENDATION: Adopt minutes as submitted.**

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 CONSIDERATION OF REPLACING MORRO BAY DIAL-A-RIDE SERVICE WITH A FLEX FIXED ROUTE SERVICE; (PUBLIC SERVICES)

**RECOMMENDATION: Conduct a public hearing on the proposed replacement of Morro Bay Dial-a-Ride service with a flex fixed route service, as outlined in the staff report, to be effective FY 2010/2011 and approve said changes.**

B-2 CONSIDERATION OF MONTH-TO-MONTH CONTRACT EXTENSION WITH MV TRANSPORTATION AND AUTHORIZATION TO INITIATE BID PROCESS FOR TRANSIT SERVICES OPERATION AND MANAGEMENT; (PUBLIC SERVICES)

**RECOMMENDATION: Conceptually approved a month to month extension of the current Morro Bay Dial-a-Ride and Trolley Operations and Management Agreement with MV Transportation pending final approval of compensation rates at the May 10, 2010 meeting, and authorize staff to initiate a bid process for transit services operation and management.**

B-3 RECOMMENDATION ON STAFFING LEVELS FOR THE FISCAL YEAR 2010/11 BUDGET; (ADMINISTRATION)

**RECOMMENDATION: Review the staff report regarding staffing levels for the 2010/11 Fiscal Year Budget and provide staff any further direction in preparation for the 1<sup>st</sup> Budget Hearing on May 19, 2010.**

B-4 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 556 TO AMEND THE MORRO BAY MUNICIPAL CODE TITLE 17 ADDING CHAPTER 17.27 ESTABLISHING REGULATIONS AND PROCEDURES ENTITLED "ANTENNAS AND WIRELESS TELECOMMUNICATIONS FACILITIES; (PUBLIC SERVICES)

**RECOMMENDATION: Approve Ordinance No. 556 for introduction and first reading by number and title only.**

B-5 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 557 AMENDING MORRO BAY MUNICIPAL CODE CHAPTER 2.16.080 REGARDING THE DUTIES OF THE CITY ATTORNEY; (CITY ATTORNEY)

**RECOMMENDATION: Approve Ordinance No. 557 for introduction and first reading by number and title only.**

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS

D-1 PRESENTATION BY THE COMMUNITY PROMOTIONS COMMITTEE REGARDING THEIR GOALS AND BUDGETARY REQUEST FOR 2010-2011 AND ADOPTION OF AMENDMENTS TO THE BYLAWS FOR THE COMMUNITY PROMOTIONS COMMITTEE; (CITY ATTORNEY)

**RECOMMENDATION: Review the presentation by the Community Promotions Committee regarding their goals and budgetary request for 2010/11 and approve the amendments to the Community Promotions Committee bylaws as presented.**

D-2 APPROVAL OF THE SERVICE RETIREMENT INCENTIVE PROGRAM FOR THE FISCAL YEAR 2010/11 BUDGET; (ADMINISTRATION)

**RECOMMENDATION: Approve the Service Retirement Incentive Program as presented.**

D-3 DISCUSSION ON WHETHER TO WITHDRAW THE LOCAL COASTAL PLAN FROM THE CA COASTAL COMMISSION; (CITY COUNCIL)

**RECOMMENDATION: Discuss the benefits and deterrents of gaining CA Coastal Commission approval for changes to the City's General Plan by withdrawing the current document and sending amendments instead.**

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.**

**PROCLAMATION**

**A PROCLAMATION OF THE CITY OF MORRO BAY  
DECLARING APRIL 30, 2010 AS ARBOR DAY**

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

**WHEREAS**, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and,

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and,

**WHEREAS**, Arbor Day is now observed throughout the nation and the world; and,

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and,

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and,

**WHEREAS**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and,

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal; and,

**WHEREAS**, Morro Bay has been recognized for the past twenty-one (21) years as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways.

**NOW, THEREFORE BE IT RESOLVED**, that I Janice Peters, Mayor of the City of Morro Bay do hereby proclaim April 30, 2010 as ARBOR DAY in the City of Morro Bay, and I urge all citizens to support efforts to protect our trees and forests and encourage them to continue their planting ways.

**IN WITNESS WHEREOF, I have  
hereunto set my hand and caused the seal  
of the City of Morro Bay to be affixed this  
26th day of April 2010.**

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**JANICE PETERS, MAYOR  
City of Morro Bay, California**

**A PROCLAMATION OF THE CITY OF MORRO BAY  
DECLARING MAY 2010 AS “BIKE MONTH”  
MAY 17 TO MAY 21, 2010 AS “BIKE TO WORK AND SCHOOL WEEK”**

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

**WHEREAS**, bicycle commuting is an effective means to reduce air pollution and conserve energy and promotes the “livability” of communities by reducing traffic, noise and congestion; and

**WHEREAS**, many businesses, organizations and schools encourage and reward customers, students and employees who commute by bicycle, by providing incentives and awards, lockers and showers, and other benefits; and

**WHEREAS**, bicycle transportation is an integral part of the "multi-modal" transportation systems planned by federal, state, regional, and local transportation agencies; and

**WHEREAS**, bike month is a San Luis Obispo County-wide celebration of human powered transportation, which encourages people of all ages and abilities to ride bicycles to their destinations; and

**WHEREAS**, bike month promotions such as Bike-to-Work and School Week, Commuter Bike Challenge, and Safe Routes to School successfully encourages citizens to ride their bicycles, thereby reducing vehicular emissions in the county; and

**WHEREAS**, “Life in the Bike Lane” is the theme for 2010, an inclusive request to all types of cyclists, whether veteran or novice, commuter or recreational rider, to enjoy and celebrate the joys and benefits of bicycling in all its forms throughout San Luis Obispo County; and

**WHEREAS**, businesses are encouraged to provide support and discounts to cyclists throughout the month of May.

**NOW, THEREFORE BE IT RESOLVED** that the City of Morro Bay does hereby proclaim May 2010 as “Bike Month” and May 17 to May 21, 2010 as “Bike to Work and School Week”.

IN WITNESS WHEREOF I have  
hereunto set my hand and caused the  
seal of the City of Morro Bay to be  
affixed this 26<sup>th</sup> day of April 2010.

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JANICE PETERS, Mayor  
City of Morro Bay, California



AGENDA NO: A-3

MEETING DATE: April 26, 2010

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** April 19, 2010

**FROM:** Dylan Wade, Utilities/Capital Projects Manager

**SUBJECT:** Status Report on Water Usage for March 2010

**RECOMMENDATION:**

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

**FISCAL IMPACT:**

The water enterprise fund was 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 through increasing operational and employee expenses. While the variable operating cost for water from the BWRO system is greater than the cost for State Water, no rate increase is currently anticipated since the operating budget is only a small percentage of the overall water division budget.

**BACKGROUND:**

The City of Morro Bay has four main sources of water supply. Water sources in order of supplied quantities are; the State Water Project, Chorro groundwater, Morro groundwater, and a Desalination Plant. Deliveries of water from the State water Project started this year at the lowest level that they have ever been in the history of the project. Since the primary water supply source for the City of Morro Bay was unavailable at the beginning of the year, the City has been forced to rely more heavily on the other sources.

Contamination with nitrates 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 to reduce nitrate levels in the distribution system. The Desalination Plant is undergoing a series of upgrades to restore the operation of that facility which has most recently been used to remove nitrates from the Morro Groundwater.

<b>Prepared By:</b> _____	<b>Dept Review:</b> _____
<b>City Manager Review:</b> _____	
<b>City Attorney Review:</b> _____	

## **DISCUSSION:**

### **March Water Usage**

Total March Water production was 89.6 af with 52.9 af of water from the Morro groundwater basin receiving treatment through the BWRO process, 0 af of State water delivered, and 35.7 af of groundwater from the Morro and Chorro Basins.

**Current Water Usage** During the Month of April, the City has used water from the Brackish Water Reverse Osmosis (BWRO) Treatment to supplement water from the State Water Project.

**State Water Project Deliveries** State Water Project deliveries were increased from 15% to 20%. 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**

With the return of State Water, the operation of the Desalination Plant has been drastically reduced. Staff has therefore been able to refocus on the Distribution system and is working on the replacement of service lines and old water meters.

When the West Kings tank came back online the City switched back to a chloramine residual. While chloramines reduce taste and odor complaints they can present a risk to people on kidney dialysis if used in the dialysis process. This change over occurred in the first full week of April.

### **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. The State Water Resources Control Board has reserved the right to dictate where those stream gauges will be located. The City is preparing a letter with attached graphics outlining the various alternatives for their approval.

### **Future Water Usage**

It is anticipated that in the month of May the water system will rely on the State Water Project deliveries and will use the BWRO to augment those deliveries. This will enable the City of Morro Bay to potentially lift the mandatory conservation measures while meeting water demands.

## **CONCLUSION:**

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



AGENDA NO:     A-4    

MEETING DATE:     April 26, 2010    

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** April 20, 2010

**FROM:** Harbor Director

**SUBJECT:** Ordinance No. 555 to amend the Morro Bay Municipal Code, Chapter 10.44 to include a new Section 10.44.070 to regulate municipal parking lots and establish authority to charge fees for parking, second reading/adoption.

### **RECOMMENDATION:**

Staff recommends that the City Council adopt Ordinance No. 555 to amend the Morro Bay Municipal Code, Chapter 10.44 to include a new Section 10.44.070 to regulate municipal parking lots and establish authority to charge fees for parking.

**MOTION:** I move that the City Council adopt Ordinance No. 555 to amend the Morro Bay Municipal Code, Chapter 10.44 to include a new Section 10.44.070 to regulate municipal parking lots and establish authority to charge fees for parking.

### **FISCAL IMPACT:**

Estimated revenues to the Harbor Fund of \$12,000 annually from paid parking at the Tidelands Park boat launch ramp.

### **BACKGROUND:**

A public hearing and first reading of Ordinance No. 555 to amend the Morro Bay Municipal Code, Chapter 10.44 to include a new Section 10.44.070 to regulate municipal parking lots and establish authority to charge fees for parking was held at the April 12, 2010 City Council meeting. The City Council passed a motion to approve Ordinance No. 555 with an amendment to the title. One other change was made to Ordinance No. 555 to include a new paragraph on "Display of Receipt" to clarify the need to display any receipt for paid parking in a clearly visible location.

**Prepared By:** \_\_\_\_\_      **Dept Review:** \_\_\_\_\_

**City Manager Review:** \_\_\_\_\_

**City Attorney Review:** \_\_\_\_\_

**CONCLUSION:**

Staff recommends that the City Council adopt Ordinance No. 555 to amend the Morro Bay Municipal Code, Chapter 10.44 to include a new Section 10.44.070 to regulate municipal parking lots and establish authority to charge fees for parking.

**ORDINANCE NO. 555**

**AN ORDINANCE OF THE CITY OF MORRO BAY  
AMENDING, CHAPTER 10.40 OF THE MORRO BAY MUNICIPAL CODE  
TO ADD SECTION 10.44.070 TO REGULATE MUNICIPAL PARKING LOTS  
AND TO ESTABLISH AUTHORITY TO CHARGE FEES FOR PARKING**

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

**10.44.70 Municipal Parking**

**A. Failure to pay established fee.**

No person shall park any vehicle in a municipally owned and/or operated parking lot or parking space, except as otherwise permitted in this chapter, without paying the parking fee, if any, as established by Resolution of the City Council and posted for use of said municipal parking lot or parking space. The fee shall be due upon occupying the parking space with a reasonable time provided to travel to the parking pay station and pay the fee.

**B. Speed Limit.**

It shall be unlawful for any vehicle to exceed a speed limit of 5 miles per hour in a municipally owned parking lot.

**C. Breaking, destroying, tampering with, etc., parking devices prohibited.**

No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any paid parking device, except by authority of the City Manager or City Council.

**D. Parking exceptions.**

Vehicles owned or operated by the City or State or Federal agencies may park in municipal parking lots or parking spaces without paying established fees when such vehicles are being used in line of duty.

**E. Display of Receipt.**

When posted parking fees produce a receipt for payment of said fees, the receipt shall be placed in the vehicle on the dashboard on the driver's side and shall be clearly visible to City personnel and the public.

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, with the names of the City Council members voting for and against the same, in a newspaper of general circulation published in the City of Morro Bay.

**INTRODUCED** at a regular meeting of the City Council of the City of Morro Bay held on the 12<sup>th</sup> day of April 2010, by motion of Councilmember Grantham and seconded by Councilmember Borchard.

**PASSED, ADOPTED** by the City Council of the City of Morro Bay on the 26<sup>th</sup> day of April, 2010 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Janice Peters, Mayor

**ATTEST:**

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Jamie Boucher, Deputy City Clerk

**APPROVED AS TO FORM:**

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Robert Schultz, City Attorney

MINUTES - MORRO BAY CITY COUNCIL  
CLOSED SESSION – APRIL 12, 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 Borchard 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 1 parcel.

Property: Morro Bay Power Plant Outfall.  
Negotiating Parties: Dynegy and City of Morro Bay.  
Negotiations: Lease Terms.

**CS-2 GOVERNMENT CODE SECTION 54957; PERSONNEL ISSUES.** Discussions regarding Personnel issues including the potential dismissal of five (5) public employees.

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 – APRIL 12, 2010  
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Peters called the meeting to order at 6:00 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
	Bridgett Kessler	City Clerk
	Rick Algert	Harbor Director
	Rob Livick	Acting Public Services Director
	John DeRohan	Police Chief
	Tim Olivas	Police Commander
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &  
PRESENTATIONS

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

PUBLIC COMMENT

Peter Candela, Chamber of Commerce, thanked Police Chief John Derohan for all his dedication and involvement with the Chamber, saying he will be missed. He said the police department's help at all the Chamber events certainly made the Chamber's job much easier. He said every year the Chamber holds the candidates forum, and this year the Chamber will partner with the Business Forum and the Lion's Club. To do this, they need the facility, and AGP will videotape the forum. He said they are considering passing the cost of AGP to the candidates, but would appreciate it if the cost of the facility could be waived. He then reported on the BID and the fulfillment program. They have gone from 200-300 fulfillments every month to over 1,000 every month. In the past five months, they have exceeded 6,000 fulfillments. As a comparison, last year there were 5,000 fulfillments in a 12-month period. He said Morro Bay is actually doing more fulfillments than Pismo right now.

Ed Krovitz announced that on Sunday, April 25, from 11:00 a.m. to 1:00 p.m., at Tognazzini's Dockside Too there will be an opportunity to meet Rick Grantham, who is a candidate for Mayor of Morro Bay. There will be complimentary food and music at the event. This will be a chance to talk with Rick on any issues or concerns people have regarding the City.

Marilyn Glesmann, representing the Morro Bay Garden Club, said in August they will be coordinating Dahlia Daze to celebrate Dahlias as Morro Bay's official flower. She gave a brief history of Dahlia Daze. She said this year the theme for Dahlia Daze is Dancing Dahlias and will feature Miss Karen's Dance Studio as dancing Dahlias, the local 4-H groups, Morro Bay Historical Society, and other area garden clubs and Dahlia growers. There will be a wine and cheese kickoff reception on Friday evening, August 27, from 4:00 p.m. to 6:00 p.m., at the Morro Bay Community Center. It will feature Kevin Larkin, the current president of the National Dahlia Growers Society. The program on Saturday will be from 1:00 p.m. to 4:00 p.m. There will be hundreds of varieties of Dahlias. Local artists' paintings will feature floral designs. Everyone is welcome to bring their cut Dahlias to display. There will be plants available for purchase. She requested the co-sponsor rate for this event.

Nancy Johnson announced her candidacy for City Council. She said she is running for City Council because she cares about Morro Bay. She said she will research thoroughly before making any decisions. She will work to make sound policies that will help to improve our City. She said she will be accountable to every voter who elects her and not to any special interest groups. She will make herself available to listen to people about their needs and interests. She is holding a series of "meet and greet" events. She encouraged people who are interested in learning more about her to get people together and she will go to their home to meet with them. She gave her phone number, 772-3738. She said she is having a get-together on April 23 from 5:30 p.m. to 7:00 p.m. at the Pelican Grill. People can get two tacos and a beer for \$10. There will be music and prizes.

D'Onna Kennedy announced her candidacy for City Council. She will be having a "meet and greet" at Fred's Grill on Sunday, April 18, from 4:00 p.m. to 6:00 p.m., including refreshments. She said she is against marijuana dispensaries in Morro Bay. She said she knows the effects this can have on a City. She has information and reports on the consequences other states have had with marijuana dispensaries. She thanked the people who came out for her town hall meeting.

Peter Beaman, a member of the Morro Bay 4<sup>th</sup> Committee, said Morro Bay will be having fireworks on the Fourth of July. He said their fundraiser last Sunday was rained out. They have rescheduled it for next Sunday, April 18 at Tognazzini's Dockside Too from 1:00 p.m. to dark. Tickets people bought for the original event will be honored. He encouraged everyone to come out and help support fireworks in Morro Bay.

Neil Farrell wanted to remind everyone about the Oyster Feed for the Morro Bay 4<sup>th</sup> event. He said Morro Bay Beautiful had a young artist here from Bakersfield on

Saturday to do some more tile mosaics on two art cans on the Harbor Walk. However, due to the weather, he could not finish the cans and will probably return on Wednesday to complete the work. Neil said to be sure to check out the can across from the restrooms by the rock. He said it is gorgeous. Neil thanked everyone for the citywide yard sale over the weekend. He talked about all the people that came into town for the event.

Bill Yates said he felt compelled to announce that he is a candidate for Mayor since everyone seemed to have done that tonight. He said he felt that by everyone talking about their candidacy is taking away from business time. He said he is running for Mayor because he is frustrated. He said he does not understand why the medical marijuana dispensary is the number one issue when there are so many other issues that he feels are more important. He said his reception will be April 25, from 5:00 p.m. to 7:00 p.m., at Windows on the Water. On May 5, Troy Leage is putting on a pig roast luau for Bill Yates and George Leage. In closing, he commended Chief Derohan.

Ken Vesterfelt reminded everyone that the car show is coming up the weekend of April 30. They are expecting 500 cars to be in the event this year. He encouraged any business, resident, or council member to buy a gift certificate to their favorite restaurant, gas station, grocery store, etc., to encourage car show participants to keep returning each year. The car show is very good for businesses in town that weekend. He thanked the "Follies" for their donation to the car show. In closing, he thanked Chief Derohan for all the work he has done for the city.

Perry Brennan reported on the Medical Marijuana Subcommittee. He said there were approximately 23 people in attendance at the meeting last week, of whom 10 or 11 were not Morro Bay residents. One doctor was from Santa Barbara. Of those in attendance, 15 were in favor of the dispensary, and six against. Of the 15, 10 or 11 were from out of the city. He said it looked to him that "we are being overwhelmed by the outsiders who can't get this approved in their city and they want to come to Morro Bay and bring their money and rent an expensive space and open their marijuana dispensaries." He feels this needs to be on the ballot so the citizens of Morro Bay can make the decision. He felt the City Council does not seem to want to make a decision on the issue.

Noah made a comment regarding the marijuana subcommittee, stating the next meetings are scheduled for May 4 and May 18, both from 5:30 p.m. to 7:30 p.m., at the Community Center.

Mayor Peters closed the hearing for public comment.

