



CITY OF MORRO BAY PLANNING COMMISSION MEETING AGENDA

Veteran's Memorial Building
Regular Meeting 6:00 p.m.

209 Surf Street, Morro Bay
Monday February 7, 2011

Vice-Chairperson Jamie Irons
Commissioner John Solu

Chairperson John Diodati

Vacant, Secretary

Commissioner Rick Grantham
Commissioner Paul Nagy

- I. CALL MEETING TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. ELECTION OF CHAIR AND VICE CHAIR
- V. APPOINTMENT OF SECRETARY
- VI. ACCEPTANCE OF AGENDA
- VII. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

A. Oral Report

VIII. PUBLIC COMMENT:

Members of the audience wishing to address the Commission on matters other than scheduled hearing items may do so when recognized by the Chairman, by standing and stating their name and address. Comments should be limited to three minutes.

IX. CONSENT CALENDAR

A. Approval of minutes from hearing held on December 20, 2010

X. PRESENTATIONS

Informational presentations are made to the Commission by individuals, groups or organizations, which are of a civic nature and relate to public planning issues that warrant a longer time than Public Comment will provide. Based on the presentation received, any Planning Commissioner may declare the matter as a future agenda item in accordance with the General Rules and Procedures. Presentations should normally be limited to 15-20 minutes.

A. Brown Act Presentation from the City Attorney

XI. FUTURE AGENDA ITEMS - None

XII. PUBLIC HEARINGS - None

XIII. OLD BUSINESS

- A. Current and Advanced Planning Processing List
- B. Status of Sign Ordinance

XIV. NEW BUSINESS

- A. Discussion of topics for the Joint City Council/Planning Commission meeting, February 22, 2011

XV. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on Wednesday February 16, 2011 at 6:00 p.m.

PLANNING COMMISSION MEETING PROCEDURES

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Public Services Office at 955 Shasta Avenue, during normal business hours, Mill’s ASAP, 495 Morro Bay Boulevard, or Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Planning Commission meetings are conducted under the authority of the Chair who may modify the procedures outlined below. The chair will announce each item. Thereafter, the hearing will be conducted as follows:

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

RULES FOR PRESENTING TESTIMONY

Planning Commission hearings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present testimony must observe the following rules:

1. When you come to the podium, first identify yourself and give your place or residence both orally and on the sign in sheet at the podium. Commission meetings are audio and video tape-recorded and this information is required for the record.
2. Address your testimony to the Chair. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
3. Keep your testimony brief and to the point. Speak about the proposal and not about individuals. On occasion, the Chair may place time limits on testimony: Focus testimony on the important parts of the proposal: do not repeat points made by others. Please, no applauding or making comments from the audience during the testimony of others.
4. Written testimony is encouraged so they can be distributed in the packets to the Planning Commission. However, letters are most effective when presented at least a week in advance of the hearing. Written testimony provided after the staff reports are distributed and up to the meeting will also be distributed to the Planning Commission but there may not be enough time to fully consider the information. Mail should be directed to the Public Services Department, attention: Planning Commission Secretary.

APPEALS

If you are dissatisfied with any aspect of an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. The appeal form is available at the Public Services Department and on the City’s web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located with the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250

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flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 and the City Zoning Ordinance. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed.

The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Services' Administrative Technician at (805) 772-6261. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

HEARING IMPAIRED: There are devices for the hearing impaired available upon request at the staff's table.

COPIES OF VIDEO, CD: Copies of the video recording of the meeting may be obtained through AGP Video at (805) 772-2715, for a fee.

ON THE INTERNET: This agenda may be found on the Internet at: www.morro-bay.ca.us/planningcommission or you can subscribe to Notify Me for email notification when the agenda is posted on the City's website. To subscribe, go to www.morro-bay.ca.us/notifyme and follow the instructions.

CITY OF MORRO BAY
PLANNING COMMISSION
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay
December 20, 2010

Vice-Chairperson Gerald Luhr
Commissioner Jamie Irons

Chairperson Vacant
Rob Livick, Secretary

Commissioner Michael Lucas
Commissioner John Diodati

I. CALL MEETING TO ORDER

Vice-Chairperson Luhr called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Michael Lucas led the pledge.

III. ROLL CALL

Vice-Chairperson Luhr took roll and noted that all Commissioners are present with the exception of former Chairperson Nancy Johnson.