A. CONSENT CALENDAR

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

A-1 RESOLUTION NO. 18-10 COMMENDING POLICE VOLUNTEER KEN VESTERFELT; AND, RESOLUTION NO. 19-10 COMMENDING CORINNE

BLACK FOR THEIR SWIFT ACTIONS TO HELP CATCH BANK FRAUD SUSPECTS; (POLICE)

**RECOMMENDATION: Adopt Resolution Nos. 18-10 and 19-10.**

A-2 APPROVAL OF THE MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF MARCH 22, 2010; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-3 CONSIDERATION OF APPROVAL FOR A SUBLEASE ON A PORTION OF LEASE SITE 113W, LOCATED AT 1215 EMBARCADERO, BETWEEN VIRG'S FISH'N, INC., AND ALAN AND WENDY RACKOV, DOING BUSINESS AS LOST ISLE ADVENTURES; (HARBOR)

**RECOMMENDATION: Adopt Resolution No. 20-10.**

A-4 AUTHORIZATION TO FILE NOTICE OF COMPLETION FOR THE HARBORWALK PROJECT; (PUBLIC SERVICES)

**RECOMMENDATION: Accept the Harborwalk project as completed by Souza Construction, Inc.**

A-5 APPROVAL OF THE FINAL MAP FOR A ONE-LOT SUBDIVISION FOR CONDOMINIUM PURPOSES KNOWN AS TRACT 2978 AND LOCATED AT 600 MORRO BAY BOULEVARD; (PUBLIC SERVICES)

**RECOMMENDATION: Adopt Resolution No. 17-10.**

A-6 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; (RECREATION & PARKS)

**RECOMMENDATION: Adopt Ordinance No. 554.**

A-7 PROCLAMATION DECLARING APRIL 2010 AS "AUTISM AWARENESS MONTH"; (ADMINISTRATION)

**RECOMMENDATION: Adopt Proclamation.**

Mayor Peters pulled Items A-1 and A-7 from the Consent Calendar; and Councilmember Winholtz pulled Items A-3 and A-5.

MOTION: Councilmember Grantham moved the City Council approve Items A-2, A-4 and A-6 of the Consent Calendar. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

A-1 RESOLUTION NO. 18-10 COMMENDING POLICE VOLUNTEER KEN VESTERFELT; AND, RESOLUTION NO. 19-10 COMMENDING CORINNE BLACK FOR THEIR SWIFT ACTIONS TO HELP CATCH BANK FRAUD SUSPECTS; (POLICE)

Mayor Peters pulled this item in order to make a presentation.

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

A-3 CONSIDERATION OF APPROVAL FOR A SUBLEASE ON A PORTION OF LEASE SITE 113W, LOCATED AT 1215 EMBARCADERO, BETWEEN VIRG'S FISH'N, INC., AND ALAN AND WENDY RACKOV, DOING BUSINESS AS LOST ISLE ADVENTURES; (HARBOR)

Councilmember Winholtz said she will vote against this because she feels it is not legal according to Measure D. Since it is a tour business and not a fishing venture, it is not permitted. Rick Algert explained that all of Virg's are grandfathered in, pre-existing, nonconforming uses, in the proposition that was passed by the people.

MOTION: Councilmember Borchard moved the City Council approve Item A-3 of the Consent Calendar. The motion was seconded by Councilmember Grantham and carried with Councilmember Winholtz voting no. (4-1)

A-5 APPROVAL OF THE FINAL MAP FOR A ONE-LOT SUBDIVISION FOR CONDOMINIUM PURPOSES KNOWN AS TRACT 2978 AND LOCATED AT 600 MORRO BAY BOULEVARD; (PUBLIC SERVICES)

Councilmember Winholtz commented about the trees that were planted in the public right of way. She said this was more a side comment. She said according to past Council minutes, the Council was very strong in trying to obtain canopy trees for Morro Bay Boulevard. She said that wish did not happen for a variety of reasons. She wanted to encourage the tree committee to move swiftly forward with that list so things can get squared away.

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

A-7 PROCLAMATION DECLARING APRIL 2010 AS “AUTISM AWARENESS MONTH”; (ADMINISTRATION)

Mayor Peters pulled this item in order to make a presentation.

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

Mayor Peters called for a break at 7:10 p.m.; the meeting resumed at 7:15 p.m.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 CONSIDERATION OF RESOLUTION NO. 21-10 AUTHORIZING ONE-TIME RENT CREDITS FOR CITY TENANTS TO REDUCE VACANCIES ON THE EMBARCADERO AND STIMULATE BUSINESS; (HARBOR)

Harbor Director Rick Algert stated on September 14, 2009, the City Council held a public hearing to discuss strategies to prevent and reduce vacancies on the Embarcadero and stimulate business. On September 28, 2009, the City Council adopted Resolution No. 47-09 to authorize staff to negotiate payment plans on modern City lease agreements, allow for quarterly minimum rent payments on modern City leases, to waive the 2009-2010 CPI increase to minimum rent, and approve office uses on the second floor of lease site buildings in compliance with City planning and zoning requirements. In September 2009, the City Council also considered other rent concession concepts to promote new business establishments on City lease sites, but determined to monitor the situation and review those issues again within six months. The economy may be on the upswing, but the retail environment remains depressed with many commercial vacancies in the City and countywide. Mr. Algert recommended the City Council adopt Resolution No. 21-10 approving a one-time rent credit of up to \$6000 for those City tenants on modern format master leases subject to percentage of gross sales rent to reduce vacancies and stimulate business on the Embarcadero.

Mayor Peters opened the hearing for public comment.

Neil Farrell feels the problem is not the rent but the lack of customers. He suggested taking money from the Harbor reserve account and do a media blitz over in the Central Valley through radio ads, TV ads, newspaper ads, and get the name of Morro Bay in front of people, encouraging them to come here. He also suggested expediting a maritime museum to attract tourists to Morro Bay. He said he feels it would be a good fix for the long run.

Mayor Peters closed the public comment hearing.

Mayor Peters referred to Peter Candella's report that there have been many people coming to Morro Bay—they just are not buying things.

Councilmember Borchard reiterated that the Harbor Fund money is not for promoting. The BID, the Promotions, and the Visitor Center funds are used for promoting Morro Bay. The Harbor Reserve Funds need to be used for taking care of infrastructure such as replacing the pier and other things that need to be taken care of. She is in favor of offering the rent incentives and would like to see the rents stay status.

Councilman Smukler is in favor of the rent credit. He said the CPI recapture would not be a favorable thing to do. He is in favor of leaving last year's CPI increase and not try to recapture that. Leaving it at zero would be his preference.

Councilman Grantham is not in favor of recouping the 3.5 CPI. He is in favor of adopting the resolution.

Councilmember Winholtz is in favor of the Resolution.

**MOTION:** Councilmember Winholtz moved the City Council adopt Resolution No. 21-10 authorizing one-time rent credits for City tenants to reduce vacancies on the Embarcadero and stimulate business on the Embarcadero and to allow the Consumer Price Index to remain flat. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

**B-2 ORDINANCE NO. 555 TO AMEND MORRO BAY MUNICIPAL CODE CHAPTER 10.44 TO INCLUDE A NEW SECTION 10.44.070 TO REGULATE MUNICIPAL PARKING AND ESTABLISH AUTHORITY TO CHARGE FEES FOR PARKING – INTRODUCTION/ FIRST READING; (HARBOR)**

Harbor Director Rick Algert stated last year Council authorized purchase of one automated parking payment machine for installation at the Tidelands Park Boat Launch Ramp and approved in the Harbor Master Fee Schedule a \$1 hour or \$5 daily maximum parking fee for the trailer and towing vehicle spaces at the Boat Launch Ramp. The machine has been purchased and will be installed shortly; however, Chapter 10 in the Morro Bay Municipal Code must be amended to provide authority for citing users who fail to pay the fee. Mr. Algert recommended the City Council approve Ordinance No. 555 for introduction and first reading by number and title only.

Councilmember Winholtz suggested an amendment to the title of the Ordinance in order to read ... SECTION 10.44.070 TO REGULATE MUNICIPAL PARKING LOTS; Council concurred.

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

Councilmember Winholtz questioned Mr. Schultz if this lot would be limited to 10 hours. Mr. Schultz explained the limit in this lot would be 72 hours for people with boats that go out for a longer period of time.

**MOTION:** Councilmember Grantham moved the City Council approve Ordinance No. 555 for introduction and first reading by number and title as amended. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

City Manager Andrea Lueker read Ordinance No. 555 by number and title.

**B-3 RESOLUTION NO. 15-10 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE CLOISTERS PARK AND OPEN SPACE LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)**

Recreation & Parks Director Joe Woods stated Resolution No. 15-10 has been prepared for City Council review and adoption. The Resolution serves as the initiation of the annual assessment proceedings and orders an Engineer's Report detailing the proposed costs for the maintenance of the Cloisters Park and Open Space for the purpose of assessing private property owners of Tract Map No. 1996 (excluding the City's property). The Resolution also gives notice that a public hearing on the intent to levy the assessment, review and acceptance of the Engineer's Report, will be held on May 10<sup>th</sup>, 2010. Mr. Woods recommended the City Council adopt Resolution No. 15-10 initiating the proceedings to levy the annual assessment for the Cloisters Park and Open Space Landscaping and Lighting Maintenance Assessment District.

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

**MOTION:** Councilmember Winholtz moved the City Council adopt Resolution No. 15-10 initiating the proceedings to levy the annual assessment for the Cloisters Park and Open Space Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

**B-4 RESOLUTION NO. 16-10 INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR THE NORTH POINT NATURAL AREA LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT; (RECREATION & PARKS)**

Recreation & Parks Director Joe Woods stated Resolution No. 16-10 has been prepared for City Council review and adoption. The Resolution serves as the initiation to the annual assessment proceedings and orders an Engineer's Report detailing the proposed costs for the maintenance of the North Point Natural Area for the purpose of assessing private property owners of Tract Map No. 2110 (excluding the City's property). The Resolution also gives notice that a public hearing on the intent to levy the assessment, review and acceptance of the Engineer's Report, will be held on May 10, 2010. Mr. Woods recommended the City Council adopt Resolution No.16-10 initiating proceedings to levy the annual assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District.

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

MOTION: Councilmember Borchard moved the City Council adopt Resolution No.16-10 initiating proceedings to levy the annual assessment for the North Point Natural Area Landscaping and Lighting Maintenance Assessment District. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

C. UNFINISHED BUSINESS

C-1 STATUS REPORT ON THE A-FRAME SIGN PROGRAM; (PUBLIC SERVICES)

Acting Public Services Director Rob Livick stated the City Council requested the Sign Exception Process be re-evaluated by staff to ensure that the process for approving the A-frame signs has been successful and, if necessary, make recommendations to improve the process. In evaluating the current A-Frame sign program staff was able to determine that the program is not successful. Currently when a business desires to utilize an A-frame sign they must apply for an A-Frame Sign Exception Permit. The processing of an A-Frame sign is more cumbersome than applying for a regular sign to be permanently installed. Most regular sign permits can be reviewed and approved administratively, but A-Frame sign exceptions must have a public hearing before the Planning Commission. This process has proven to be too burdensome on both the public and City staff and therefore, over the last few years, appears that while permits have been accepted accompanied by the necessary fee, none have been taken for approval. Mr. Livick recommended the City Council review the various options regarding A-frame sign regulations and give direction to staff as to how to proceed.

Mayor Peters stated she prefers Atascadero's A-frame sign regulations.

In answer to Councilmember Smukler's inquiry regarding the time it takes to hear back from the Coastal Commission once something is submitted to them, Mr. Livick said they are working to establish a better working relationship with them. Mr. Livick also said the current encroachment fee of \$116 covers the typical encroachment costs and does not need to be raised. He explained that the Atascadero plan has just a one-time fee.

Councilmember Borchard inquired if it was an annual fee or a one-time fee. Mr. Livick stated that under the Atascadero example, it is a one-time fee. However, they reserve the right to revoke it at any time if it were to become a problem. Then that business would have to re-apply.

Councilmember Smukler inquired if there is a plan for getting businesses into compliance and updating them on this transition. Mr. Livick stated it would take several weeks. They would meet with the Chamber, with the Merchants Association, and prepare informational flyers.

Councilmember Grantham stated he likes the idea of businesses signing an insurance waiver. He is not in favor of off-site signs, and that it needs to be determined what is actually off site. Public safety is an important factor. He would like an answer back on the encroachment permit. He would like to see at least a minimum four-foot clearance on an eight-foot sidewalk. He feels the signs are definitely an asset for the businesses but wants to make sure the safety aspect is covered. He would also like to know the difference between non-encroached and encroached.

Councilmember Winholtz stated she considers A-frame signs as clutter on sidewalks. She said a monument sign would be neater (with several businesses listed) and more effective in particular areas.

Councilmember Smukler stated he understands Councilmember Winholtz' statement about clutter. However, he stated that as long as it is determined to have a safe place for signs to be placed, he is comfortable with that. He feels that professional signs would cover the concern about clutter. He noted that some restaurants like to have signs out to promote specials. He would like to see insurance added to the permit and a minimum sidewalk width.

Councilmember Borchard stated she has seen A-frame signs in the back of a pickup truck advertising certain businesses in town and feels they are very unattractive. She added that sometimes they are not even close to the business. She would like the ordinance to address how far away from the business the sign can be.

Mayor Peters agreed with Councilmember Borchard that the A-frame signs in the back of pickup trucks are very unattractive and should not be encouraged.

**MOTION:** Councilmember Winholtz moved the City Council direct staff to forward the A-Frame Sign Ordinance to the Planning Commission and back to City Council, and then pass it on as an amendment to the Coastal Commission. The motion was seconded by Councilmember Borchard

Councilmember Winholtz amended her motion to include the entire Sign Ordinance; Councilmember Borchard amended her second. The motion carried unanimously. (5-0)

**D. NEW BUSINESS**

**D-1 CONSIDERATION OF APPROVAL OF WATER AGREEMENT BETWEEN THE CITY OF MORRO BAY AND ROANDOAK OF GOD; (CITY ATTORNEY)**

This item was pulled from the agenda.

**D-2 DISCUSSION ON THE GUIDELINES FOR PUBLIC AREA USE PERMITS; (RECREATION & PARKS)**

Recreation & Parks Director Joe Woods stated when public properties are not in use by the City, they are made available for use by public groups or individuals for social, cultural or recreational activities. Such use shall require an application, from which a permit is granted provided compliance is met for all adopted guidelines, rules, regulations and conditions. Guidelines are developed by staff and reviewed and adopted by the Recreation and Parks Commission pursuant to Morro Bay Municipal Code Chapter 24.24.040.B. Applications are reviewed by the Special Events Team, which consists of the Recreation and Parks Director and City Department Heads or their representatives. If the use application is permitted, the applicant is presented with assessed fees and conditions which must be met prior to actual usage; any additional City services are invoiced to the applicant after the event. The Recreation and Parks Commission has reviewed the current guidelines for public area use and recommends no amendments to Council. Mr. Woods recommended Council review the current guidelines and procedures for public area use and direct staff accordingly.

Mayor Peters inquired about the \$1 million insurance policy. Mr. Woods explained the example of having a party of approximately 75 people for a reunion and having alcoholic beverages at the event would require the party to purchase a \$1 million insurance policy. He explained that the rates for this type of insurance are very reasonable. The party could purchase the policy either through the City or through a commercial policy.

Councilmember Grantham asked how often the Special Events Team meets. Mr. Woods said they meet on the second Thursday from 2:00 p.m. to 4:00 p.m. every month. They try to have the applicants at these meetings. He said they ask people to file for a reservation 10 days before their special event. Provided staff is available, they process it in five days. On each application, there is wording to the effect that the park must remain open for all public use. There is exclusive use of a reserved area.

Councilmember Winholtz expressed the importance of having recycling containers at City parks, and encourages individuals to recycle.

Councilmember Smukler agreed with Councilmember Winholtz regarding recycling containers for the parks.

Mr. Woods stated this is required for special events. He also explained that having recycling containers in all parks all the time would double the labor and be cumbersome on staff, and staff would also have to take the recycled items to a different location. They are working to expand their Adopt-A-Park program. When that really gets going, the recycling could work much better.

Councilmember Borchard expressed concern over a particular area or parking lot being used on an ongoing basis without notifying businesses in the area. She spoke specifically in reference to the idea that the Saturday Farmers Market possibly being move to the parking lot on the Embarcadero a few months ago. Mr. Woods said this is a different situation and would require a special use permit that must applied for. Mayor Peters suggested that when the permit is for a public street, such as where the Saturday Farmers

Market is located, could there possibly be a yearly review of the event which would include public comment. Mr. Livick said they do have to renew their permit yearly; however, it does not go through the Recreation and Parks Commission.

**MOTION:** Mayor Peters moved the City Council direct staff to continue processing permits allowing use of public property using current guidelines and policies with amendments to recycling and zoning to be examined. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

Mayor Peters called for a break at 8:52 p.m.; the meeting resumed at 9:00 p.m.

**D-3 REVIEW OF CURRENT PROCEDURES FOR AMPLIFIED SOUND DURING EVENTS IN PARKS; (RECREATION & PARKS)**

Recreation & Parks Director Joe Woods stated when amplified music is requested through a Public Area Use application, staff includes sections of Morro Bay Municipal Code Section 9.28 as a condition to the permit. The condition on the permit is usually Morro Bay Municipal Code 9.28.030.C. and is generally stated as: "Live or amplified music during the event between the hours of 7:00pm and 7:00am shall not be audible 50 feet from where the structure is located." Applicants are required to notify adjacent neighbors of their planned use prior to the event date. Notification methods vary depending on the location and type of usage. The Recreation and Parks Commission has reviewed the current procedures and ordinances for amplified sound during events in public parks and recommends to Council no amendments. Mr. Woods recommended Council review the current procedures and ordinance for amplified sound during events in parks and direct staff accordingly.

**MOTION:** Councilmember Smukler moved the City Council direct staff to continue processing permits allowing amplified sound during events in public parks using current guidelines, policies and ordinances. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

**D-4 REVIEW OF CO-SPONSORSHIP REQUEST FROM MORRO BAY GARDEN CLUB FOR DAHLIA DAZE EVENT; (RECREATION & PARKS)**

Mayor Peters stepped down due to a conflict of interest.

Recreation & Parks Director Joe Woods stated the Morro Bay Garden Club has recently requested co-sponsorship from the City of Morro Bay to support their annual Dahlia Daze event scheduled for August 27-28, 2010. Staff has reviewed the request and presented the application to the Recreation and Parks Commission at their regular meeting on March 23, 2010. After discussion, the Recreation and Parks Commission was in favor of co-sponsorship. The Recreation and Parks Commission found that the request for co-sponsorship met two of the three co-sponsorship conditions, and is recommending City Council waive the time of year condition based on the nature of the event. Mr. Woods recommended the City Council review and discuss the possibility of co-

sponsoring the Morro Bay Garden Club's annual Dahlia Daze event and direct staff accordingly.

Councilmember Grantham stated with the current shortfall, he is not supportive of the co-sponsorship; he would rather give a donation from discretionary funds.

**MOTION:** Councilmember Smukler moved the City Council support the co-sponsorship of the City and the Morro Bay Garden Club with their annual Dahlia Daze event on August 27-28, 2010 at the Morro Bay Community Center. The motion was seconded by Councilmember Winholtz and carried with Councilmember Grantham voting no. (3-1-1)

**D-5 REQUEST FOR FACILITY FEE WAIVER FOR CANDIDATE FORUM;  
(MAYOR)**

Councilmember Grantham and Councilmember Winholtz stepped down due to a conflict of interest.