Staff Present: Rob Livick, Kathleen Wold, Bruce Keogh, Dylan Wade, Rob Schultz and Andrea Lueker

IV. ELECTION OF CHAIR AND VICE-CHAIR

MOTION: Luhr moved to nominate Commissioner Diodati as Chair and Lucas seconded the motion. The motion carried unanimously (4-0).

MOTION: Diodati moved to nominate Commissioner Irons as Vice-Chair and Lucas seconded the motion. The motion carried unanimously (4-0).

V. ACCEPTANCE OF AGENDA

Lucas moved to accept the Agenda and Vice-Chairperson Irons seconded the motion. The motion carried unanimously (4-0).

VI. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Rob Livick briefed the Commission on the status of the following:

- Completion of the North Main project, and
- Cancellation of the City Council meeting of December 27, 2010 noting that the City Council has voted to move future Council meetings to the second and fourth Tuesdays.

Chairperson Diodati inquired whether the Council had discussion regarding the vacant Planning Commissioner seat. Livick clarified that the Council has set January 24th as the date to interview prospective candidates.

VII. PUBLIC COMMENT

Diodati opened the Public Comment period:

- Janice Peters, resident of Morro Bay, gave a brief history of the timeline of the WWTP Upgrade project and encouraged the Commission to certify the Environmental Impact Report (EIR) and forward a favorable recommendation to the City Council in order to move the project forward.

Hearing no further public comment, Diodati closed the Public Comment period.

VIII. CONSENT CALENDAR

- A. Approval of minutes from hearing held on November 1, 2010 as amended and minutes from the December 6, 2010 meeting.

MOTION: Lucas moved the Planning Commission approve the minutes. Irons seconded the motion. The motion carried unanimously (4-0).

IX. PRESENTATIONS – None

X. FUTURE AGENDA ITEMS

- A. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

Commissioners had no discussion.

XI. PUBLIC HEARINGS

- A. **Site Location:** 160 Atascadero Road, Wastewater Treatment Plant

Applicant: City of Morro Bay and Cayucos Sanitary District

Agent: Bruce Keogh, Wastewater Division Manager

Request: The applicant proposes the Morro Bay-Cayucos Wastewater Treatment Plant (WWTP) Upgrade Project to provide full secondary treatment for all effluent discharged through its ocean outfall and to provide tertiary filtration capacity equivalent to a PSDWF of 1.5 mgd. The tertiary filtered effluent would meet Title 22 standards for disinfected secondary-23 recycled water and as such could be used for limited beneficial uses. The project includes construction of facilities including but not limited to buildings, circulation, hardscape and landscaping. Once the upgraded wastewater treatment facilities are complete the existing wastewater treatment facilities will be demolished.

CEQA Determination: Recommend adoption of Environmental Impact Report dated September 20, 2010, to City Council.

Staff Recommendation: Consider request and make recommendation to Council on Conditional Use Permit #307 and Coastal Development Permit #339.

Staff Contact: Kathleen Wold, Planning Manager 805-772-6211.

Livick introduced the Environmental Impact Report, Conditional Use Permit and Coastal Development permit for the WWTP Upgrade project. Livick introduced the consultants from ESA who prepared the Environmental Impact Report (EIR).

Wold presented the staff report and turned it over to Jennifer Jacobus of ESA who gave an overview of the EIR document including chapters 9, 10 and 11.

Commissioners asked staff to clarify the options available to the Commission specifically if the EIR is not certified. Wold responded that CEQA has very specific guidelines for recirculating.

Diodati inquired if the three options are to, either adopt the EIR with no changes, adopt the EIR with changes or deny the EIR. Livick confirmed.

Diodati opened the Public Hearing:

- Dennis Delzeit, Project Manager representing the Applicant, presented an overview of the proposed project asking the Commission to certify the EIR and forward a favorable recommendation on to the City Council.

The following persons spoke against the proposed project and encouraged the Planning Commission to deny the project:

- Andrew Christie, of Sierra Club, and Morro Bay residents Jane Heath, Betty Winholtz, Lee Johnson, Bill Martony, Barry Branin, Dorothy Cutter, Steve Hennigh, Ann Reeves, and Jack McCurdy.

Hearing no further comment, Diodati closed the Public Hearing.