Mayor Peters stated the Morro Bay Chamber of Commerce, the Business & Community Forum, Lion's Club have volunteered to arrange a candidates' forum for the Primary Election to be held on June 8, 2010. Such forums present a valuable public service in acquainting the voters with the views and goals of the candidates for Morro Bay Mayor and City Council. The volunteering organizations are requesting that the City Council waive the fee for the Veterans' Memorial Building for a three-hour event to be held on May 4, 2010. Mayor Peters recommended the City Council discuss the request and direct staff accordingly.

Councilmember Smukler stated the applicant should be responsible for insurance and liability, clean-up and set-up, open up and lock-down of the event; Councilmember Borchard concurred.

**MOTION:** Mayor Peters moved the City Council grant a fee waiver for the candidate forum on May 4, 2010 for the Primary Election with the understanding that they supply the insurance and liability, set-up and clean-up, and open up and lock-down of the event. The motion was seconded by Councilmember Smukler and carried unanimously. (3-0-2)

**D-6 ALLOCATION OF FUNDS GENERATED FROM THE FUNDRAISER  
FOLLIES; (MAYOR)**

This item was pulled from the agenda.

**D-7 CONSIDERATION OF MORRO BAY-GIBRALTAR SISTER CITY  
CORRESPONDENCE; (MAYOR)**

Mayor Peters stated the City's advertising agent, John Sorgenfrei, has suggested the City send a letter to form a relationship with the Rock of Gibraltar and do a Sister City program with them. Karen and Harold Biaggini are planning on being in Gibraltar on April 29, 2010, and have offered to make the effort to reach out to them during that day. It is recommended the City Council approve sending a letter to Gibraltar to encourage potential future tourism business.

MOTION: Mayor Peters moved the City Council approve sending a letter to Gibraltar regarding a Sister City Program. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

D-8 CONSIDERATION ON SENDING LETTER TO CONGRESSWOMAN LOIS CAPPS OPPOSING FARM FISH LEGISLATION; (CITY COUNCIL)

This item was pulled from the agenda.

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Smukler requested to agendize a discussion on a reclaimed water ordinance (long-term planning item); Council concurred.

Councilmember Winholtz requested to agendize a discussion on Recreation and Parks Commission Ordinance (Morro Bay Municipal Code Chapters 2 and 9 - Prohibited Conduct); Council concurred.

Councilmember Winholtz requested to agendize a discussion on pulling the Local Coastal Plan from the Coastal Commission; Councilmember Winholtz will prepare a report.

ADJOURNMENT

The meeting adjourned at 9:32 p.m.

Recorded by:

Bridgett Kessler  
City Clerk



AGENDA NO: B-1

MEETING DATE: April 26, 2010

# Staff Report

**TO:** Honorable Mayor and Council                      **DATE:** April 22, 2010  
**FROM:** Janeen Burlingame, Management Analyst  
**SUBJECT:** Consideration of Replacing Morro Bay Dial-A-Ride Service with a Flex Fixed Route Service

## **PUBLIC WORKS ADVISORY BOARD AND STAFF RECOMMENDATION**

The Public Works Advisory Board and staff recommend the City Council conduct a public hearing on the proposed replacement of Morro Bay Dial-A-Ride service with a flex fixed route service, as outlined in the staff report, to be effective FY 2010/2011 and recommend the Council approve said changes.

**MOTION:** I move that the City Council approve replacing Morro Bay Dial-A-Ride service with a flex fixed route service as outlined in Exhibits A and B.

In addition, the Public Works Advisory Board and staff recommend the City Council allocate funds from Measure Q to fund a pilot community bus project to determine whether such a program could be viable and sustainable beyond FY 2010/2011. FY 2010/2011 Measure Q fund allocation will be considered during the Council budget adoption process beginning in May with the budget workshops.

## **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 local transit 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 change to replace MBDAR service with a flex fixed route service is anticipated to result in no funding shortage for FY 2010/2011 and would result in the achievement of a Management Partners' recommendation regarding making the Transit enterprise fund self sufficient as no general funds would be used to operate the transit service.

## **DISCUSSION**

As the City begins the budget development process for FY 2010/2011, it must look at what transit 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. In March, the City Council held a budget goals setting workshop and stated that City reserves would not be used to balance the budget.

The City receives from the State of California Transportation Development Act (TDA) funds for transportation programs that come from two sources: Local Transportation Funds (LTF) and State

Prepared By: J. Burlingame

Dept Review: \_\_\_\_\_

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

Transit Assistance (STA). The City currently uses all of these funds to operate MBDAR service. While there are two other potential funding sources that could be used for transit service if the City Council were to choose to allocate additional funds to transit, general fund and general accumulation (City reserves), these are not viable fund sources.

At this time there are no general funds available to allocate to transit without having to take it from other general fund activities or services. In addition, the City Council held budget goal setting workshops in March and stated that general accumulation funds were not to be used to balance the budget. As such, the only funding available for transit operations is the TDA funds received from the State.

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 in December 2009, 10% cut in March 2010 and STA eliminated for the fiscal year). As LTF is derived from sales tax, these cuts are the result of the economic recession.

Since FY 2007/2008, MBDAR has lost more than \$171,000 in LTF and STA funds with which to operate service. 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. The LTF funding available for FY 2010/2011 for transit services is estimated to be a levels below that which the City received more than ten years ago. The STA funding, which had been eliminated from this fiscal year due to actions by the Governor to take these funds to for the State's general fund shortages, has been somewhat restored with the passage of ABX 6 8 and ABX 6 9; however, the City only received approximately \$15,000 per year in STA when it was fully allocated prior to the Governor's take of STA.

With a current fiscal year MBDAR operating budget of \$379,154, \$204,000 anticipated TDA 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, the current MBDAR service levels cannot be maintained for FY 2010/2011. The question becomes how much, if any, dial-a-ride type service can be provided with the State funding allocated to the City for transit service.

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 a separate individual for dispatching activities.

Staff evaluated several transit service options to determine which would be in line with the amount of State transit funding the City would receive, resulting in no budgetary shortfall, and achieving a 10% farebox ratio that is required by the State in order to continue receiving transit funding. In March, staff presented for consideration to the PWAB and City Council proposed changes to transit service to replace the MBDAR service with a fixed route service as there was no viable option available to retain some type of local dial-a-ride type service that did not result in a funding shortfall to operate or achieve a farebox ratio well below the State required 10% in order to continue receiving funding.

The City Council did not take action at its March 22 meeting regarding the proposed transit service changes and directed staff to come back to the Council in April after investigating alternative dial-a-ride program delivery models, including public private partnerships and volunteer based concepts, such as the Cambria Community Bus.

Staff evaluated additional options for local transit service to consider implementing July 1, 2010:

- Reduce MBDAR service hours and restrict to one vehicle only
- Establish year round flex fixed route service
- Establish community volunteer bus service

### **Reduce MBDAR Service Hours and Restrict to One Vehicle**

Under this option, MBDAR service hours and/or days would be reduced in order to retain a demand response type transit service with the funding available from the State. The following parameters provide for a dial-a-ride type service to operate with the anticipated funding allocated from the State:

- One DAR vehicle in operation
- Monday - Friday service
- Hours of Operation: 5 hours/day
- Advance reservations taken 2 hours/day for next day (project manager dispatches)
- Estimated Vehicle Service Hours: 1,250 (72% reduction in Vehicle Service Hours)
- Estimated Farebox Ratio: 6.6% (State requirement is 10%)

With this option, however, approximately 75% of current passengers would not be provided local transit service. In addition, the farebox ratio is estimated to be 6.6%, well below the Transportation Development Act 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 Flex Fixed Route Service**

Under this option, the MBDAR service would be replaced with a year round weekday flex fixed route service. A flex fixed route, also known as deviated fixed route, is a hybrid transit system combining fixed route service with limited dial-a-ride service. The flex route operates with a fixed route structure (specified transit stops) but can also “flex” (or “deviate”) off route to pick up/drop off passengers who have called the day before to schedule a trip that is within a half mile of the fixed route. The following parameters provide for a flex route service to operate with the anticipated funding allocated from the State:

- One vehicle in operation (use small DAR size vehicle)
- Monday - Friday service
- Advance reservations taken 2 hours/day for next day (project manager dispatches)
- General public for fixed route; senior and disabled for Call-A-Ride flex trip
- Estimated VSH: 2707.5
- Estimated Farebox Ratio: 13.6% (State requirement is 10%)
- Flex Fixed Route Fare Structure: \$1.25 Regular and \$0.60 Discount
- Call-A-Ride (flex trip) Fare Structure: \$2.50
- ADA complementary service provided by Runabout\*
- Additional transit service: Ride-On senior shuttle (dial-a-ride shuttle in Morro Bay area on Monday and Wednesday); staff to request funds from Measure Q for pilot community volunteer bus pilot project in FY 2010/2011 (modeled after the Cambria Community Bus)

\*ADA stands for the Americans with Disabilities Act. The ADA is a federal civil right law prohibiting discrimination against individuals with disabilities in a range of categories, including transportation. ADA law mandates that public fixed route 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. Specific criteria for determining who is eligible for ADA paratransit are defined by ADA law and riders who meet the criteria specified by the ADA and who have been certified as eligible will have a guaranteed ride. Runabout is the ADA paratransit service for San Luis Obispo County and provides door-to-door transportation service and is operated by the San Luis Obispo Regional Transit Authority under a Joint Powers Agreement of the seven cities and the County.

Exhibits A and B provide a summary of the flex fixed route service proposed, including the proposed route. When considering the route, staff looked at destination data to determine where passengers were traveling to and from in order to design a route to best serve the established needs of existing riders. The top three destinations were North Main, Downtown/Embarcadero and Quintana (36%, 33% and 14% of trips analyzed respectively). Trips to North Main are primarily to pick up/drop off passengers at their homes with additional trips to Spencer's Market. Trips in the Downtown/Embarcadero area to the Library, City Hall, Senior Center, post office, and work related trips. Trips to Quintana are to the Cookie Crock and Albertson's shopping centers.

While the flex fixed route service provides for less dial-a-ride type service than is currently provided, it does provide limited dial-a-ride type service for those senior or disabled individuals who might not be eligible to become ADA certified to use Runabout paratransit service and would address the Council's concern to provide those individuals with some dial-a-ride type service until they can become ADA certified. In addition, seniors also can use the Ride-On senior shuttle that operates two days a week in the north coast area.

Regular fare MBDAR riders make up 52% of passengers carried per year while 48% are discount fare riders (senior or disabled). For those discount riders, a high percentage could go through the process to become ADA certified to use the Runabout while those who would not qualify to use Runabout can use the Call-A-Ride flex trip service available for the proposed flex fixed route in addition to the Ride-On Senior Shuttle that is in the Morro Bay area two days a week (Monday and Wednesday). Also, if the City Council authorizes Measure Q funding for a pilot community bus project, there would be additional dial-a-ride type service to these individuals as well.

With this option, there would be no funding shortage anticipated after fare revenue is factored in. In addition, the flex fixed route farebox ratio would be estimated at 13.6%, well above the TDA required 10%. This option is viable and is recommended for implementation July 1, 2010.

### **Establish Community Volunteer Bus**

During the March 22 City Council meeting, there was discussion of looking into the community bus service that is offered in Cambria as a way to provide dial-a-ride type trips to seniors. The Cambria Community Bus is a volunteer dial-a-ride type service provided to seniors and disabled individuals and is operated by the Cambria Community Council. The service originated from the community wanting to fill a need to get to doctor appointments as there was no public transit in Cambria and has expanded over time to include one day a week trip to San Luis Obispo. Currently, service is provided five days a week from 8 a.m. - 5 p.m.

The Community Council and the County have an agreement whereby the County provides some funding towards the community bus program, but does not operate or manage the service. The Community Council is responsible for all additional funding necessary to operate the service, provides insurance for the vans/drivers, is responsible for acquiring vehicles for the service and is responsible for recruiting enough volunteer drivers to cover the service hours. No fare is charged as the Community Council gets donations from the public to cover the remaining operating costs not covered by the funds provided by the County.

The Community Council operates passenger vans that hold no more than 9 people so drivers would only need a Class C license and does not require additional special licensing. Individuals of any age are eligible to volunteer to drive so long as he or she has a Class C license and good driving record. Everyone is a volunteer with the exception of the dispatcher who is a half time paid employee, under a separate contract with the Community Council, who takes reservations two hours a day for the next day, develops/distributes the driver trip sheet for the next day and develops/distributes the volunteer driver schedule for each month to ensure coverage for the month. There are approximately 35 active volunteers who drive each month and if the dispatcher cannot get coverage for a particular day, the van does not operate that day. The operating cost for Cambria's community bus service is approximately \$38,000.

The concept of a volunteer community bus service as structured how the service is operated in Cambria is appealing as it is a way to provide specialized dial-a-ride type service at a much reduced operating cost because of the almost exclusively volunteer framework as the only operating costs are the half time dispatcher, insurance, fuel, maintenance, utilities and promotion.

In addition, the service could be a good complement to the proposed changes to replace the MBDAR service with a flex fixed route service as it could provide for additional transit service opportunities for senior and disabled individuals in addition to the flex fixed route, Call-A-Ride flex trip, Ride-On Senior Shuttle and Runabout paratransit.

As the City would not be the one to implement, operate and manage the program, but be a contributor of monies to fund part of the service, the difficulty lay in securing an interested outside organization to organize, manage and operate the program by July 1, including all the appurtenant tasks that would need to be completed to start such a service: execution of agreement to establish program and funding commitment, acquisition of a vehicle, raising the additional funding necessary for operations, recruitment of volunteer drivers, recruitment of dispatcher, obtaining insurance, and outreach to promote new service.

There is also an uncertainty as to whether or not enough volunteer drivers can be recruited to operate a community bus service long term. As such, staff recommends establishing a community bus pilot project to identify an interested outside organization to operate the service and to determine whether such a program could be viable and sustainable beyond FY 2010/2011. Staff will be submitting a Measure Q request for \$15,000 to fund such a pilot community bus project for one year. If the community bus concept proves sustainable, it would provide additional dial-a-ride type trips for seniors and disabled individuals.

### **Transit Efficiencies Group**

The Mayor and staff have been participating in the SLOCOG transit efficiencies process to examine possible efficiencies to operating transit services within the north coast and develop efficiency improvement strategies for consideration. During 2009, there was not much progress with the transit efficiencies process 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; however, in 2010, discussions resumed and some progress has been made on developing a transit service concept for the Estero bay region for Council consideration. The current concept being discussed needs further analysis and will come to the Council for consideration within the next month.

### **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 flex fixed route to replace MBDAR service as outlined in Exhibits A and B. In addition, staff recommends funding a pilot volunteer community bus project in FY 2010/2011 to determine the long term viability of such service to provide an additional transit service option for senior and disabled individuals.

Approval of the staff recommendation would result in the achievement of the Management Partners' recommendation regarding making the Transit enterprise fund self sufficient as no general funds would be used to operate the transit service.

Exhibit A  
Proposed Morro Bay Flex Fixed Route Service

**Flex Fixed Route<sup>1</sup>**

- Establish year round general public flex fixed route (see Exhibit B for proposed route)
- 1 vehicle only; use smaller DAR size vehicle
- Monday through Friday service
- Call-A-Ride (flex trip) scheduling for senior and disabled individuals only (vehicle deviates off route to pick up/drop off individual then returns on route for next stop)
- Advance scheduling for flex trips (dispatching 2 hours per day for next day service)
- ADA Complementary (comparable) service provided by Runabout<sup>2</sup>
- Additional transit options: Ride-On senior shuttle (dial-a-ride shuttle in Morro Bay area on Monday and Wednesday); staff request in FY 2010/2011 budget for Measure Q funds for pilot community volunteer bus project (modeled after the Cambria Community Bus)
- Fare Structure: \$1.25 flex route, \$0.60 discount flex route; \$2.50 Call-A-Ride flex trip

**MBDAR**

- Dial-A-Ride service would be replaced with year round weekday general public flex fixed route service

**Proposed Start Date:** July 1, 2010

<sup>1</sup> Flex fixed route, also known as deviated fixed route, is a hybrid transit system combining fixed route service with limited dial-a-ride service. The flex route operates with a fixed route structure (specified transit stops) but can also “flex” (or “deviate”) off route to pick up/drop off passengers who have called the day before to schedule a trip that is within a half mile of the fixed route.

<sup>2</sup> 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 Flex Fixed Route



### **Flex Route Stops**

1. Main at Bonita
2. Main at Spencer's Market
3. Elena at Senior Complex
4. Greenwood at San Jacinto
5. Main at Sequoia
6. Main at Jamaica
7. Main at Tahiti
8. Beachcomber at Mindoro (stairs to campground)
9. Sandalwood at San Jacinto (beach access)
10. Atascadero Road at Teen Center (high school)
11. Quintana at Cookie Crock
12. Quintana at Albertson's
13. City Park at Harbor
14. Piney Way at Pacific
15. Piney Way at Anchor
16. Market at Morro Bay Blvd.
17. City Park at Harbor
18. Main at Errol

It is recommended catching the bus at designated bus stops; however, riders may board or leave the bus at any point along the route where the driver can make a safe stop.

### **Call-A-Ride**

Call-A-Ride curb-to-curb service is available to senior and disabled individuals. The flex route bus will deviate off route to pick up/drop off rider, then return on route before the next scheduled stop.

### **Fare Information**

- Flex Route - \$1.25 per ride
- Discount Flex Route\* - \$0.60 per ride
- Flex Route Child under 5 - Free (one child per fare paying adult)
- Call-A-Ride - \$2.50 per ride

\*Seniors (65 & over) and disabled individuals are eligible for the discount fare.

### **Pass Information**

Day Pass:

- Flex Route - \$4
- Discount Flex Route - \$2

Punch Pass: 11 rides

- Flex Route - \$12.50
- Discount Flex Route - \$6
- Call-A-Ride - \$25



AGENDA NO: B-2

MEETING DATE: April 26, 2010

# Staff Report

**TO:** Honorable Mayor and Council                      **DATE:** April 22, 2010  
**FROM:** Janeen Burlingame, Management Analyst  
**SUBJECT:** Consideration of Month to Month Contract Extension with MV Transportation and Authorization to Initiate Bid Process for Transit Services Operation and Management

## RECOMMENDATION

Staff recommends the City Council conceptually approve a month to month extension of the current Morro Bay Dial-A-Ride and Trolley Operations and Management Agreement with MV Transportation pending the final approval of compensation rates at the May 10, 2010 meeting, and authorize staff to initiate a bid process for transit services operation and management.

**MOTION:** I move that the City Council conceptually approve a month to month extension of the current Morro Bay Dial-A-Ride and Trolley Operations and Management Agreement with MV Transportation pending final approval of compensation rates at the May 10, 2010 meeting and authorize staff to initiate a bid process for transit services operation and management.

## 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 flex fixed route service 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. The existing

<b>Prepared By:</b> _____	<b>Dept Review:</b> _____
<b>City Manager Review:</b> _____	
<b>City Attorney Review:</b> _____	

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.

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. During 2009, there was not much progress with the transit efficiencies process 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.

In 2010, discussions resumed and some progress has been made on developing a transit service concept for the Estero bay region for Council consideration; however, the concept being discussed needs further analysis and the proposed timing for implementation is in the middle of FY 2010/2011 at the earliest.

With approval of the proposed transit service changes under agenda item B-1 to replace demand response service with a year round flex fixed route 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.

The month to month extension 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 additional time needed to complete the transit efficiencies process, including bringing to Council an Estero bay region transit service concept for consideration that ideally would address the State transit funding losses and provide sufficient local transit service to Morro Bay residents.

As it is unclear at this time what may be the ultimate conclusion from the transit efficiencies process, staff is also recommending that the Council direct staff to initiate the bid process for the next transit services operation and management agreement mid fiscal year 2010/2011.

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 on a month to month basis in order to allow for the transit service changes for FY 2010/2011 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, it would provide for additional time to complete the transit efficiencies process to determine if there are additional changes to transit service that should be made, including Council consideration of any service concepts that are developed.

Staff is also recommending that the City Council direct staff to initiate the bid process for the next transit services operation and management agreement mid fiscal year 2010/2011 as it is unclear at this time what may be the ultimate conclusion from the transit efficiencies process. Should the Council approve a transit service concept that comes from the transit efficiencies process, additional direction to staff regarding a bid process would be made at that time.



AGENDA NO: B-3

MEETING DATE: April 26, 2010

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** April 20, 2010  
**FROM:** Andrea K. Lueker, City Manager  
**SUBJECT:** Recommendation on Staff Levels for the 2010/11 Fiscal Year Budget

## **RECOMMENDATION**

Staff recommends the City Council review the staff report regarding staffing levels for the 2010/11 Fiscal Year Budget, and provide staff any further direction in preparation for the 1<sup>st</sup> Budget Workshop on May 19, 2010.

## **FISCAL IMPACT**

The approximate fiscal impact associated with the staff levels, both part and full-time indicated in the staff report is approximately \$455,844. Other re-organizational strategies, including internal reorganization and reclassification, have been made that do not affect the permanent staffing numbers. Those changes will be reviewed in the Budget Message that accompanies the proposed 2010/11 Budget.

## **BACKGROUND**

The City of Morro Bay is faced with a budget deficit in excess of \$500,000. Basically, the City is experiencing a budgetary “perfect storm” resulting from a combination of factors including:

- flat sales tax expectations
- reduced transient occupancy tax (bed tax)
- flat program revenues
- a spiraling decline in planning and building and related fees
- increased personnel costs
- decreased or eliminated transit funds
- decreased franchise fees (PG&E, The Gas Company)

Just a few weeks ago, staff and the City Council completed the third year of Goal Setting. In this Goal Setting session, the City Council reiterated the importance of a sustainable budget, in other words, a budget where the regular yearly revenues meet or exceed the regular yearly expenditures without the use of any reserve funds. Last year, the City was successful in presenting and having adopted a balanced budget without the use of any reserves and without any layoffs, but regrettably, this year it appears this will not be the case.

The budget process began earlier this year beginning with the Goal Setting Workshop in March 2010. Those discussions led staff to prepare estimated revenue and expenditure sheets for the Administrative

Prepared By: \_\_\_\_\_      Dept Review: \_\_\_\_\_  
City Manager Review: \_\_\_\_\_  
City Attorney Review: \_\_\_\_\_

Services Director and City Manager review. After the initial review, the difference between revenues and expenditures was over \$900,000. Over the course of the following weeks, over \$400,000 of non-personnel based expenditures were cut. However, after this review, it became clear to staff that based on the declining revenues, the sluggish economy, and delayed fiscal recovery, layoffs would have to be considered in order for staff to provide a balanced budget to the City Council.

In consideration of layoffs, staff consulted the Layoff Policy (Attachment 1), adopted by the City Council in 2005, as that document specifies the timeline and procedures for employee layoffs. Next, in consultation with Department Heads, a thorough review of potential positions was conducted to determine a slate of prospective positions for layoff. Some of the criteria for layoff included job responsibilities, impact of reduced services to the residents, ability to discontinue or reallocate work, and overall impact to the City's ability to function. While the presentation in the staff report is extremely concise, staff has spent significant time performing extensive review, discussion, and analysis of each of the City's positions to determine those that could be identified for elimination or work-hour reduction.

All of the changes listed below will have an impact on the level of customer service that the City can afford to deliver. Both the City Council and the public need to understand this paradigm shift in City service levels. Additionally, with any reduction in force, the morale of those remaining is significantly affected. As well, the remaining employees need to be assured that the service level reductions will be repeatedly communicated to the City Council and public, and there will not be continual requests to do more with less.

Staff would emphasize that when the employee unions/organizations are formally notified of the potential layoffs, they may request to meet and confer on the impact of the loss, and they may offer concessions back to the City in exchange for a reduction in the number of estimated positions that are needed. That information will be available by the first Budget Workshop scheduled for May 19, 2010. With that said, in order to meet the goal of a sustainable budget without the use of any reserve funds, it is difficult to imagine a scenario where there are no layoffs. Following the first Budget Workshop, and when a set number of layoffs are known, staff will be more able to provide to the City Council further impact issues, such as office closures during the lunch hour and/or additional hours, scheduling changes, and staff availability. While we know there will be impacts, it is difficult to fully determine those impacts prior to knowing the final staffing numbers.

## **Recreation and Parks Department**

### **Elimination of Office Assistant IV position**

#### **Savings \$65,638**

This position currently works at the front desk of the Community Center. The loss of this position will result in the following impacts:

1. Significant reduction of customer service to the community from limited hours of operation at the Community Center front desk.
2. Severe reduction in information dissemination and delivery which includes direct public contact, walk in and telephonic, arrangements for public use of public property, program information and registration (Program information includes participants, parents, and coaches, clubs, community groups).
3. Reallocation of program registration and all consequential accounting practices.

4. Reallocation of rental coordination which involves: fulfilling a request to use public property, processing the application for availability and creating permit for use, collecting and processing invoiced fees and processing deposit checks.
5. Reallocation of Department daily accounting procedures. Balancing the cash and checks received and processing accounts payable as receipts are generated.
6. Reallocation of duties and program support to all employees and contractors teaching classes.
7. Elimination of grant development and management support.
8. Reallocation of coordinating public rentals and scheduling attendants to large rental events at Veteran's Memorial Building, Library Program room and Community Center.
9. Reallocation of managing the regular user group accounts including scheduling, key protocol, invoicing and processing payments. Handles daily interaction with groups and has front line responsibilities.

### **Fire Department**

#### **Reduction to ½ Time-Administrative Technician position**

**Savings \$31,577**

This position currently works at the front desk of the Fire Department and is the only administrative position in the Department. The loss of this position will result in the following impacts:

1. Potential need to reassign staff to the front desk up to 20 hours per week.
2. Potential closure of the front office at irregular hours each day.
3. Significant reduction in public access to business with the Fire Department, including reception services, referrals and phone contact and message distribution.
4. Significant reduction in the completion/timeliness of payroll, maintenance of the department up-to-date budget and completion of purchase orders
5. Delays in State Joint Apprentice Committee (JAC program) training documentation and requests for reimbursement.
6. Delays in scheduling of maintenance and repair of office equipment and purchasing.
7. Delays in the production of meeting minutes.
8. Delays in tracking of department related statistics, completing of multiple clerical tasks, maintenance of personnel and equipment records for 11 full-time and 20 reserve firefighters, class registration for part-time employees, and planning and updating shift work schedule
9. Delay in the production of the Fire Department Annual Report

### **Police Department**

#### **Elimination of Crime Prevention Coordinator position**

**Savings - \$38,057**

This is a ½ allocated (non-sworn) position working within the Police Department. The loss of this position will result in the following impacts:

1. Day to day contact and availability for community and business outreach programs will be diminished.
2. Attendance and educational opportunities at various community and business meetings will be reduced. Email crime prevention bulletins to businesses will be discontinued.
3. Oversight and coordination of the police volunteer program will be diminished. Policy outlining crime prevention coordinator's responsibilities will need to be rewritten.
4. Assistance with Neighborhood Watch program at monthly meetings will be diminished. Neighborhood Watch website updates will be delayed.

5. Responsibility of coordinating “Citizen’s Academy” will have to be shifted to existing personnel.
6. Coordination with groups putting on special events within the city requiring use of police volunteers and/or police equipment (signs, barricades) will be reduced.
7. Car seat inspection program will have to be discontinued.
8. Duties associated with the coordination of community outreach programs such as caroling cop cars and the Thanksgiving dinner will need to be shifted to existing personnel.

**Public Services Department**

**Eliminate the Building Official Position**

**Savings - \$123,014**

This change is recommended due to the reduction in the amount of building permits being issued by the City pursuant to the economic downturn. There is no legal requirement for the position of “Building Official.” The final staff level decision-making authority regarding Building Permit issues rests with the Director or City Engineer. The loss of this position will result in the following impacts:

1. May affect two individuals due to City Layoff Policy regarding “bumping” rights
2. May require the use of consultants during code updates.
3. Reduces the ability to respond to code enforcement issues in a timely manner.
4. Increases the wait time for building inspection and plan check services.
5. As building activity increases additional staffing or contract work would be required.

**Reduce the Permit Technician position to ¾ Time**

**Savings - \$15,001**

This change is also recommended due to the reduction in the amount of building permits being issued by the City due to the economic downturn. This change could potentially result in:

1. Delays to the issuance of business licenses.
2. Delays in Building and Planning permit processing.
3. Reduction in staff support at the PWAB meetings.

**Eliminate the Housing Programs Coordinator position and reclassify to Administrative Technician**

**Savings - \$unknown at this time**

The Housing Program Coordinator position is a relatively new position in the City’s organizational structure. Prior to this position being created, the staff member that filled the position was an Administrative Technician. Staff is recommending reversion to the Administrative Technician position with the housing programs responsibilities included, but with the supervision responsibilities of the Housing Programs Coordinator position being transferred to another existing Department employee. This change, combined with other reorganization in the Department, will result in increased efficiencies and better use remaining resources.

**Administration Services**

**Elimination of the Accountant position**

**Approximate Savings - \$97,557**

The duties of the Accountant position, while critical to the organization, are the only ones that can be passed on to lower-level staff without concerns for internal control breaches. Those duties will need to be absorbed by the Senior Accounting Technicians, while the annual reporting functions will go to the

Administrative Services Director to complete. The loss of this position will also result in the following impacts:

1. Elimination of project reconciliation and reporting. Project managers would be responsible to access the project module and reconcile their accounts.
2. Delays in assigning new account numbers and project numbers.
3. Limited access to accounting staff, as they will be significantly impacted by the additional workload.

**Various Departments Part-Time Staffing Changes**

Several Departments lost un-allocated part-time positions during the initial budget cuts. While these positions were not counted in the overall (full-time) staffing numbers of the City, these positions played, or were to play, a significant part in the functioning of the City. Those positions include:

1. Police Department - the Property/Evidence Clerk (\$14,000)
2. Police Department - 2<sup>nd</sup> Reserve Police Officer (unfilled and unhired) (30,000)
3. Public Services Department – Planning Interns (21,000)
4. Public Services Department – Engineering Interns (20,000)

Due to the City Layoff Policy, staff is presenting this information at this time, and in order for the City Council to review prior to the finalization of the proposed fiscal year budget, as well as to ensure compliance with the schedule presented in the City’s Layoff Policy. The below is a timeline for staffing level changes.

<b>Proposed Employee Layoff Schedule</b>		
<b>Date</b>	<b>Event</b>	<b>Action</b>
April 12	Closed Session/Labor Neg.	Provide the below schedule Provide number of proposed positions for elimination
April 14	Employee Forum	Provide employees with general budget Dialog/question/answer/brainstorm
April 19-21	Informal Notice Affected Emp.	City Manger provides informal layoff notice to potential employees
April 21	Staff Report	Staff report for 4/26 meeting available which identifies specific positions/justifications for layoff
April 26	Closed Session-Personnel Open Session	Reorganization Positions for layoff discussion
April 27-30	Formal Notice to Employee Groups	Notify employee groups of potential layoffs
May 14	Formal Notice to Employees	Notify employees of potential layoffs-pink slips
May 19	1 <sup>st</sup> Budget Hearing	Review proposed budget document
June 2	2 <sup>nd</sup> Budget Hearing	Continue review of the budget document
June 14 <sup>th</sup>	Budget Adoption	Adoption of the F.Y. 2010/11 Budget
June 30 <sup>th</sup>	Last day of F.Y. 2010/11	Employee Layoffs Effective

## **CONCLUSION**

With the above indicated staffing level changes, the City will approach a balanced budget for presentation at the Initial Budget hearing on May 19<sup>th</sup>. The recommended budget the City Council will receive includes significant reductions to the General Fund spending, as part of a comprehensive balancing strategy to mitigate the impacts of both declining revenues and rising costs. However, even with those reductions, we believe the budget that staff will be recommending is balanced, fair, and in line with the overall priorities of our community.

Working on these staffing level reductions and producing the proposed Fiscal Year 2010/11 budgeted was the most difficult in recent history. Department Heads, Managers and Program Level staff in our organization are proud of the services they provide to the public, and it is especially painful to recommend reductions to programs in which they have invested significant portions of their professional careers and have public constituencies. Additionally, some of the most difficult decisions have a direct impact on the lives of work colleagues, and in many cases, their entire families. I am proud of the professionalism in which the organization dealt with many of these difficult decisions, and the strong emphasis on maintaining services while trying to minimize employee layoffs. Many of these proposals will not be popular, but they represent our best collective recommendation on how to deal honestly and professionally with the economic situation with which we are faced.

u.w.stfrpt recommd on staff levels 2010 2011 budget



AGENDA NO: B-4

MEETING DATE: April 26, 2010

## Staff Report

**TO:** Honorable Mayor and City Council **DATE:** April 19, 2010  
**FROM:** Rob Livick, PE/PLS, Interim Public Services Director/City Engineer  
Kathleen Wold, Senior Planner  
**SUBJECT:** Amendment to Morro Bay Municipal Code Title 17 Adding Chapter 17.27 establishing Regulations and Procedures Entitled “Antennas and Wireless Telecommunications Facilities Ordinance.

### **RECOMMENDATION:**

Staff recommends that the City Council hold a public hearing and approve for introduction and first reading Ordinance 556, an amendment to the Morro Bay Municipal Code (MBMC), adding Chapter 17.27 establishing procedures to regulate antennas and wireless telecommunication facilities and modifications to sections 17.12 to incorporate new definitions, 17.24 to modify primary zone districts matrices to incorporate the proposed text changes, 17.30 modify to eliminate section 17.30.030.F “antennas” and 17.48 modify to eliminate section 17.48.340 satellite dish antennas.

**MOTION:** I move the City Council approve Ordinance No. 556 for introduction and first reading by number and title only.

### **FISCAL IMPACT:**

The proposed project will not have a fiscal impact. No new fees are proposed at this time.

### **BACKGROUND:**

Back in 2005 the City Council approved new regulations for antennas and wireless telecommunications as part of the comprehensive Zoning Ordinance Update. To date the Zoning Ordinance Update has not been certified by the California Coastal Commission therefore city staff must refer to the old regulations when processing new applications for wireless facilities. Recently city staff processed two new applications for wireless facilities under the old requirements. Subsequent to processing these applications City Council gave direction to staff to separate the wireless telecommunication facilities portion of the Update and bring it forward as a separate ordinance for review and approval. Staff brought a draft ordinance forward for Council review on March 22, 2010, minor changes were made to the regulations contained in the Updated Zoning Ordinance to make the regulations compatible with the existing Zoning Ordinance.

### **DISCUSSION:**

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

On March 22, 2010 the council reviewed the draft ordinance and directed staff to take into consideration comments made by both the council and the public and return with an ordinance for first reading and introduction.

The minutes of the March 22, 2010 meeting reflect that comments were made by Councilmember Winholtz and John Barta, a member of the public. Mr. Barta felt that the radar antennas should be included in the new ordinance. Staff researched this issue and found that radar facilities are regulated by the federal government and should not be regulated in this ordinance. However there may be some confusion between radar facilities and microwave facilities, staff points out that this new ordinance does regulate new microwave facilities.

The minutes indicate that a Councilmember Winholtz was not in favor of allowing any facility to exceed the maximum height limit for the zone district in which it is proposed. . The height limitation contained within the ordinance provides for height limits which will provide an adequate range of telecommunication services thus limiting the number of facilities by each service provider within the city, limiting the height will restrict the service range and may ultimately result in the necessity for addition sites. . Staff points out that the ordinance also requires screening of facilities under certain circumstances reducing the visual impacts associated with most new facilities. The minutes further indicate that she felt the definition of visual was nebulous. Staff has proposed a revised definition of readily visible as follows:

Readily Visible. A wireless telecommunications facility is readily visible if it can be seen from street level or from the main living area of a legal residence in a residential district or from a public park by a person with normal vision, and distinguished as an antenna or other component of a wireless telecommunications facility, due to the fact that it stands out as a prominent feature of the landscape, protrudes above or out from the building or structure ridgeline, or is otherwise not sufficiently camouflaged or designed to be compatible with the appurtenant architecture or building materials. For purposes of this definition, "main living area" means the living and dining and similar areas of a dwelling, but not bedrooms, bathrooms or similar areas.

Other than the modification as mentioned above the ordinance was modified to include an exemption for city data/service facilities and to eliminate sections 17.30.030.F and 17.48.340 which were determined to be redundant.

**CONCLUSION:**

Staff recommends that the City Council approve Ordinance No. 556 for introduction and first reading by title only.

Attachments: City Council minutes from March 22, 2010.  
Initial Study and Final Negative Declaration for the city of Morro Bay's zoning Ordinance Update.  
Ordinance No. 556

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MARCH 22, 2010

Councilmember Borchard stated she agrees with Councilmember Smukler, and would rather not run the trolleys and maintain the Dial-a-Ride service.

Councilmember Winholtz stated she agrees, this is not a service to cut and it is an essential service. She said a fixed route will not work for the handicap and seniors in the community.

**MOTION:** Councilmember Smukler moved the City Council direct staff to negotiate with the current contractor or go out to bid and investigate alternative Dial-a-Ride program delivery and service level models including public and private partnerships and volunteer-based concepts while identifying a funding option not utilizing accumulation funds and prioritizing demand response service over the trolley service with the funding to come from the sale of the 1999 trolley to fill the \$24,000 gap for funding in this current year. The motion was seconded by Councilmember Borchard and carried with Councilmember Grantham voting no. (4-1)

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

City Attorney Robert Schultz stated this draft ordinance was excerpted from the Zoning Ordinance update approved by City Council in 2005. On January 11, 2010, the City Council gave direction to staff to separate the wireless telecommunications facilities portion of the update and bring it forward as an ordinance which can be reviewed and approved. The document required minor revisions to ensure compatibility with the current Zoning Ordinance but no substantial changes were made. Staff has reviewed the proposed ordinance with the Telecommunications Act of 1996 and has determined that the ordinance remains in conformance. Mr. Schultz recommended Council review the proposed ordinance and direct staff to return with the ordinance as proposed or with modifications for first reading and introduction.

Councilmember Winholtz addressed amendments to Chapter 17.27 – Antennas and Wireless Telecommunications Facilities. She said she is not in favor of allowing anything above the height limit. Councilmember Winholtz stated she is concerned with issues such as location and the definition of visual, which is nebulous.

Mayor Peters opened the hearing for public comment.

John Barta stated radar antennas should be included in the discussion due to the potential danger they may cause.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – MARCH 22, 2010

Mayor Peters closed the public comment hearing.

MOTION: Councilmember Winholtz moved the City Council direct staff to take into consideration comments made by Council and public, and return with an Ordinance for first reading and introduction. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

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)

Recreation & Parks Director Joe Woods stated in August 2009, the City Council adopted Ordinance 551, which requires any person riding a permitted coasting device to wear a helmet, elbow pads and knee pads. Unfortunately, Ordinance No. 551 references and amends an outdated version of Chapter 10, and must be rectified for proper enforcement. Ordinance No. 554 repeals Ordinance No. 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. Mr. Woods recommended the City Council open the hearing for public comment, and approve the first reading and introduction of Ordinance No. 554 by number and title only.