Commissioners discussed with staff:

- The shortened time schedule from 14 years to 8 years and whether the alternatives have been adequately studied;
- The original project upgrade of the existing plant and whether this is an upgrade or in fact a new project. Livick responded that this project as identified in the Facilities Master Plan is an upgrade and demolition. The administration and maintenance building will remain;
- The viability of the proposed site location and whether alternate locations would have been preferable. Livick responded that City infrastructure and Cayucos infrastructure points to this location and noted the considerable costs to redirect infrastructure to an alternate site location;
- Whether the public scoping period was of sufficient length;
- Appropriate project alternatives. Livick responded that the project as proposed was selected by the JPA consisting of the City Council and Cayucos Sanitary District. During the course of their review, they chose where and what to build. Livick also noted the alternatives analysis in the EIR does meet CEQA guidelines;
- Wold clarified for Commissioners that the City's General Plan/Local Coastal Plan (LCP) specifically directs this as an industrial piece of property and protects the wastewater facilities as a use, not a building. The zoning allows the use. In addition, CEQA guidelines establish the baseline, so baseline impacts do not reduce to zero. CEQA establishes baseline as existing site conditions, not vacant undeveloped land. With the established WWTP baseline, the LCP delineates the site as protected for WWTP;
- Technical merits of the project including effluent quality discharged through ocean outfall, water reclamation, building height and whether it can be lowered and the visual impacts associated with two-story versus a one-story building;
- The importance of the Household Hazardous Waste Collection facility program to the community. Livick noted that the Integrated Waste Management Authority (IWMA) operates this program and has been contacted regarding the potential for grant opportunities.

Commissioners continued lengthy discussion over whether the proposed project is a new or upgraded project and the resulting site and location analysis. In addition, Commissioners discussed how to define the baseline, whether that would be the existing plant as a baseline for comparison to other sites or whether to use a zero baseline of vacant land when comparing to other sites.

City Attorney Rob Schultz encouraged the Commission to make its conclusion by determining if the CEQA analysis has been prepared correctly, whether the conditions of approval recommended by staff are correct and then certify, or not, the EIR and forward on to the City Council.

Commissioners discussed whether if they determine this project is defined as a new project and not as an upgrade, then that automatically invalidates the EIR and therefore they could send it to City Council with that conclusion.

Commissioners expressed concern at the lack of alternative sites with which to compare to this site and agreed that siting is the number one issue.

Further discussion continued over whether the proposed WWTP project is consistent with LCP policy, using a baseline of an industrial site, the question of the aesthetic arguments listed in the EIR, and the planning impacts created by the zoning.

MOTION: Irons moved to continue the Planning Commission meeting past 10p.m. Luhr seconded the motion.

The motion carried unanimously (4-0).

Commissioners then discussed the need to develop criteria that can be used to further an alternatives analysis.

MOTION: Diodati moved that the following nine criteria be used to evaluate in a screening report of properties within and outside of the City limits in a public process with the baseline of a new wastewater project proposal and that a letter be submitted to the Regional Water Quality Control Board asking for a time extension in order to conduct the site analysis:

1. Flood plain impacts
2. Cultural resources
3. Visual resources
4. Greenhouse gases
5. Accommodation of build out
6. Water reclamation
7. Cogeneration opportunities
8. Lifecycle costs
9. Economic benefits

Luhr seconded the motion.

The motion carried unanimously (4-0).

MOTION: Diodati moved the Planning Commission deny certification of the EIR presented for the MBCSD WWTP Upgrade and deny the Coastal Development Permit CPO-339 and Conditional Use Permit UPO-307 with the applicant: City of Morro Bay and Cayucos Sanitary District. Lucas seconded the motion.

Commissioners discussed amending the motion to include the reason for denial. The four reasons stated were the proposed project constituted a new project; the EIR analysis was insufficient, the aesthetics and insufficient scoping of the project.

Luhr and Lucas accepted these reasons as an amendment to the motion.

The motion carried unanimously (4-0).

XII. OLD BUSINESS

A. Current Planning Processing List/Advanced Work Program

Commissioners reviewed with staff and did not add any new items.

XIII. NEW BUSINESS

A. Consider cancelling the January 3, 2011 Planning Commission Meeting.

MOTION: Lucas moved to cancel the January 3, 2011 Planning Commission meeting. Irons seconded the motion.

The motion carried unanimously (4-0).

XIV. ADJOURNMENT

Diodati adjourned the meeting at 10:20 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Tuesday, January 18th, 2011 at 6:00 p.m.

John Diodati, Chairperson

ATTEST:

Rob Livick, Secretary



City of Morro Bay Public Services Current Project Tracking Sheet

Agenda Item _____
Date: _____
Action: _____

New items or items which have been recently updated are italicized. Approved projects are deleted on next version of log.

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner
Hearing or Action Ready						
1	Rudolph Kubes	1181 Main & Bonita	11/23/06	UP0-086 & CP0-130	<i>Morro Mist 20 Lot SFR Subdivision . Submitted 11/23/06, SRB 3/15/06, Staff requested information Resubmitted 8/16/06 MND analysis needed MIND Complete 7/20 PC 8/20/07 Continued date uncertain revised project smaller units still 100% residential. Applicant has redesigned project and resubmitted on June 1, 2009. Project under review. Letter sent to applicant regarding issues on 7/2009. Subsequent meeting with applicant team 8/2009. Staff has had additional correspondence with the applicant. Project tentatively scheduled for Planning Commission late February/early March 2010. Applicant considering redesign of project. Change in agent. Project resubmitted on June 29, 2010, project routine to various divisions for comments and conditions. Resubmittal 7/6/10. Initial Study needs to be revised to reflect new project submitted. Revised Initial Study pending submittal of new Geotechnical study by applicant. New I.S./MND routed for review and review period completed as of November 29, 2010. Applicant preparing documents for Planning Commission hearing once submittal is received project will be scheduled.</i>	KW
30 -Day Review, Incomplete or Additional Submittal Review						
2	James Maul	530, 532, Morro Ave 534	3/12/10	SP0-323 & UP0-282	<i>Parcel Map. CDP & CUP for 3 townhomes. Incomplete letter sent 4/20/10. Met with applicant 5/25/10. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter.</i>	SD
3	Walter & Karen Roza	595 Driftwood	3/30/10	UP0-285 S00-103 CP0-325	Coastal Development Permit, Use Permit, Parcel Map Demo Reconstruct SFR & 2nd Unit. VPM, CUP & CDP. Pending resubmittal. Revised plans submitted on 9/1/10. Staff working on project environmental.	KW
4	Dan Reddell	550 Morro Bay Blvd	6/14/10	UP0-293	<i>Farmer's Market . Conditional Use Permit for vendors and events. Resubmittal 6/17/10. Scheduled for 9/20/10 PC Mtg. Met with agent 8/24/10 and discussed feasibility of project, needs to be revised. Resubmitted 12/29/10. Project scheduled for 2/7/2011 but applicant changed project description on 1/21/2011, item then pulled to evaluate new project</i>	SD

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner
5	Morro Bay Chamber	Main between Pacific and Harbor	8/9/10	UP0-298	Use Permit to establish the Farmer's Market on Main Street between Harbor and Pacific Streets. The market will be conducted every Saturday between 2 p.m. and 7 p.m. With a maximum of 50 vendors. Continued to 1/3/10 PC Meeting. Applicant has continued project to date uncertain.	SD
6	Frantz	499 Nevis	9/27/10	CP0-337	New SFR. Incomplete Letter 10/7/10. Meeting with applicant's representative on 11/16/2010. Applicant has indicated that he is redesigning project-project placed on hold	SD
7	Tauras Sulaitis	540 Fresno	11/15/10	UP0-306	SFR Addition. Incomplete letter 7/13/10. Resubmittal 11/15/10. Met with applicant on 12/21/10. Incomplete letter 12/21/10.	SD
8	Ortega	525 & 527 Atascadero	12/21/10	CP0-340 UP0-308	Compact In-Fill Development. Requested additional documents from agent on 1/20/11. Working on environmental document.	SD
9	St. Timonhy Church	962 Piney Way	12/22/10	UP0-309	Belfry. Project noticed 1/21/11. Noticing complete project ready to permit.	SD
10	Romero	2690 Nutmeg	1/3/11	CP0-342	Concurrent Processing. New SFR. Project noticed 1/21/11. Noticing complete project ready to permit.	SD
11	Jerry & Lane Karr	7504 Kimberly Ave	1/28/11	CP0-344	Coastal Development Permit for a single family residence	SD
12	Crye	1170 Quintana	1/31/11	CP0-345	Coastal Development Permit for demolition of a structure	SD
13	Romero	291 Shasta Ave	1/19/11	CDP-341	Coastal Development Permit for single family residence	SD
14	Cotti Corporation	1700 Main Street	1/24/11	CDP-343	Coastal Development Permit for Demo and reconstruction of a fast food restaurant	SD
Projects in Process						
15	Dan Reddell	1 Jordan Terrance	7/25/08	UP0-223 & CP0-285	New SFR. Submitted 7/25/08, Inc. Later 8/19/08; resubmitted 2/24/09, project under review. Letter sent to agent regarding issues. Applicant and staff met 1/20/10 on site to further discuss issues. Resubmittal 2/16/10. Administrative Draft Initial Study complete. Comment review period ends 6/22/10. Comments recieved on MND.	JH/KW
16	California State Park	201 State Park Drive	2/11/09	CP0-303 & UP0-254	Solar Panels at the State Park with the addition of one carport structure for support of the panels. Coastal Development Permit and Conditional Use Permit. Comments sent 3/23/10.	SD/KW
17	City of Morro Bay	Citywide	5/1/10	AD0-047	Text Amendment modifying Section 17.68 "Signs". Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs.-5/17/2010. A report on the status of this project brought to PC on 2/7/2011	KW
Environmental Review						
18	Larry Newland	Embarcadero	11/21/05	UP0-092 & CP0-139	Embarcadero-Maritime Museum (Larry Newland). Submitted 11/21/05, Incomplete 12/15/05 Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Incomplete 3/7/07. Resubmitted 5/25/07 Incomplete Letter sent 6/27/07 Met to discuss status 10/4/07 Incomplete 2/4/08. Met with applicants on 3/3/09 regarding inc. later. Applicant resubmitted additional material on 9/30/2009. Met with applicants on 2/19/2010. Environmental documents being prepared. Applicant working with City Staff regarding an lease for the subject site. Applicants enter into an agreement with City Council on project. Meeting held with city staff and applicants on 2/3/2011.	KW