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

MOTION: Councilmember Winholtz moved the City Council approve for introduction and first reading of Ordinance No. 554 Repealing Ordinance No. 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. The motion was seconded by Councilmember Grantham and carried unanimously. (5-0)

City Manager Andrea Lueker read Ordinance No. 554 by number and title only.

Mayor Peters called for a break at 9:09 p.m.; the meeting resumed at 9:21 p.m.

C. UNFINISHED BUSINESS – NONE.

# City of Morro Bay Zoning Ordinance Update



## Initial Study and Final Negative Declaration

Prepared for:

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

Prepared by:

**DYETT & BHATIA**  
Urban and Regional Planners  
755 Sansome Street, Suite 400  
San Francisco, CA 94111

August 10, 2005

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**NOTICE OF INTENT TO ADOPT  
A NEGATIVE DECLARATION**

**CITY OF MORRO BAY ZONING ORDINANCE UPDATE**

**1. PROJECT TITLE:**

City of Morro Bay Zoning Ordinance Update

**2. LEAD AGENCY NAME AND ADDRESS:**

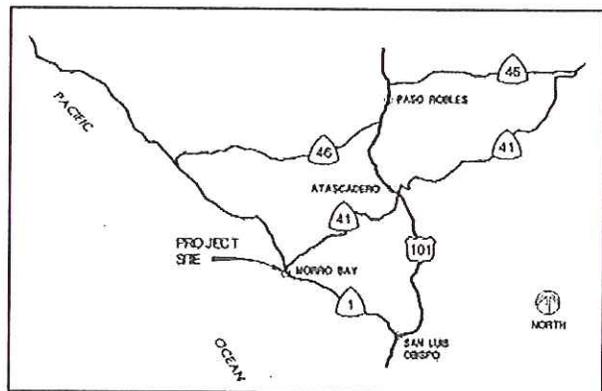
Public Services Department  
City of Morro Bay  
955 Shasta Avenue  
Morro Bay, CA 93442

**3. CONTACT PERSON AND PHONE NUMBER:**

Greig Cummings  
Planning Manager  
(805) 772-6266  
gcummings@morro-bay.ca.us

**4. PROJECT LOCATION:**

The City of Morro Bay is located on the western coast approximately midway between the metropolitan areas of San Francisco and Los Angeles. The City lies within the County of San Luis Obispo and about 12.5 miles north of the City of San Luis Obispo. The City is surrounded by unincorporated areas of San Luis Obispo County.



**5. PROJECT SPONSOR'S NAME AND ADDRESS:**

Greig Cummings  
Planning Manager  
955 Shasta Avenue  
Morro Bay, CA 93442  
(805) 772-6266  
gcummings@morro-bay.ca.us

**6. GENERAL PLAN DESIGNATION:**

Various – Citywide

7. **ZONING:**

Various - Citywide

8. **PROJECT DESCRIPTION:**

The City is undertaking Citywide revisions to Title 17 – Zoning of the City’s Municipal Code in order to bring it into compliance with its recently adopted General Plan/Local Coastal Plan. The current Zoning Ordinance was adopted by the City on September 25, 1995 and certified by the California Coastal Commission on February 6, 1997. Subsequent minor amendments to the Zoning Ordinance have been made since that time.

On February 23, 2004, the City approved a revised General Plan/Local Coastal Plan for certification by the California Coastal Commission. The new General Plan/Local Coastal Plan reflects a combination of the City’s General Plan and Local Coastal Program into one working document that is internally consistent and up-to-date. An Initial Study and draft Negative Declaration was prepared for the General Plan/Local Coastal Plan and approved on February 23, 2004.

The purposes of this Zoning Ordinance Update Project are to:

- Implement the policies of, and ensure consistency with, the adopted General Plan/Local Coastal Plan;
- Streamline the processes, standards and discretionary review criteria for approvals;
- Update provisions for consistency with relevant federal and State law, including the Coastal Act; and
- Ensure that the Zoning Ordinance is easier to read and use.

The changes made are largely procedural and are aimed at easing use and clarity. Other changes include updating land use and zoning designations to reflect General Plan policies and current uses of parcels, and revising provisions that are outdated or not in conformance with Federal or State law. All the changes made are based on policies of the already adopted and approved General Plan/Local Coastal Plan. There are no changes made to land use designations or zoning designations that result in increased density, increased population potential or major infrastructure upgrades than those already evaluated in the General Plan/Local Coastal Plan.

9. **SURROUNDING LAND USES AND SETTING:**

See discussion of setting under “Evaluation of Environmental Impacts”.

10. **OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED:**

Changes to the City’s Zoning Ordinance are subject to review and approval by the California Coastal Commission.

## DETERMINATION

On the basis of this initial evaluation:

  X   I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

       I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

       I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

       I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

       I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated impact” on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Signature

Date

Printed Name

Title

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be significantly affected by this project as indicated by the checklist in the following sections:

Aesthetics	Agricultural Resources	Air Quality
Biological Resources	Cultural Resources	Geology/Soils
Hazards & Hazardous Materials	Hydrology/Water Quality	Land Use/Planning
Mineral Resources	Noise	Population/Housing
Public Services	Recreation	Transportation/Traffic
Utilities/Service Systems	Mandatory Findings of Significance	

## EVALUATION OF ENVIRONMENTAL IMPACTS

### COMPLIANCE WITH CEQA

The City of Morro Bay, as the lead agency in this project, has entered into the environmental review process to assess potential impacts that could arise from implementation of the changes to the proposed Zoning Ordinance. Through this documentation process, the City of Morro Bay ensures that all of the possible environmental effects of the proposed plan are fully disclosed according to the requirements of the California Environmental Quality Act (CEQA).

### CEQA GUIDANCE

Appendix I of the State CEQA Guidelines was used in answering the checklist questions:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the discussion. A “No Impact” answer is adequately supported if the discussion shows that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained when it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (State CEQA Guidelines Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- c. **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

**INITIAL STUDY ENVIRONMENTAL CHECKLIST**

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS</b>				
Would the project:				
a. Have a substantial adverse effect on a scenic vista?			X	
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a scenic state highway?			X	
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in this area?			X	

**SETTING**

Scenic vistas generally include areas of high scenic quality that are visible to a number of people, including recreational travelers. Scenic vistas in the project area include the Santa Lucia foothills to the east and the Pacific Ocean to the west. Morro Bay is surrounded by hills and ridgelines with more than half of the City’s physical edge being coastline. The ocean and the hills are generally visible from area residences throughout the community. The landscape includes natural coastal terrain and agricultural lands. The City’s edge at the urban/rural boundary is also a defining characteristic of the City.

Other scenic resources or reference points in the area consist of:

- Morro Rock which can be seen from almost any location in the City;
- The sand spit which is visible from the Embarcadero, Coleman Drive, the State Park roads and from bluff and hillside residential areas;
- Morro Bay Power Plant which has three 450 feet high exhaust stacks, which are visible from miles away; and

- Morro Bay State Park which contains Black Hill, the golf course and campground, which comprise a large portion of the southern part of the City.

In 1999, the portion of Highway 1 north of Highway 101 in San Luis Obispo was declared an official "scenic highway". Of the approximately 53 miles of "scenic" Highway 1 winding through San Luis Obispo County, about six miles lies in Morro Bay.

The existing visual character and quality of the planning area varies among different portions of the City, depending on land use and density. The majority of the planning area is currently built-out.

The source of light and glare is due to the nighttime environment that comes from the Morro Bay High School Stadium and existing residential and commercial uses.

### **SIGNIFICANCE CRITERIA**

State CEQA Guidelines consider an impact significant if the project will have "a substantial, demonstrable negative aesthetic effect."

### **DISCUSSION OF CHECKLIST ANSWERS**

a-d. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact to visual resources or aesthetics. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, several provisions in the new Zoning Ordinance seek to protect visual resources or aesthetics, including new development regulations, bluff development standards, public access requirements, and sign regulations.

### **CONCLUSION**

Impacts associated with aesthetics are considered less than significant.

Issues	Potentially Significant Impact	Potentially Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>II. AGRICULTURAL RESOURCES</b></p> <p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</p> <p>Would the project:</p>				
<p>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>				X
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>				X
<p>c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</p>				X

**SETTING**

Morro Bay contains approximately 300 acres of agricultural land within its city limits. Additionally, the City has interest in resource protection and land use planning for agricultural areas outside of the City. These agricultural lands create a form of open space and defines the edges of a community, maintains open areas that are critical to the function of ground water recharge and percolation, and acts as a productive use of the land for which this area was historically noted.

**DISCUSSION OF CHECKLIST ANSWERS**

a-c. Under the Zoning Ordinance update, no changes were made to zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact to agricultural resources. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local

Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, provisions and required findings have been added to the Zoning Ordinance to limit any future conversion of farmland in accordance with the adopted GP/LCP policies.

Implementation of the proposed Zoning Ordinance will not result in a conversion of prime farmland, farmland of local importance, and grazing land, to non-agricultural uses.

## **CONCLUSION**

Impacts associated with agricultural resources are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>III. AIR QUALITY</b></p> <p>Where available, the significance criteria established by the applicable air quality management or pollution control district may be relied upon to make the following determinations.</p> <p>Would the project:</p>				
<p>a. Conflict with or obstruct implementation of the applicable air quality plan?</p>			X	
<p>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>			X	
<p>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</p>			X	
<p>d. Expose sensitive receptors to substantial pollutant concentrations?</p>			X	
<p>e. Create objectionable odors affecting a substantial number of people?</p>			X	

**SETTING**

San Luis Obispo County is in moderate non-attainment for respirable particulate matter, or PM<sub>10</sub>, and precursors to ozone. Sources of PM<sub>10</sub> emissions include agricultural operations, construction, and road dust. Vehicular emissions are the main source of precursors to ozone. In San Luis Obispo County, the Air Pollution Control District (APCD) regulates air quality through its Clean Air Plan (CAP) and construction monitoring, among other measures.

The two major stationary sources of air pollutant emissions affecting the City are the Morro Bay power plant and Hanson Concrete. The Morro Bay Power Plant had no emission violations between

1993 and 1998 and Hanson Concrete has had no incidents of emission violations between 1993 and 1998.

Other sources of air pollutant emissions are small and large-scale businesses and facilities including dry cleaners, gas stations, the wastewater treatment plant, and the harbor dredging operations.

The Zoning Ordinance does not specifically propose projects that may create objectionable odors, such as certain types of processing plants, or farms.

### **DISCUSSION OF CHECKLIST ANSWERS**

a-e. Increases in population and/or density could result in increased vehicle traffic and construction activity that could impact air quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact to air quality. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, performance standard provisions were added to the Zoning Ordinance to monitor and limit the level of smoke, particulate matter, odor and other air contaminants.

### **CONCLUSION**

Impacts associated with air quality are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES</b>				
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?			X	
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

**SETTING**

The City of Morro Bay has many sensitive habitat areas within and immediately adjacent to the community. These areas include critical habitat for several rare and endangered plant and animal species.

Morro Bay and its estuary comprise a large wetland within the City of Morro Bay, which is one of the most important wetlands on the central coast of California. The Morro, Chorro, Toro, Alva Paul and Los Osos Creeks provide habitat for fish and other aquatic organisms, and food and shelter for migratory birds and other animals. Associated with these creeks are riparian scrub and riparian woodland communities. These communities are characterized by sparse to dense corridors of vegetation occurring adjacent to the streams.

Other sensitive habitats within the City include:

- **Morro Rock.** Morro Rock is located near the mouth of Morro Bay and is the northernmost visible igneous plug in a chain of peaks that extend from Islay Hill in San Luis Obispo to Morro Rock. The Rock is connected to the mainland by a strand that is comprised of fill materials, much of it dredged from the bay during past operations. The ecological preserve located on Morro Rock serves as a nesting site the federally endangered Peregrine Falcon (*Falco peregrinus*). It is also a resting site for many other bird species.
- **Fairbanks Point.** Fairbanks Point is part of Morro Bay State Park and is located at the southern end of Morro Bay’s City limits. The grove of eucalyptus trees located at Fairbanks Point serves as a major nesting site for herons, egrets and cormorants.
- **Black Hill Natural Area.** This upland area of Morro Bay State Park is located southeast of the developed part of the City. The golf course is southwest of Black Hill. The dominant plant community within the Black Hill Natural Area is coastal sage scrub. Within the coastal sage scrub community are such species as California sagebrush, deerweed and buckwheat. The community also contains species characteristic of chaparral and grasslands. As is typical of coastal foothill areas, the grasslands are characterized by pastureland and scattered grass openings in the chaparral. The rare (federal species of concern) Jones's layia (*Layia jonesii*) is located here.
- **Western Snowy Plover Critical Habitat.** The western snowy plover (*Charadrius alexandrinus nivosus*) is a small shorebird, listed as federally threatened. This bird occurs on the Washington, Oregon and California coasts including beaches within the City of Morro Bay. The U. S. Fish and Wildlife Service have designated critical habitat areas for the threatened western snowy plover that include portions of Morro Strand State Beach and the Morro Bay Sand Spit.

- **Pygmy Oak Forest.** The Elfin Forest Natural Area on the southeastern shore of Morro Bay is a diverse and complex assemblage of natural plant communities that includes coastal brackish marsh, riparian woodland fringe, pygmy oak woodland, grassland, coastal dune scrub and oak manzanita association. It supports a documented 25 species of mammals, over 110 kinds of birds, and 11 species of reptiles and amphibians. San Luis Obispo County acts as the lead agency in the administration of the Elfin Forest.
- **Bird Sanctuary.** The City has designated itself as a “bird sanctuary.” The bay and nearby areas are home to hundreds of species both as residents and migrants. Morro Bay is nationally known for the abundance of avian species and usually ranks near the top of the Audubon Society’s annual count.

The Morro Bay National Estuary Program (MBNEP) is a federally funded program whose mission is to work with the community to implement the conservation plan and oversee the restoration efforts.

### **DISCUSSION OF CHECKLIST ANSWERS**

a-e. Increases in development could result in increased habitat loss and degradation that could impact biological resources. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on biological resources. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

f. There is no adopted local or regional conservation plan that this Zoning Ordinance update may be in conflict with.

### **CONCLUSION**

Impacts associated with biological resources are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES</b>				
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			X	
b. Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?			X	
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d. Disturb any human remains, including those interred outside of formal cemeteries?			X	

**SETTING**

The City of Morro Bay’s archaeological resources include prehistoric and ethnohistoric Native American archaeological sites, historic archaeological sites, historic buildings, and elements or areas of the natural landscape that have traditional cultural significance.

The City of Morro Bay supported prehistoric populations. Surveys have been required with several development projects, and they indicate a significant Native American presence, including Chumash and Salinan, especially around the bay, near creeks, and near outcroppings suitable for grinding acorn mortars. Surveys will continue to be conducted prior to development near known sites and previously un-surveyed locations suspected of containing such resources. The results of all such surveys should continue to be compiled by the City and maintained as proprietary information not for general public knowledge.

At present, the City of Morro Bay does not have an official historical society. Neither is there a local program for the evaluation and official designation of historic sites. Morro Rock is the City’s only designated historical landmark.

**DISCUSSION OF CHECKLIST ANSWERS**

a-d. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on cultural resources. The changes made were largely procedural and reflect policies already adopted and

approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

**CONCLUSION**

Impacts associated with cultural resources are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS</b>				
Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated in the most recent Alquist-Priolo Earthquake-Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii. Strong seismic ground shaking?			X	
iii. Seismic-related ground failure, including liquefaction?			X	
iv. Landslides?			X	
b. Result in substantial soil erosion or loss of topsoil?			X	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable because of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			X	

**SETTING**

Morro Bay is located in the Coastal Franciscan domain that lies along the mountains and hills associated with the Santa Lucia Range. The Santa Lucia Range resulted from uplift during the Pliocene and Quaternary periods.

The surface geology within the domain consists of a northwest-trending sliver of largely Franciscan formation rocks, bounded by the Hosgri fault and West Huasna fault on the west and the Nacimiento fault and the Rinconada fault on the east. The Franciscan complex is a mixture of igneous, metamorphic, and sedimentary rocks. Cretaceous-age (65 to 140 million years old) and Tertiary-age (2 to 65 million years old) sedimentary rocks, including an unnamed Cretaceous sandstone, and a relatively small amount of Lospe, Vaqueros, Rincon, Monterey and Pismo formations, overlie the Franciscan Formation basement rocks in some parts of the region. The domain is characterized by moderate earthquake activity during the Quaternary period and has numerous northwest-striking, mainly northeast-dipping faults, with uncertain potential to generate future earthquakes.

The main geologic hazards associated with this domain are groundshaking, liquefaction or seismic related settlement of alluvium in the low-lying areas of the coastal portion of the domain, tsunami and coastal erosion in ocean front areas, and severe landslide potential on moderate to steep hillsides. The slopes of the Santa Lucia Mountains are underlain by mostly the Franciscan Formation and other Cretaceous age rocks that are considered to be the formations most susceptible to landslides in the County. Much of the northern coastal plain is characterized as a wave cut platform on which Quaternary- age marine terrace deposits overlie the older bedrock. Streams in the region are typically bordered by steep to moderately steep terrain, and the bottoms of stream valleys contain Quaternary- to Recent-age alluvium, which overlies the bedrock.

A large portion of Morro Bay is underlain by ancient sand dunes, including the Bay itself. They are interbedded with water laid clays and gravels that have been transported and deposited by streams. These ancient dune sand areas are stabilized and contain deep, coarse textured soils. They are subject to excessive drainage, rapid permeability, and wind and water erosion. The potential for liquefaction concerns are estimated at a high potential.

The foothills of Morro Bay have been generally categorized as “shallow upland” soils. Within this category, two soil groups can be identified. One is formed on firm shales, sandstone or mudstone,

and is highly prone to erosion in view of the character of the soil and steep slopes. The second group is a clayey soil formed on shale or igneous bedrock. Situated on gently rolling terrain, erosion is moderate and the subsoil permeability is slow.

Morro Bay is characterized by fairly gently inclined slopes with gradients of less than 50 percent on slopes consisting of older alluvium and late Pleistocene dune sands. The potential for slope stability concerns are estimated at a low potential.

### **DISCUSSION OF CHECKLIST ANSWERS**

a-e. Increases in development could result in increased building activity that could impact the geology and soils. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on geology and soils. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, provisions were added to the Zoning Ordinance to limit development impacts to geology and soils, including a new chapter on bluff development standards that includes detailed submittal requirements such as a geology report.

### **CONCLUSION**

Impacts associated with geology and geologic hazards are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIAL</b> Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

**SETTING**

Due to the quantity and frequency with which hazardous materials are shipped through the region, transportation-related accidents pose a significant hazardous material risk to City residents. Major modes of hazardous material transportation include the use of State Highways 1 and 41 and numerous underground pipelines. In addition to the potential for transportation related releases of hazardous materials, potential exposure of the public to hazardous materials can result from their use by industry, agriculture, commercial, and service establishments. Household use of hazardous materials also has the potential to result in their release into the environment.

The Diablo Canyon Power Plant is the primary radiation hazard risk in the region. An uncontrolled release of radioactive material would have the potential to result in significant impacts. To prepare for potential emergency situations that might develop at the power plant, extensive warning, reporting, and response plans have been developed. Updated information regarding the Emergency Response Plan is distributed to the public each year. Additional potential radiation hazards include low-level radioactive waste from medical facilities and elsewhere. The hauling, handling and disposal of these materials are governed by federal regulations.