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner
19	Giovanni DeGarimore	1001 Front	3/22/10	UP0-284	Floating Dock. CUP to reconfigure existing side tie floating dock to include 4 new finger floating docks, 50 ft. x 4 ft. Incomplete letter sent 4/26/10. Resubmittal 6/10/10. Resubmittal 6/29/10. Incomplete Letter 7/29/10. Resubmittal 7/30/10. Incomplete Letter and Request for Addition funds 8/24/10. Staff is currently working on environmental documents. Resubmittal 1/25/11. I.S. noticed and sent to State Clearinghouse on 2/3/2011.	SD
Coordinating with Other Jurisdictions						
20	City of Morro Bay	887 Atascadero	3/9/09	N/A	Nutmeg Water Tank Upgrade (City of Morro Bay CIP project) . Oversight of County of San Luis Obispo application process. Preapplication meeting 3/9/09. Consultant coordination meeting 3/12/09.	KW
21	John King	60 Lower State Park	7/2/08		Lower parking lot resurface and construction of 2 new stairways . Submitted 7/02/08, PC Tent 10/6, PC Date TBD Applicant coordinating w/ CCC 10/20/08.	KW
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive						
22	SLO County	60 Lower State Park	09/28/04	CP0-063	Master Plan for Golf Course. Submitted 9/28/04, On hold per applicant, project to be amended. Resubmitted 2/9/07 Tentative PC 3/19/07 Continued, date uncertain; Planting trees.	KW
23	Cameron Financial	399 Quintana	04/11/07	CP0-233	New Commercial Building. Submitted 4/11/07, Inc. Letter 5/09/07. Sent letter 1/25/2010 to applicant requesting direction, letter returned not deliverable	KW
24	West Millennium Homes	895 Monterey	7/10/07	CUP-151 S00-067 & CP0-215	Mixed-use building. 16 residential units and 3 commercial units, Submitted 7/10/07, Inc Later 7/25 Resubmitted 1/14/08 SRB 3/10/08.	KW
25	Kenneth & Lisa Blackwell	2740 Dogwood	07/20/07	UP0-178	Addition to nonconforming residence. Submitted 7/20/07, Complete, tentative PC 9/17/07 Continued, date uncertain Resubmitted 10/31/07, PC 12/17/07 Continued, date uncertain.	KW
26	Jeff Gregory	1295 Morro	09/25/07	CP0-254	Coastal Development Permit to allow a second single family residence on lot with an existing home. Incomplete letter sent 10/9/2007. Intent to Deem Application Withdrawn Letter sent 12/29/09. Response from applicant 1/8/10 keep file open indefinitely.	KW
27	Nicki Fazio	360 Cerrito	08/15/07	CP0-246	Appeal of Demo/Rebuild SFR and 2 trees removal. Continued to a date uncertain.	KW
28	Cathy Novak	263 Main Street	09/12/07	CP0-258/S00-078	Lot line Adjustment. Application has had no activity from the applicant since 2007. A Parcel Map was finalized for the property.	SD
29	Ron McIntosh	190 Olive	8/26/08	UP0-232 & CP0-288	New SFR. Submitted 8/26/08, Inc. Letter 9/24/08; Resubmitted 12/10/08, 1/9/09 request for more information. Applicant resubmitted on 2/06/09. Environmental under review. Applicant and City agree to continuance. Applicant put project on hold.	SD

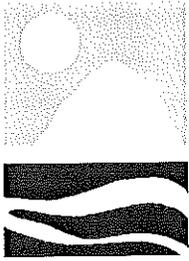
#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner
30	Pina Noran	2176 Main	10/3/08	CUP-35-99 & CDP-66-99R	Convert commercial space to residential use. Submitted 10/03/08, Inc. Later 10/22/08, resubmitted 2/5/09. Project still missing vital information for processing 11/30/09. Called applicant 3/22/10 and requested information. Applicant is considering a redesign of the project.	KW
31	Candy Botich	206 MainWater Lease Site 34 Main & Oak St.	6/17/09	CP0-310	New Parking. Project under review. Agent given DRT comments July 10, 2009. Applicant submitted redesigned project 9/30/2009. Associated application submitted for a parking exception for the lease site generating the parking demand.	KW
32	Bob Crizer	206 Main Street, water lease site 34	11/9/09	AD0-047	Oak Street Parking Exception. Also see 206 Main Street (Botich). Request to allow parking spaces to be placed on Oak Street to replace parking currently provided at 206 Main Street. Waiting for parties to resolve issue of ownership.	KW
33	Debbie Dover	500 Quintana	4/21/10	UP0-289	UP0-289, Use Permit Outdoor Fitness Classes. Incomplete letter sent 5/11/010. Applicant resubmitted 5/14/2010. Spoke to Ginger 6/3/10 discussed project. Comment letter 6/3/10. Project Noticed for Admin Action 6/16/10. Waiting on addition information.	SD
34	Hamrick Associates	1129 Market	6/10/10	UP0-291	Remodel and Addition. Incomplete letter 6/23/10. Submitted additional information 6/30/10. Submitted additional information 7/7/10. Building Comments. 7/9/10. Met with agent 7/15/10. Applicant will resubmit addressing fire/building comments.	SD
35	Burt Caldwell, (Embarcadero 801 LLC)	801 Embarcadero	5/15/08	UP0-212	Conference Center . Submitted 5/15/08, Inc Ltr 5/23 Resubmitted MND Circulating 7/15/08 PC 9/2 Approved, CC 9/22/08 Approved, CDP granted by CCC. Waiting for Precise Plan submittal. Applicant has submitted a request for a time extension on November 4, 2010. Extension granted, now expires 12/11/11. No active submittal	KW
36	Tank Farm	1290 Embarcadero	2/27/10	N/A	Tank Demo. Demo of seven tanks at the Morro Bay Power Plant. Materials submitted and under review. All materials submitted to date have been reviewed and sent back to the applicant. Applicant indicated to staff that the project is on hold until better weather in 2011.	SD
37	Chevron	3072 Main	12/31/08	CP0-301	Remove Underground Pipes. Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed. Requested additional documentation 4/29/10.	SD
Projects in Building Plan Check						
38	Lou McGonagill	690 Olive	6/7/10	Building	SFR Addition. 1,000 sf. addition with garage. Incomplete letter 6/28/10. Resubmittal 9/29/10. Incomplete Memo 11/16/10.	SD
39	Taurus Sulaitis	540 Fresno	6/23/10	Building	SFR Addition. Incomplete letter 7/13/10. Resubmittal 11/15/10. Met with applicant on 12/21/10. Incomplete letter 12/21/10.	SD
40	Frantz	499 Nevis	9/27/10	Building	New SFR. Incomplete Memo 10/7/10.	SD
41	Viola/Held	575 - 591 Embarcadero	11/1/10	Building	New Commercial Building. Incomplete Memo 12/2/10. No reponse from applicant (2/3/11)	SD
42	St. Timonhy Church	962 Piney Way	11/23/10	Building	New Commercial Addition. Incomplete memo 1/18/11.	SD