Morro Bay has three electrical transmission corridors that distribute electricity generated from the Morro Bay Power plant. These transmission corridors generally bring power into San Luis Obispo County from a variety of outside sources. These electric transmission corridors are capable of either transmitting power into or out of the county.

The Morro Bay Fire Department provides fire response and prevention services. The low-density urban development predominant in the City helps to minimize potential urban fire hazards. The California Department of Forestry (CDF) is responsible for preventing and controlling wildland fires.

**DISCUSSION OF CHECKLIST ANSWERS**

a-h. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on hazards and hazardous material. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, performance standard provisions were added to the Zoning Ordinance to require any use, handling, storage and transportation of hazardous and extremely hazardous materials to comply with the State’s Hazardous Materials Regulations and any other applicable laws.

**CONCLUSION**

Impacts associated with hazardous materials and fires are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>VIII. HYDROLOGY AND WATER QUALITY</b></p> <p>Would the project:</p>				
<p>a. Violate any water quality standards or waste discharge requirements?</p>			X	
<p>b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</p>			X	
<p>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</p>			X	
<p>d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</p>			X	
<p>e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</p>			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Otherwise substantially degrade water quality?			X	
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j. Inundation by seiche, tsunami, or mudflow?			X	

**SETTING**

In October 2003, the City of Morro Bay adopted a Storm Water Management Plan in accordance with the U.S. Environmental Protection Agency provisions for compliance with the National Pollution Discharge Elimination System (NPDES) Phase II requirements. The Storm Water Management Plan provides an integrated approach for prevention of pollution from storm water runoff in Morro Bay. This is an important water quality management tool that Morro Bay uses through public outreach, education and participation through best management practices to help prevent pollution problems at the source.

Morro Bay’s water consumption has generally been decreasing since the late 1980’s, and reached a low in 1992. Although total consumption has decreased, future development will most likely cause water consumption to increase.

The completion of the State Water Project’s Coastal Pipeline Branch has made more water available to the Morro Bay community. State water allocations total more than 1,300 AF/Y for municipal and residential use. The City currently supplements 10 percent or more of its total supply with municipal wells, depending on the efficiency and availability of water in the State system. Additionally, Morro Bay is served by seawater extraction wells that serve the City desalinization facility in times of shortage.

The City of Morro Bay holds 1,758 AF/Y in stream allocations from the Chorro and Morro Creek basins. As previously discussed, the City currently receives its water from the State Water Project, but

operational problems or peak usage days on the State Water System would stimulate the need to withdraw from the groundwater basins.

The City of Morro Bay has standards regulating drainage within the city limits. Compliance with these standards is examined for portions of the planning area that have the potential for annexation to the City. City standards focus on areas located within or near the 100-year flood plain.

Several areas within the community are prone to flood hazard including areas adjacent to creek channels and the Morro Bay Estuary. Areas considered to be prone to flood hazards are those subject to a 100-year flood. A 100-year flood is an event determined by hydrologic analysis to have a one percent chance per year of occurrence and is the standard event from which residential and commercial areas are to be protected. Flooding may also occur in low-lying areas that have poor drainage, even during moderately sized storms. Many factors can increase the severity of floods, including fires in watershed areas, the placement of structures or fill material in flood-prone areas and areas of tidal influence, and increased runoff that results from the development of impervious surfaces such as roadways and rooftops.

A tsunami is a wave caused by a displacement of the ocean floor, usually by movement along a fault. As the wave approaches shore, it increases in size and can cause extensive damage to coastal structures. Several small tsunami events have been recorded in San Luis Obispo County. However, previous studies have predicted a maximum tsunami wave “run up” of approximately 9.5 feet above sea level for a 100-year event. Wave run up could be increased substantially if a tsunami occurred during a major storm. Areas of tsunami hazard potential include portions of the community at elevations near sea level.

## **DISCUSSION OF CHECKLIST ANSWERS**

a-j. Increases in development could result in increased construction activity that could impact the hydrology and water quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on hydrology and water quality. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

## **CONCLUSION**

Impacts associated with hydrology and water quality are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. LAND USE PLANNING</b>				
Would the project:				
a. Physically divide an established community?				X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

**SETTING**

Morro Bay is divided into a series of residential and non-residential land use designations and zoning districts. These different zoning districts identify the locations in the City where specific types of land uses may occur. The zoning districts used in this Zoning Ordinance are derived from the land use designations approved in the City’s General Plan/Local Coastal Plan.

**DISCUSSION OF CHECKLIST ANSWERS**

a-b. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on land use and planning. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

c. The proposed Zoning Ordinance does not conflict with a habitat conservation plan or natural community conservation plan. In fact, these areas are preserved through the Open Space – Natural zoning designation.

**CONCLUSION**

Impacts associated with land use and planning are considered less than significant.

Issues	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>X</b> <b>MINERAL RESOURCES</b> Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

**SETTING**

Since the Army Corps of Engineers concluded its mining of Morro Rock, there are no known mineral resources extracted in Morro Bay.

**DISCUSSION OF CHECKLIST ANSWERS**

a-b. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the mineral resources. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

**CONCLUSIONS**

Impacts associated with mineral resources are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. NOISE.</b> Would the project result in:			X	
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**SETTING**

The existing noise environments in the City of Morro Bay are composed of sounds from many sources. The most significant source of noise in Morro Bay is road traffic from Highway 1, Morro Bay Boulevard, Main Street, Highway 41 and South Bay Boulevard being associated with high noise levels.

Noise associated with individual development projects occurs throughout Morro Bay. Because of its intermittent nature, it is not possible to characterize construction noise either by location or intensity. However, construction noise typically ranges from 70 to 95 dBA at 50 feet from the noise source, depending on the amount and types of equipment used.

The Duke Energy (formerly PG&E) Morro Bay plant does not exceed 45 dBA Leq in any portion of Morro Bay.

### **DISCUSSION OF CHECKLIST ANSWERS**

a-d. Increases in population and/or density could result in increased vehicle traffic and construction activity that could impact noise quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on noise levels. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity. In addition, performance standard provisions were added to the Zoning Ordinance to monitor and limit the level of noise.

e-f. The plan area is not located near an airport or in the vicinity of a private airstrip.

### **CONCLUSION**

Impacts associated with noise are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XII. POPULATION AND HOUSING</b>				
Would the project:				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

**SETTING**

The population of Morro Bay according to the 2000 census was 10,350, which was an increase of less than 200 persons since 1990, largely as a result of limited land development availability, and a local building permit restriction due to lack of water. In comparison, the population of San Luis Obispo County increased by nearly 17,000 since 1990.

In 1984, the citizens of the community enacted Measure F, a voter initiative that set the maximum population for the City at 12,200 and requires voter approval to increase the population above this limit.

At the time of the 1990 Census, Morro Bay had 5,694 housing units. By 2000 that figure increased to 6,251. During that 10 year period, an average of about 43 housing units have been constructed annually in Morro Bay. Recently, the construction rate has increased slightly from the ten-year trend to approximately 65 units per year.

**DISCUSSION OF CHECKLIST ANSWERS**

a-c. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the environment. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

**CONCLUSION**

Impacts associated with population and housing is considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES:</b>				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?			X	
ii. Police protection?			X	
iii. Schools?			X	
iv. Parks?			X	
v. Other Public Facilities?			X	

**SETTING**

The Morro Bay Fire Department provides fire response and prevention services. Police protection services are provided by the San Luis Obispo County Sheriff's Department substation located in Los Osos. The California Highway Patrol (CHP) provides additional police protection.

San Luis Coastal Unified School District (SLCUSD) operates two elementary schools and a high school within the City of Morro Bay: Del Mar Elementary, Morro Bay Elementary, and Morro Bay High School.

The City manages Del Mar Park, Anchor Street Park, Keiser Park, Morro Bay City Park, Centennial Park, Coleman Park, Bayshore Bluffs, Tidelands Park, Cloisters, Monte Young Park, Morro Bay High School, and Morro Rock Beach. In addition, San Luis Obispo County operates the Morro Bay Golf Course in Morro Bay State Park. The state parks include Morro Bay State Park, Morro Strand State Park and Montana de Oro State Park offer camping facilities, passive recreational opportunities, and active recreational facilities.

Government buildings in Morro Bay are predominantly located in the vicinity of the Downtown. They include the City Hall, Public Services building, Community Center (Housing Recreation & Parks), Public Library and Veteran's Hall.

### **DISCUSSION OF CHECKLIST ANSWERS**

a-e. Increases in population and/or density could result in increased use of public services that could impact the public services quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on public services. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

### **CONCLUSION**

Impacts associated with public services are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIV. RECREATION</b>				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

**SETTING**

Morro Bay offers a wide variety of recreational opportunities such as hiking, nature walks, bird watching and sightseeing. Active recreation such as water sports, such as surfing, fishing, diving, and recreational boating, are also prevalent along Morro Bay's shoreline areas. Morro Bay also has outdoor recreation facilities including sports fields, a roller hockey rink, a skate park, and basketball courts.

The state parks (including Morro Bay State Park, Morro Strand State Park and Montana de Oro State Park) offer camping facilities, passive recreational opportunities, and active recreational facilities. In addition, San Luis Obispo County operates the Morro Bay Golf Course in Morro Bay State Park. The City manages Del Mar Park, Anchor Street Park, Keiser Park, Morro Bay City Park, Centennial Park, Coleman Park, Bayshore Bluffs, Tidelands Park, Cloisters, Monte Young Park, Morro Bay High School, and Morro Rock Beach.

**DISCUSSION OF CHECKLIST ANSWERS**

a-b. Increases in population and/or density could result in increased recreation activity that could impact recreation quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on recreation. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

**CONCLUSION**

Impacts associated with recreation are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC</b> Would the project:				
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e. Result in inadequate emergency access?			X	
f. Result in inadequate parking capacity?			X	
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X	

## SETTING

Morro Bay is primarily a residential and commercial community that is cut by a major regional roadway, Highway 1. Highway 41 also terminates in Morro Bay bringing travelers from the east. Highway 1 and Main Street carry the highest levels of traffic in the community and are used for intra-community trips. Traffic flows well on these facilities during most periods. The bulk of the City's traffic is generated at the local residential road level and then flows to the arterials that connect to the adjacent highways.

### Highways

Highway 1 bisects the town on a northwest-southeast alignment and provides regional access to Morro Bay. Highway 1 is designated as a State Scenic Highway. The highway contains 4 lanes within Morro Bay. Highway 1 carries between 19,000 and 24,000 ADT with the City.

Highway 41 intersects Highway 1 and provides regional access to and from Morro Bay and U.S. Highway 101. Highway 41 contains two lanes within Morro Bay and carries about 8,800 ADT west of the Highway 1 junction.

### Arterial Roadways

Main Street extends southbound from Yerba Buena Street as a two-lane arterial through Morro Bay leading into State Park Road. The Main Street/Highway 41 intersection operates at LOS D during the P.M. peak commute period (Higgins Associates, 1999). The one-way stop intersection of Main Street/Highway 1 southbound operates at LOS A during the P.M. peak hour. Signals are present at the Main Street/Quintana Road intersection, which operates at LOS A.

Morro Bay Boulevard is classified as an arterial in the existing circulation element. This two-lane roadway extends west from the Highway 1 intersection through central downtown Morro Bay and serves commercial properties along the route. The Morro Bay Boulevard/ Highway 1 southbound off-ramp intersection operates at LOS E during the P.M. peak hour period. The Morro Bay Boulevard/Quintana Road intersection is also congested during the P.M. peak hour period. These poor service levels are primarily due to traffic exiting Highway 1 northbound and southbound traveling to and from destinations including downtown and the Embarcadero area. The Morro Bay Boulevard/Kern Avenue intersection serves as residential access and operates at LOS B during the P.M. commute period. The Morro Bay/Shasta Avenue operates at LOS A during the P.M. peak hour period.

### Collector and Local Roadways

The City has several roadways that are currently designated as either major or minor collector roads. By definition, collector roads are intended to connect adjacent land uses to the arterial roadway system. In the case of Morro Bay, collector roads connect local residential roads to the arterial system that provide access to the surrounding highways. Some examples of the currently designed collector roads include San Jacinto Street, Kern Avenue and Ironwood Avenue. These roadways carry relatively low volumes (typically less than 1,000 ADT) and operate in the LOS A-B range.

Level of Service

Tables 1 and 2 summarize the existing volume and level of service information for the City's key intersections and roadways.

<b>TABLE 1: INTERSECTION SERVICE LEVELS</b>		
<b>Intersection</b>	<b>Control</b>	<b>LOS</b>
Route 1 / San Jacinto	Signal	LOS B
Route 1 SB / Route 41	1-Way Stop	LOS A
Route 1 NB / Route 41	1-Way Stop	LOS B
Main / Route 41	4-Way Stop	LOS C
Main / Route 1 SB	1-Way Stop	LOS A
Main / Quintana	Signal	LOS A
Morro Bay Blvd / Shasta	4-Way Stop	LOS B
Morro Bay Blvd / Kern	2-Way Stop	LOS B
Morro Bay Blvd / Quintana	4-Way Stop	LOS D
Morro Bay Blvd / Route 1 SB	2-Way Stop	LOS E
<i>Source: ATE, 1999.</i>		

<b>TABLE 2: ROADWAY SERVICE LEVELS</b>		
<b>Roadway</b>	<b>ADT</b>	<b>LOS</b>
Highway 1	24,000	LOS A-B
Highway 41	8,800	LOS C
Main n/o Route 41	8,300	LOS A
Main s/o Route 41	9,900	LOS A
Main n/o Route 1	16,600	LOS D
Main s/o Morro Bay Blvd	6,200	LOS A
Harbor e/o Main	3,600	LOS A
Morro Bay Blvd e/o Main	5,000	LOS A
Morro Bay Blvd e/o Kern	12,200	LOS B
Quintana n/o Morro Bay Blvd	9,500	LOS D
Piney s/o Morro Bay Blvd	3,000	LOS A
Kern s/o Morro Bay Blvd	3,400	LOS A
<i>Source: ATE, 1999.</i>		

### Traffic Safety

There are several locations in the City that are prone to certain types of accidents. Morro Bay Boulevard at Quintana Road and Highway 1 has a series of conflicting movements that occur in a short distance, some vehicles are traveling at high speeds, and some drivers are unfamiliar with the street conditions. There are also accidents at the intersections on Highway 1 where movement from the side streets is in conflict with highway traffic. In particular, sideswipe accidents occur at the Highway 1/San Jacinto Avenue intersection. There are also some accidents to note at the downtown intersections at Main Street/Morro Bay Boulevard where visibility from side streets is sometimes blocked by parked vehicles.

### Public Transit

Transit service within the city limits consists of Dial-A-Ride services (DAR). DAR is a door-to-door public transit system for all ages, which is also accessible to disabled persons.

Two transit plans constitute the City transit policies: the San Luis Obispo Regional Transportation Plan (RTP), and the Short-Range Transportation Development Plan (TDP). The RTP was prepared by SLOCOG of which the City of Morro Bay is a member. This plan outlines a regional transportation system emphasizing coordination of transportation plans and programs on a countywide level. The RTP sets goals, policies and programs for public transit.

The purpose of the TDP is to increase effectiveness of public transit planning, management, and operations in Morro Bay by providing a comprehensive guide to assist the City in making decisions regarding the delivery of public transit services for the next five years. The TDP evaluates the inter-relationship between Morro Bay DAR and the regional public transit systems serving Morro Bay.

The City is a member of the Central Coast Transit Regional Joint Powers Authority (JPA) that operates Central Coastal Transit and is also a member of the San Luis Obispo County Area Transit Authority (TPA) that operates the Runabout.

Morro Bay trolley service began in 1994 with a single trolley; a second was added in 1999. The trolley route completes a one-half mile loop with 14 stops between Downtown Morro Bay and the Embarcadero. The trolley runs seasonally from Memorial Day to the first weekend in October.

### Parking

Parking is accommodated for each land use either on the street or off the street or a combination of both. In the case of residential areas, usually one or two spaces per unit are provided on the property within garages or carports. These spaces are almost invariably for the use of the residents' own vehicles. Additional vehicles are generally parked on the street.

The City adopted a Parking Management area outlining the area where the City would accept in-lieu fees to meet parking requirements. Some of the requirements under the ordinance are that fees collected within the parking management area must be spent in the area.

## **DISCUSSION OF CHECKLIST ANSWERS**

a-g. Increases in population could result in increased parking and transit need as well as an increase in vehicle activity that could impact transportation and traffic quality. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the environment. The changes made were

largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

**CONCLUSION**

Impacts associated with traffic and circulation are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS.</b>				
Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could have significant environmental effects?			X	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements necessary?			X	
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

## **SETTING**

The unincorporated community of Cayucos and the City of Morro Bay share existing wastewater treatment facilities at 35 and 65 percent, respectively. Each community operates its own individual wastewater collection system. The Wastewater Treatment Plant provides advanced primary treatment to effluent, which is discharged through a 5,000-foot ocean outfall. The plant discharges an average of 1.5 million gallons per day (mgd).

Morro Bay has generally hilly terrain with several major watercourses passing through the City that carry storm runoff from large areas outside of the City. With the exception of those water courses, the storm drainage patterns of the City are urban in nature, i.e. smaller localized watersheds concentrating and conveying runoff from urban type development on the local street system and storm drainage facilities. As the town has grown, a system of storm drainage improvements has been constructed.

The City has two sources of water available for allocation to new development, “banked” water accumulated under its previous Water Allocation Model as approved by the Coastal Commission by the issuance of Coastal Development Permit 04-81-309A3, and new sources of water available to serve development identified in the adopted and certified Water Management Plan.

The Gas Company provides natural gas to the majority of the City. There are natural gas lines under most streets in the City. Electrical, telephone and cable television communication lines are located throughout the City. In many cases, these utility lines are located above ground, suspended from poles located in parkways or within easements in rear yards. The City requires utilities to be placed underground in all new developments. Solid waste disposal is located at Cold Canyon landfill.

## **DISCUSSION OF CHECKLIST ANSWERS**

a-g. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the environment. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

## **CONCLUSION**

The impacts associated with utilities and service systems are considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife species population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of probable future projects)			X	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**DISCUSSION**

a-c. Under the Zoning Ordinance update, no changes were made to land use designations or zoning designations that resulted in increased density, increased population potential, major infrastructure upgrades, or other development that would have a significant impact on the environment. The changes made were largely procedural and reflect policies already adopted and approved by the General Plan/Local Coastal Plan which has undergone environmental review and for which a negative declaration was approved. The changes made were aimed at easing use and clarity.

**CONCLUSION**

The impacts associated with the Zoning Ordinance update are considered less than significant impact on the environment.

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**CITATIONS**

The following documents are incorporated by reference into this negative declaration:

- General Plan/Local Coastal Plan (Approved February 23, 2004 for California Coastal Commission Certification, Resolution 17-04)
- General Plan/Coastal Land Use Plan – Initial Study and Draft Negative Declaration (October 9, 2003)
- Title 17 – Zoning Ordinance (Public Review Draft, July 2004)
- Title 17 – Zoning Ordinance – Proposed Changes Matrix
- San Luis Obispo County Department of Planning and Building. San Luis Obispo County General Plan: Safety Element, 1999.
- NPDES Plan

**LIST OF PREPARERS**

Dyett & Bhatia, Urban and Regional Planners

# Ordinance No. 556

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MORRO BAY ANNOUNCING FINDINGS AND AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 17.27 ESTABLISHING REGULATIONS AND PROCEDURES ENTITLED “ANTENNAS AND WIRELESS TELECOMMUNICATIONS FACILITIES” AND MODIFYING CHAPTER 17.12 TO INCORPORATE NEW DEFINITIONS, 17.24 TO MODIFY PRIMARY DISTRICT MATRICES TO INCORPORATE THE TEXT CHANGES , 17.30 TO ELIMINATE SECTION 17.30.030.F “ANTENNAS”, 17.48 MODIFY TO ELIMINATE SECTION 17.48.340 “SATELLITE DISH ANTENNAS” AND MODIFY THE TITLE PAGE TO REFLECT THE NEW CHAPTER.

THE COUNCIL OF THE CITY OF MORRO BAY DOES ORDAIN AS FOLLOWS:

**WHEREAS**, the Planning Commission of the City of Morro Bay held a duly noticed public hearings on considering a comprehensive update to the city of Morro Bay’s Zoning Ordinance (Title 17) and recommended approval of said update to the City Council and wherein the proposed ordinance Number 556 was contained within this comprehensive update and therefore also recommended for approval; and

**WHEREAS**, the City Council of the City of Morro Bay conducted duly noticed public hearing on April 26, 2010; and

**WHEREAS**, the Council has reviewed and considered Ordinance No 556 and has found that Ordinance No. 556 complies with the City of Morro Bay objectives, criteria and procedures for implementation of the California Environmental Quality Act (CEQA) in that the project is covered under the environmental document previously approved for the comprehensive update of the Zoning Ordinance of which this ordinance was a part of and therefore no additional environmental documentation is deemed necessary; and

**WHEREAS**, following the public hearing after consideration of the memorandums, staff reports, addendums, and consideration of the comments by all persons written and oral; and

**WHEREAS**, notices of said public hearings were made at the time and in the manner required by law; and

**WHEREAS**, the Council has duly considered all evidence, including the recommendation of the Planning Commission, testimony of interested parties, and the evaluation and recommendations by staff, presented at said hearings; and

**WHEREAS**, the City Council finds that the proposed text amendment is consistent with the General Plan, the Local Coastal Plan, the Zoning Ordinance and other applicable City ordinances; and

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City if Morro Bay, California, as follows:

**SECTION 1.** Environmental Determination. The City Council finds and determines that the project's Negative Declaration adequately addresses the potential environmental impacts of the proposed text amendment to the Zoning Ordinance, and reflects the independent judgment of the City Council. The Council hereby finds that the Negative Declaration adopted for the comprehensive Zoning Ordinance Update is adequate and further finds that no additional environmental review is required to be conducted.

**SECTION 2.** Findings. The City Council makes the following findings:

1. That the above recitations are true and correct and constitute the findings of the Council in this matter; and,
2. The proposed text amendment is consistent with the General Plan, the Local Coastal Plan, the Zoning Ordinance and other applicable City ordinances; and
3. The proposed amendments are consistent with General Plan policies since the regulations implement General Plan policies including those associated with preservation of neighborhood character, Land Use, and Visual Resources; and
4. The proposed amendments will not significantly alter the character of the neighborhoods or cause significant health, safety or welfare concerns. The proposed regulations will establish clear guidelines for the establishment of antennas and wireless telecommunication facilities ensuring all facilities will be established in a manner that protects the community from health, safety or welfare concerns.

**SECTION 3.** Revisions. Ordinance No. 556 which revises portions of the existing Title 17 as stated below is hereby adopted.

Modify the title page to reflect the new chapter; and  
Chapter 17.12 to incorporate new definitions; and  
Chapter 17.24 modify matrixes to incorporate proposed text changes; and  
Chapter 17.30 “special uses” modify to eliminate section 17.30.030. F “antennas”; and  
Chapter 17.48 modify to eliminate section 17.48.340 satellite dish antennas; and  
Add Chapter 17.27

**SECTION 4.** A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in the Telegram-Tribune, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

**INTRODUCED** at the regular meeting of the City Council held on the 26th day of April 2010, by motion of \_\_\_\_\_ and seconded by \_\_\_\_\_ .

**PASSED, APPROVED, AND ADOPTED**, by the City Council of the City of Morro Bay, on the day of \_\_\_\_\_, \_\_\_\_\_ by the following vote to wit:

AYES:

NOES:

ABSTAIN:  
ABSENT:

ATTEST:

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JANICE PETERS, MAYOR  
CITY OF MORRO BAY

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JAMIE BOUCHER, DEPUTY CITY CLERK  
CITY OF MORRO BAY

APPROVED AS TO FORM:

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ROBERT W. SCHULTZ, ESQ.  
CITY ATTORNEY

# 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 17.12

## DEFINITIONS\*

### Sections:

17.12.010	Purpose
17.12.012	Access
17.12.015	Accessory Structures
17.12.017	Administrative Coastal Development Permit
17.12.020	Administrative office
17.12.022	Affordable Housing
17.12.025	Aggrieved Person
17.12.026	Agriculture
17.12.030	Alley
17.12.032	<i>Amateur Radio Antenna</i>
17.12.035	Amusement machine
17.12.037	<i>Antenna</i>
17.12.040	Apartment
17.12.050	Apartment house
17.12.055	Arcade
17.12.056	Automobile repair, major
17.12.057	Automobile repair, minor
17.12.058	Average bluff edge elevation
17.12.059	Bed and breakfast establishment
17.12.060	Block
17.12.062	Bluff
17.12.063	Bluff border
17.12.064	Bluff review area setback
17.12.065	Bluff, toe
17.12.066	Bluff top edge
17.12.070	Boarding house
17.12.080	Building
17.12.090	Building, accessory
17.12.092	Building lot coverage
17.12.100	Building, main (primary)
17.12.102	<i>Building-Mounted Telecommunications Facility</i>
17.12.105	Building official
17.12.110	Building site
17.12.115	Bulk
17.12.120	Business, retail
17.12.130	Business, wholesale

17.12.135	<b>Campground</b>
17.12.140	<b>Cantilever</b>
	<b>17.12.150 Carport</b>
17.12.158	<b>Child Day Care Facility</b>
17.12.160	<b>City</b>
17.12.170	<b>City Council</b>
17.12.172	<b>Coastal bluff area</b>
17.12.173	<b>Coastal bluff properties</b>
17.12.175	<b>Coastal dependent development or use</b>
17.12.176	<b>Coastal development permit appeal area</b>
17.12.177	<b>Coastal related development or use</b>
17.12.180	<b>Combining districts</b>
17.12.185	<b>Commission</b>
17.12.187	<b>Community apartment</b>
17.12.188	<b>Community housing project</b>
17.12.189	<b>Condominium</b>
17.12.191	<b>Conversion</b>
17.12.192	<b>Conversion date</b>
17.12.193	<b>Covenant</b>
17.12.194	<b>Cut slope</b>
17.12.195	<b>Customer Service Area</b>
17.12.196	<b>Day Care Facility</b>
17.12.197	<b>Demolition</b>
17.12.198	<b>Density Bonus</b>
17.12.199	<b>Development</b>
17.12.200	<b>Director</b>
17.12.203	<b>District</b>
17.12.205	<b>Dredging</b>
17.12.210	<b>Dwelling</b>
17.12.220	<b>Dwelling groups</b>
17.12.230	<b>Dwelling, multiple</b>
17.12.240	<b>Dwelling, single family</b>
17.12.250	<b>Dwelling, three family or triplex</b>
17.12.260	<b>Dwelling, two family or duplex</b>
17.12.264	<b>Easement</b>
17.12.265	<b>Elderly Housing</b>
17.12.266	<b>Emergency</b>
17.12.267	<b>Environmentally sensitive habitat</b>
17.12.268	<b>Equestrian boarding</b>
17.12.269	<b>Estuary</b>
17.12.270	<b>Family</b>
17.12.272	<b>Family day care home</b>
17.12.275	<b>Feasible</b>
17.12.280	<b>Fence</b>
17.12.281	<b>Fill slope</b>
17.12.282	<b>Finished grade</b>

17.12.238	Floodplain, 100 year
17.12.284	Floodway
17.12.285	Floor area
17.12.287	Floor area, gross
17.12.290	Garage
17.12.292	Garage, public parking
17.12.294	Grading
17.12.295	Granny Unit
17.12.300	Guesthouse
17.12.310	Height of building
17.12.320	Home occupation
17.12.330	Hotel
17.12.333	Infant
17.12.335	Infill
17.12.337	In-Lieu Fees
17.12.340	Junkyard
17.12.344	Kitchen
17.12.345	Landscaping
17.12.346	Lateral Access
17.12.347	Local Coastal Plan, Land Use Plan
17.12.348	Local Coastal Program (Plan and LCP)
17.12.349	Lofts
17.12.350	Lot
17.12.360	Lot, corner
17.12.365	Lot, flag
17.12.370	Lot, front
17.12.380	Lot, inside
17.12.390	Lot line
17.12.400	Lot, key
17.12.410	Lot side
17.12.420	Lot, through
17.12.430	Lot width
17.12.433	Low and moderate income housing
17.12.435	Low-income housing
17.12.440	Mobliehome or manufactured housing
17.12.450	Mobilehome park
17.12.455	Moderate-income housing
17.12.457	Modular Buildings
17.12.459	<i>Monopole</i>
17.12.460	Motel or Hotel
17.12.463	Non-conforming structure
17.12.464	Non-conforming use
17.12.465	Nursery, garden
17.12.466	Offshore oil and gas exploration and development
17.12.467	Open and lacy trees
17.12.468	Open porch or deck

**17.12.470**      **Outdoor dining and display**  
**17.12.471**      **Parking space**  
**17.12.472**      **Percentage slope**  
**17.12.475**      **Permit**  
**17.12.480**      **Person**  
**17.12.482**      **Plan, concept**  
**17.12.483**      **Plan, specific**  
**17.12.485**      **Planned unit development (planned residential development)**  
**17.12.487**      **Prime agricultural lands**  
**17.12.490**      **Professional office**  
**17.12.492**      *Readily Visible*  
**17.12.495**      **Recreational vehicle, motor home or travel trailer**  
**17.12.500**      **Recreational vehicle (RV) park**  
**17.12.501**      **Redevelopment**  
**17.12.502**      **Regular coastal development permit**  
**17.12.510**      **Residential security unit**  
**17.12.513**      **Rest home**  
**17.12.515**      **Riparian habitat**  
**17.12.520**      **Rooming house**  
**17.12.525**      **Sand dunes, sand spit**  
**17.12.530**      **Sanitarium**  
**17.12.532**      *Satellite antenna*  
**17.12.540**      **Screening**  
**17.12.550**      **Service Station**  
**17.12.560**      **Setback line**  
**17.12.570**      **Side and front of corner lot**  
**17.12.580**      **Signs**  
**17.12.585**      **Stock cooperative**  
**17.12.587**      **Stream corridors**  
**17.12.590**      **Street**  
**17.12.600**      **Street line**  
**17.12.610**      **Structural alterations**  
**17.12.620**      **Structure**  
**17.12.625**      **Structure, non-conforming**  
**17.12.627**      *Telecommunications Facility*  
**17.12.629**      *Telecommunications Facility, Co-Located*  
**17.12.630**      **Tenant**  
**17.12.650**      **Unbuildable area**  
**17.12.655**      **Urban area**  
**17.12.656**      **Urban area, non**  
**17.12.660**      **Use**  
**17.12.662**      **Use, accessory**  
**17.12.664**      **Use, conditionally permitted**  
**17.12.666**      **Use, illegal**  
**17.12.668**      **Use, nonconforming**  
**17.12.670**      **Use, permitted**

<b>17.12.680</b>	<b>Use, secondary</b>
<b>17.12.685</b>	<b>Use, special</b>
<b>17.12.691</b>	<b>Vacancy rate</b>
<b>17.12.692</b>	<b>Vertical access</b>
<b>17.12.693</b>	<b>Very low affordable housing</b>
<b>17.12.695</b>	<b>Vessels for commercial fishing</b>
<b>17.12.700</b>	<b>Veterinary clinic</b>
<b>17.12.710</b>	<b>Veterinary hospital</b>
<b>17.12.712</b>	<b>Visitor serving facility</b>
<b>17.12.714</b>	<b>Warehouse</b>
<b>17.12.716</b>	<b>Wetlands</b>
<b>17.12.720</b>	<b>Yard</b>
<b>17.12.730</b>	<b>Yard, front</b>
<b>17.12.740</b>	<b>Yard, rear</b>
<b>17.12.750</b>	<b>Yard, side</b>
<b>17.12.755</b>	<b>Yard, exterior or street side</b>
<b>17.12.757</b>	<b>Yard, interior side</b>
<b>17.12.760</b>	<b>Zoning administrator</b>

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

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 telecommunications 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.

Readily Visible. A wireless telecommunications facility is readily visible if it can be seen from street level or from the main living area of a legal residence in a residential district or from a public park by a

person with normal vision, and distinguished as an antenna or other component of a wireless telecommunications facility, due to the fact that it stands out as a prominent feature of the landscape, protrudes above or out from the building or structure ridgeline, or is otherwise not sufficiently camouflaged or designed to be compatible with the appurtenant architecture or building materials. For purposes of this definition, "main living area" means the living and dining and similar areas of a dwelling, but not bedrooms, bathrooms or similar areas.

**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									
Equestrian Boarding					Not permitted within 100' of residential structure or adjacent residentially zoned property					
Special Use Permits pursuant to 17.30	Yes				Per CUP					
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See section 17.27</i>									

**17.24.040 Single family Residential (R-1) 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
One single-family dwelling	No	25 ft.  (No wall may exceed 30 ft.)	Refer to subdivision regulations for sizes for new lots	1/lot or pursuant to Section 17.24.040	20 ft.	20% of ave. width of lot with 10 ft. maximum and 5 ft. minimum Garage entrance 20ft.	10% of ave. width of lot with 5 ft. maximum and 3 ft. minimum	10% if ave. depth of lot with 10 ft. maximum and 6 ft minimum	N/A	45%
Home occupations: structures and uses (include. home oc.) normally incidental to primary use										
Guest house (no kitchen) or Granny unit with a Single Family Residence	Minor Use Permit									
Community housing project	Yes		1 per CUP	5,000 sq. ft. or per overlay zone					Plan required 20% min. permeable surface area	
Special Use Permits pursuant to 17.30	Yes			PER	CUP					
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

**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 ave. width of lot with 10 ft. maximum and 5 ft. minimum Garage entrance 20ft.	10% of ave. 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								Plan required 15%  minimum permeable surface	
Community Housing projects			10,000 sq. ft.							
Mobile home parks and other permitted uses as stated in Section 17.40.060			2 acres							
Parking lots-only to serve residential uses			Per CUP		N/A					
Special Use Permits pursuant to 17.30	Yes		Per	CUP						
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

**17.24.060 Multiple Family Residential (R-3) 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 and R-2 districts.	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%
Home occupations: structures and uses normally incidental to primary use				Plan required 15% minimum permeable surface						
Apartment units				N/A						
Guest house (no kitchen) or Granny unit with a Single Family Residence	Minor Use Permit									
Rooming and boarding house: bed and breakfast establishment	Yes			2,900 sq. ft.					Plan required 15% minimum permeable surface	
Community Housing project				6,000 sq.ft.						
Parking Lot				3 acres					N/A	
Mobile home park		3 acres	2,900 sq. ft.							
Special Use Permits pursuant to 17.30	Yes	Per	CUP							
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

**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
All principally permitted uses listed in the R-1, R-2, and R-3 districts.	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 15 ft. 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%
Home occupations; structures and uses normally incidental to primary uses										
Apartment units										
Guest House (no kitchen) or Granny unit with a Single Family Residence	Minor Use Permit									
Community housing project										
Rest home; rooming and boarding houses	Yes		6,000 sq. ft.							
Hotel and Motel; Bed and Breakfast establishment				750 sq. ft.						
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						
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

**17.24.080 Coastal Resource Residential (CRR) 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
One single-family dwelling Structures and uses normally incidental to the primary use; home occupation	No	14 ft./ 25 ft. (refer to special standards)	20,000 sq. ft. If cluster development 6,000 sq. ft. interior & 7,000 sq. ft. corner. (Refer to Cluster Requirements)	1 unit per lot	20 ft. (In addition garage shall be 20 ft. from sidewalk).	10 ft.	10% of the width of the lot with 6 ft minimum	10 ft. from property lines and from designated view corridor lines.		30%  If clustered: Refer to Cluster Requirements
Guest house (no kitchen)	Yes								Plan required	
Granny Units are specifically prohibited										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									



**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										
The following uses, within building such as: animal hospital; auto sales and service; minor and major automotive repair shop; car cleaning and detail establishments; dry cleaners heavy equipment sales and services; laundries; locker plants; nurseries; plumbing shops; hardware stores; second hand sales; cabinet shops; tire shops; restaurants	None required except when within 100' or across the street from a residential zone in which case a Minor Use Permit is required									
Storage and warehouse establishments such as: mini-warehouses; commercial public storage; wholesale storage and distribution of products to retail outlets; restaurant suppliers excluding wholesale food distributors.										
Liquor sales and convenience stores										
Outdoor storage and sales establishments and any uses permitted without a use permit when carried on outside a building	Yes									
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										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

**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, locket 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										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

**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.	25 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%
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

**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				2,900 sq. ft	Must meet R-2 standards	Must meet R-2 standards	Must meet R-2 standards			
Residential Uses per R-2 standards	Yes				5 ft.	5 ft.	0 ft. except 10 ft. when adjacent to a residential district.		80%	
Medical, Dental and optometrical laboratories, for the fabrication and processing of products of general sale and distribution; pharmacies; stations; printing and duplicating										
Plant Nurseries										
Coffee Shops										
Personal services permitted in the C-1 zone such as barber shops, beauty shops and shoe repair.										
Municipal parking lots										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

**17.24.140 Light Industrial (M-1) 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
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.	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	30 ft.	Refer to Subdivision Regulations for sixes for new lots	N/A	25 ft.	10 ft.	0 ft. except 10 ft when adjacent to a residential zone or use	Plan Required	90%	
Light manufacturing, fabrication; component assembling; small parts processing.										
Residence for security purposes										
Food and seafood processing	Yes									
Aquaculture										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

**17.24.150 Coastal Dependiant Industrial (M-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
<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;</p> <p>Excluding: OCS land-based support facilities including but not limited to support bases, pipe storage yards and pipeline coating yards</p>	Yes	30 ft. (For new construction only - does not apply to replacement or repair of existing structures)	Refer to Subdivision Regulations	N/A	25 ft.	10 ft.	0 ft. except 10 ft. when adjacent to residential use or zone.	Plan Required	90%	
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.										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

**17.24.170 Waterfront (WF) 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>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>	Yes	<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 land proportion of the site not including bank. Exceptions: see 17.48.070</p>	Refer to Subdivision Regulations for new commercial lots	N/A	0 ft. with a 5 ft. average	5 ft. with a 5 ft. average	0 ft.	0 ft., except 10 ft. in areas where public boardwalks and viewing platforms are required	Plan required	90%
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>Section 17.27</i>									

**17.24.180 Commercial/Recreational Fishing (CF) 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
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;	Yes	14 ft. along Coleman Drive; 30 ft. other areas (see exception, Section 17.24.180.B.6.e)	Refer to Subdivision Regulations for new commercial lots	N/A	5 ft.	5 ft.	0 ft.	0 ft.	Plan required	50%
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;										
Power plant cooling water intake facilities, if found to be consistent with Section 17.24.180.B.1 [Ord. 263 s1 (part), 1984]										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

**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]										
<i>Antennas and Wireless Telecommunications Facilities</i>	<i>See Section 17.27</i>									

## Chapter 17.30

### SPECIAL USES

#### F. Antennas

~~Radio or television transmitters satellite dish antennas or similar receivers in conjunction with commercial or industrial uses;~~

## Chapter 17.48

### GENERAL REGULATIONS, CONDITIONS AND EXCEPTIONS

#### SECTIONS:

#### ~~17.48.340~~ ~~Satellite dish antennas~~

#### ~~17.48.340~~ ~~SATELLITE DISH ANTENNAS~~

~~The intent of this Section is to establish regulations which allow for the reasonable use of various telecommunication reception technologies while at the same time protecting other community values such as public safety, views and neighborhood character.~~

#### A. ~~Small Dish Antennas~~

~~Any satellite dish antenna which is equal to, or less than, thirty inches in diameter or equal to, or less than seven square feet in area may be permitted in any District provided, however, that said satellite dish antenna is not located in any required setback area and the height limit for the zoning District is not exceeded.~~

#### B. ~~Large Satellite Dish Antennas in Residential Districts~~

~~Satellite dish antennas which are larger than thirty inches in diameter or seven square feet in area may be permitted in any residential District in conjunction with a residential use subject to the following standards.~~

~~1. Setbacks~~

~~Such satellite dishes shall not be located in any required setback.~~

~~2. Height limit~~

~~The height limit for the District shall not be exceeded.~~

~~3. Location~~

~~Such antennas shall be located above the first floor or enclosed within a six foot high fence~~

~~4. Proximity to structures~~

~~No detached satellite dish antenna shall be located closer than six feet from any building.~~

~~C. Exceptions~~

~~Any satellite dish antenna which does not meet the requirements of subsection A or B of this Section, may be permitted in any residential District in conjunction with a residential use subject to obtaining a Conditional Use Permit from the Planning Commission. In addition to the findings required by Chapter 17.60, the Planning Commission shall also find that the intent of this Section is satisfied in its consideration of the Use Permit request. (Ord. 263 § 1 (part), 1984)~~

~~D. Large Satellite Dish Antennas in Non-Residential Districts~~

~~Satellite dish antennas which are larger than thirty inches in diameter or seven square feet in area may be permitted in a non-residential Districts with a Conditional Use Permit.~~

# 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 telecommunications 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. City data/telemetry service facilities.
- E. Radio and television mobile broadcast facilities.
- F. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
- G. 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, if they comply with 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 telecommunications 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 telecommunications 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 it can be seen from street level or from the main living area of a legal residence in a residential district or from a public park by a person with normal vision, and distinguished as an antenna or other component of a wireless telecommunication facility, due to the fact that it stands out as a prominent feature of the landscape, protrudes above or out from the building or structure ridgeline, or is otherwise not sufficiently camouflaged or designed to be compatible with the appurtenant architecture or building materials. For purposes of this definition, "main living area" means the living and dining and similar areas of a dwelling, but not bedrooms, bathrooms or similar areas.

- 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 telecommunications 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 telecommunications 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 telecommunications provider.

2. A monopole mounted on a trailer or a portable foundation if the use is for a temporary wireless telecommunications 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 telecommunications 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. Setbacks.** 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 telecommunications 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 telecommunications 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 telecommunications facility is located shall cooperate and exercise good faith in co-locating wireless telecommunications 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 telecommunications 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



Ordinance 557 would amend the Morro Bay Municipal Code to read as follows:

**2.16.080 City attorney—Duties.**

A. The city attorney shall advise the city officials in all legal matters pertaining to city business. The city attorney shall prepare such ordinances, formal resolutions, contracts or other legal instruments as may be required by the city council. The city attorney shall attend all regular and special meetings of the city council, all appeals held before the planning commission, and other meetings as requested by the city council, and give advice or opinions in writing whenever requested to do so by the city council, or with the approval of the city manager, by any of the boards or officers of the city. The city attorney shall approve the form of all bonds given to and all contracts made by the city, endorsing approval thereon in writing. The city attorney shall monitor existing and pending legislation which may affect the city. The city attorney shall periodically report to the city council on pending and threatened litigation in which city is a party or otherwise interested. The city attorney shall perform other legal services required from time to time by the city council.

**CONCLUSION:**

We recommend Council review and move for first reading and introduction of the attached Ordinance 557 by number and title only. Please feel free to ask questions or make any changes you feel appropriate.

**ORDINANCE NO. 557**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY TO  
AMEND SECTION 2.16.080 OF CHAPTER 2.16 OF THE MORRO BAY MUNICIPAL  
CODE REGARDING THE DUTIES OF THE CITY ATTORNEY**

**THE CITY COUNCIL  
CITY OF MORRO BAY, CALIFORNIA**

**WHEREAS**, Section 2.16.080 of the Morro Bay Municipal Code sets forth the duties and responsibilities of the City Attorney; and

**WHEREAS**, the City desires to amend the City Attorney duties and responsibilities to include attendance at special meetings and planning commission appeals; and

**WHEREAS**, the City of Morro Bay needs to amend Section 2.16.080 in order to make this change.

**NOW, THEREFORE**, following the Public Hearing, and upon consideration of the testimony of all persons, the City Council of the City of Morro Bay does ordain Section 2.16.080 “City attorney—Duties” be amended as follows:

**2.16.080 City attorney—Duties.**

A. The city attorney shall advise the city officials in all legal matters pertaining to city business. The city attorney shall prepare such ordinances, formal resolutions, contracts or other legal instruments as may be required by the city council. The city attorney shall attend all regular and special meetings of the city council, all appeals held before the planning commission, and other meetings as requested by the city council, and give advice or opinions in writing whenever requested to do so by the city council, or with the approval of the city manager, by any of the boards or officers of the city. The city attorney shall approve the form of all bonds given to and all contracts made by the city, endorsing approval thereon in writing. The city attorney shall monitor existing and pending legislation which may affect the city. The city attorney shall periodically report to the city council on pending and threatened litigation in which city is a party or otherwise interested. The city attorney shall perform other legal services required from time to time by the city council.

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, with the names of the City Council members voting for and against the same, in a newspaper of general circulation published in the City of Morro Bay.

**INTRODUCED** at a regular meeting of the City Council of the City of Morro Bay held on the 26th day of April 2010 by motion of \_\_\_\_\_ and seconded by \_\_\_\_\_.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Morro Bay, on the \_\_\_\_ day of \_\_\_\_\_, 2010 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Janice Peters, Mayor

ATTEST:

\_\_\_\_\_  
Jamie Boucher, Deputy City Clerk



AGENDA NO: D-1

MEETING DATE: 4/26/10

## Staff Report

**TO:** Honorable Mayor and City Council **DATE:** April 21, 2010  
**FROM:** Rob Schultz, City Attorney  
**SUBJECT:** Presentation by the Community Promotions Committee regarding their Goals and Budgetary Request for 2010-2011 and Adoption of Amendments to the Bylaws for the Community Promotions Committee.

### **RECOMMENDATION:**

Review the presentation by the Community Promotions Committee (CPC) regarding their goals and budgetary request for 2010-2011 and approve the amendments to the CPC bylaws.

### **FISCAL IMPACT:**

None.

### **DISCUSSION:**

The CPC held three special meetings in March and April to specifically address their goals and budgetary request for next fiscal year. In addition, the CPC spent time reviewing their bylaws and have proposed changes that better focus their Purpose and Authority. Attached as Exhibit "A" are the current Bylaws. Attached as Exhibit "B" is a redline version of the proposed amendments to the Bylaws. Attached as Exhibit "C" is a clean version of the amendments and proposed changes to the CPC Bylaws.

### **CONCLUSION:**

Staff recommends that Council move to approve the amendments to the Bylaws for the CPC.

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

Dept Review: \_\_\_\_\_

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

## **EXHIBIT "A"**

# **CITY OF MORRO BAY COMMUNITY PROMOTIONS COMMITTEE BY-LAWS**

### **PURPOSE AND AUTHORITY**

The Community Promotions Committee was created in the belief that tourism is essential to the economic health and quality of life of this community. Its purpose is to increase tourism to Morro Bay through marketing and advertising. The purpose of the Committee shall be to provide input and recommendations to the Morro Bay City Council on policies and expenditure programs to advertise and promote Morro Bay and its special events as a tourist destination point in geographic and demographic areas both inside and outside the boundaries of San Luis Obispo County.

The Committee shall make reports and recommendations to the various city boards, commissions or the City Council on the above matters. When requested to do so, will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.

In addition, the Committee will be responsible for developing cooperative marketing opportunities with existing local businesses. Annually, each committee member will be required to familiarize themselves with the operation of the Visitor Center by volunteering four-hours per year on a weekend or summer day.

The Committee will develop a specific set of goals at the beginning of each fiscal year and present those goals to the City Council within 30 days of adoption of the City budget. The Committee will also investigate ways to increase visits to Morro Bay through the establishment of additional events as well as possible improvement to the tourism and business infrastructure of Morro Bay. Ideas and recommendations will be reported to the City Council as needed.

### **APPOINTMENT**

The Community Promotions Committee shall be comprised of seven (7) voting members, four of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council. The City Council will attempt to select members from the following categories:

- Morro Bay Chamber of Commerce
- Morro Bay Merchants Association
- Morro Bay Motel and Restaurant Association
- Water Front Business Representative
- Special Events Representative
- Two Members at Large

## **TERMS OF OFFICE**

Members shall serve, without compensation, for a period of four (4) years commencing February 1<sup>st</sup>. in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

Four of the 7 members of the Community Promotions Committee must be residents and registered voters of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

## **PROCEDURE**

Regular meetings shall be held monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or

other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Advisory Group, its members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

### **QUORUM**

A majority of voting members shall constitute a quorum.

### **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

### **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

*Amended 11/14/05 and 12/12/05 by City Council.*

EXHIBIT "B"

CITY OF MORRO BAY  
COMMUNITY PROMOTIONS COMMITTEE  
BY-LAWS

PURPOSE AND AUTHORITY

The Community Promotions Committee (CPC) was created in the belief that tourism is essential to the economic health and quality of life of this community. The purpose of the CPC is to be a proactive, diverse committee that will build a partnership between the city and the community; thus, maintaining the highest quality of life for the residents of the City of Morro Bay. The purpose of the CPC is to carry on a continuing and sustainable program of advertising and promotional activities designed to make known the advantages to the City of Morro Bay of tourism, recreation, business and community events. The purpose of the CPC shall be to provide input and recommendations to the Morro Bay City Council on policies and expenditure programs to advertise and promote Morro Bay and its special events as a tourist destination point in geographic and demographic areas both inside and outside the boundaries of San Luis Obispo County.

In addition, the CPC will be responsible for developing cooperative marketing opportunities with existing and new local businesses. This shall be accomplished through targeted promotions of special events and consistent branding of the the City of Morro Bay. The CPC shall work with the MBTBID in a way that is mutually supportive of each/both committees' goals for marketing, advertising and budgeting to bring more visitors and tourism to the City, which in turn, provides valuable TOT and sales tax revenues to the City of Morro Bay.

The CPC shall develop a specific set of goals and budgetary requests prior to the beginning of each fiscal year and present those goals and requests to the City Council prior to the adoption of the annual budget. The CPC shall also make any additional reports and recommendations to the various city boards, commissions or the City Council as requested by the City Council.

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APPOINTMENT

The Community Promotions Committee shall be comprised of seven (7) voting members, four of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council. The City Council will attempt to select members from the following categories:

- Morro Bay Chamber of Commerce
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- Morro Bay Motel or Restaurant Representative
- Embarcadero Business Representative
- Special Events Representative

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Two Members at Large

**TERMS OF OFFICE**

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**QUALIFICATIONS**

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Annually, each committee member will be required to familiarize himself or herself with the operation of the Visitor Center by volunteering and/or participating in business forums, chamber meetings, or merchant's association meetings.

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**ABSENCE FROM MEETINGS**

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

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**CITY STAFF**

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**BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

| Amended 11/14/05, 12/12/05, and 4/26/10 by City Council.

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## **EXHIBIT "C"**

# **CITY OF MORRO BAY COMMUNITY PROMOTIONS COMMITTEE BY-LAWS**

### **PURPOSE AND AUTHORITY**

The Community Promotions Committee (CPC) was created in the belief that tourism is essential to the economic health and quality of life of this community. The purpose of the CPC is to be a proactive, diverse committee that will build a partnership between the city and the community; thus, maintaining the highest quality of life for the residents of the City of Morro Bay. The purpose of the CPC is to carry on a continuing and sustainable program of advertising and promotional activities designed to make known the advantages to the City of Morro Bay of tourism, recreation, business and community events. The purpose of the CPC shall be to provide input and recommendations to the Morro Bay City Council on policies and expenditure programs to advertise and promote Morro Bay and its special events as a tourist destination point in geographic and demographic areas both inside and outside the boundaries of San Luis Obispo County.

In addition, the CPC will be responsible for developing cooperative marketing opportunities with existing and new local businesses. This shall be accomplished through targeted promotions of special events and consistent branding of the the City of Morro Bay. The CPC shall work with the MBTBID in a way that is mutually supportive of each/both committees' goals for marketing, advertising and budgeting to bring more visitors and tourism to the City, which in turn, provides valuable TOT and sales tax revenues to the City of Morro Bay.

The CPC shall develop a specific set of goals and budgetary requests prior to the beginning of each fiscal year and present those goals and requests to the City Council prior to the adoption of the annual budget. The CPC shall also make any additional reports and recommendations to the various city boards, commissions or the City Council as requested by the City Council.

### **APPOINTMENT**

The Community Promotions Committee shall be comprised of seven (7) voting members, four of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council. The City Council will attempt to select members from the following categories:

- Morro Bay Chamber of Commerce
- Morro Bay Merchants Association
- Morro Bay Motel or Restaurant Representative
- Embarcadero Business Representative
- Special Events Representative
- Two Members at Large

## **TERMS OF OFFICE**

Members shall serve, without compensation, for a period of four (4) years commencing February 1<sup>st</sup>. in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

Four of the 7 members of the Community Promotions Committee must be residents and registered voters of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

Annually, each committee member will be required to familiarize himself or herself with the operation of the Visitor Center by volunteering and/or participating in business forums, chamber meetings, or merchant's association meetings.

## **ABSENCE FROM MEETINGS**

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

## **PROCEDURE**

Regular meetings shall be held monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Advisory Group, its members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

*Amended 11/14/05, 12/12/05, and 4/26/10 by City Council.*



AGENDA NO: D-2

MEETING DATE: April 26, 2010

# Staff Report

**TO: HONORABLE MAYOR AND CITY COUNCIL DATE: April 19, 2010**  
**FROM: ANDREA K. LUEKER, CITY MANAGER**  
**SUBJECT: APPROVAL OF THE SERVICE RETIREMENT INCENTIVE PROGRAM FOR FISCAL YEAR 2010/11 BUDGET**

## **RECOMMENDATION**

Staff recommends the City Council approve the Service Retirement Incentive (SRI) Program, which is similar to the SRI program that was offered prior to last year's budget process.

**MOTION: I move the City Council approve the Service Retirement Incentive Program as presented.**

## **FISCAL IMPACT**

Unknown at this time, due to unknown number of participating employees.

## **SUMMARY**

During the budget process for the fiscal year 2009/10, the City Council offered a SRI program to employees that were eligible to retire. The program offered amounts of \$5,000-\$10,000, depending on retirement date, with Department Heads being offered a similar amount, though configured differently. Three total employees took advantage of the program, to include two department heads. Staff is, once again, recommending a SRI Program in conjunction with the 2010/11 Budget process.

## **DISCUSSION**

Especially in recent years, a number of cities have structured retirement incentives as a means of short-term and long-term savings. There are a number of ways to structure a retirement incentive, with the most popular being:

1. Purchasing two years of California Public Employees Retirement System (PERS) service credit.
2. Paying retiree health premiums for a specified period.
3. Contributing to a retiree health savings account.
4. Providing a lump-sum payment.

Prior to offering the program last year, staff considered and evaluated various retirement incentive

Prepared By: \_\_\_\_\_ Dept Review: \_\_\_\_\_  
City Manager Review: \_\_\_\_\_  
City Attorney Review: \_\_\_\_\_

options and programs and determined a lump-sum payment was the best option. The program does not add on-going cost to the City, as do some of the other retirement incentive programs that staff explored. As an example, purchasing PERS service credit potentially affects the City's PERS rates for a number of years.

The program can create both potential short-term and long-term savings for the City, and allows employee flexibility. A lump-sum incentive provides individuals with the flexibility to use the funds in any manner they choose. While the program last year provided a different incentive sum depending on the retirement date, staff is recommending a lump-sum of \$10,000 be paid to those who commit to retirement by June 30, 2010.

The incentive payment is not considered compensation by PERS, and therefore is not considered in an employee's single highest year for retirement benefit calculations.

After formal adoption of the program by Council, applicants will be required to sign an agreement and release of claim against the City in exchange for the incentive. Eligibility for the retirement incentive program is predicated upon a regular employee having satisfied the conditions delineated by PERS with respect to age and years of credited service. Only regular employees are eligible to participate in the program. Temporary and contract employees are not eligible to participate in this program.

The SRI program was informally communicated during the Employee Forum held on Wednesday, April 14, 2010, and will officially be communicated to eligible employees on April 27, 2010, should the City Council approve staff's recommendation.



AGENDA NO: D-3

MEETING DATE: April 26, 2010

# Council Report

**TO:** City Council

**DATE:** April 20, 2010

**FROM:** Councilmember Betty Winholtz

**SUBJECT:** Discussion on Whether to Withdraw the LCP from the CA Coastal Commission

## **RECOMMENDATION:**

Council discuss the benefits and deterrents of gaining CA Coastal Commission (CCC) approval for changes to the City's General Plan by withdrawing the current document and sending amendments instead.

## **FISCAL IMPACT:**

None

## **SUMMARY:**

When planning policies come before the City Council or Planning Commission in the form of an appeal or new project, frequently there is lamenting "if only" the City's proposed Land Use Plan (LCP) had been approved, this would not be an issue. The current approach, that the proposed LCP as a whole is going to get attention from the CA Coastal Commission (CCC), is not working. I suggest a different approach: sending amendments to the Commission in bundles.

## **BACKGROUND:**

Due to a lot of text overlap, the City decided to blend its General Plan and its Land Use Plan documents, so there would be one document for use and reference. Approximately 5 years ago the City sent its blended version to the CCC for adoption. To date it has not been reviewed

## **DISCUSSION:**

I believe the inaction on the part of the CCC is for 2 basic reasons. First, the State budget crisis as well as mandatory furlough days have continued to reduce the number of staff at the CCC. Second, the proposed LCP is not really a blend but a different document from the existing LCP making comparison of the 2 documents cumbersome and difficult. I suggest withdrawing the submitted documents. Once that is done, Council and Staff can decide which items are of immediate concern, and then process them to be sent as amendments. San Luis Obispo County does that frequently. A routine can be developed to deal with the rest of the document.

**CONCLUSION:**

CCC staff is amenable to this approach. I believe it will allow the City to accomplish changes to the LCP quicker.

**Prepared By:** \_\_\_\_\_

**Dept Review:**\_\_\_\_\_

**City Manager Review:** \_\_\_\_\_

**City Attorney Review:** \_\_\_\_\_