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner
43	Hall	2234 Emerald Circle	12/2/10	Building	New SFR. Incomplete Memo 12/21/10.	SD
44	Romero	2690 Nutmeg	1/3/11	Building	Concurrent Processing New SFR. Project noticed 1/21/11.	SD
45	Pete's Auto	375 Quintana	1/18/11	Building	Wind Turbines. 2 permits. Pending approval	SD
46	Case	415 Acacia	1/31/11	Building	Remedial foundation tie-backs	SD
47	Valero	900 Morro Bay Blvd	1/31/11	Building	Modifications to gas station	SD
48	Romero	291 Shasta Ave	1/19/11	Building	New single family residence	SD
Aging Building Permits - No response from applicant in more than 90 days.						
49	Don Doubledee	360 Morro Bay Blvd	5/15/09	Building	Mixed Use Project - Ciano. Comments sent 2/25/10.	SD
50	Valori	2800 Birch Ave	2/10/10	Building	Remodel/Repair. Sunroom, garage, and study. Comments sent 2/24/10	SD
51	Colhover	2800 Dogwood	3/8/10	Building	New SFR. Comments sent 3/25/10.	SD
52	Ronald Stuard	490 Avalon	4/22/10	Building	SFR Addition. 79 sf. bedroom addition. Comments sent 4/27/10.	SD
53	Joe Silva	570 Avalon	5/12/10	Building	SFR Addition. 84 sf. addition. Comments sent 5/17/10.	SD
54	Pam & Bob Hyland	2754 Indigo Circle	7/22/10	Building	New SFR. CP0299/UP0-248 ISSUANCE BY PC ON MARCH 2, 2009. Incomplete Letter 8/24/10.	SD
55	Mike Wilson	957 Pacific	8/24/10	Building	Demo/Rebuild. Incomplete letter 8/26/10.	SD
Projects & Permits with Final Action						
56	Saurwein	2708 Alder	12/8/10	Building	New SFR. Deemed complete 12/14/10.	SD
57	Luce	2431 Reno	9/28/10	Building	Single Family Addition. Incomplete memo 11/8/10. Resubmittal 12/9/10. Deemed complete 12/14/10.	SD
58	Rodgers	941 Marina	12/1/10	AD0-059	Parking Exception and Addition to NC Structure. Noticed 12/21/10.	SD
59	Heller	271 Palm	11/24/10	AD0-058	Parking Exception. Noticed 12/21/10.	SD
60	Daniels	606 Agave	10/13/10	CP0-338	New SFR. Incomplete Letter 11/16/10. Incomplete. Resubmittal 11/24/10. Deemed Complete for noticing 12/16/10.	SD
61	Daniels	606 Agave	10/13/10	Building	New SFR. Incomplete Letter 11/16/10. Deemed Complete for noticing 12/16/10.	SD
62	John & Alair Hough	285 Main	2/16/10	Building	SFR Addition. Second unit over detached garage. Comments sent 3/19/10. Resubmittal 6/10/10. Comments sent 6/16/10. Resubmittal 9/8/10. Project plans not consistent with approved planning plans. Incomplete memo 11/8/10. Resubmittal 12/8/10.	SD
63	Adams	244 Shasta	12/6/10	Building	Addendum to Building Permit #28476.	SD
64	Lau	2780 Main Street	1/4/11	SP-132	Sign Permit.	SD
65	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	EIR	WWTP Upgrade. Submitted 7/1/08, Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent renoticing. Staff reviewing screencheck document. Public draft out for review and comments. Comment period open until 11/4/2010. Project scheduled for 12-6-2010 P.C. Project rescheduled for 12/20/2010.	RL/KW
66	Camee	977 Las Tunas	10/11/10	Building	Tenant Improvements	KW



City of Morro Bay
 Public Services
 Advanced Planning Work Program

Work Item	Planning Commission	City Council	Coastal Commission	Comments	Estimated Staff Hours
Neighborhood Compatibility Standards	TBD	TBD			120 to 160
Strategic plan for managing the greening process					200 to 300
	Annual Updates	Annual Updates			
AB811	continuing with updates				120 to 160
Safety Element	Approved	TBD			20 to 40
Draft Urban Forest Management Plan	TBD	TBD			200 to 300
CEQA Implementation Guidelines	TBD	TBD	NA		120 to 160
Update CEQA checklist pursuant to SWMP (2/2011)	TBD	TBD			120 to 160
Downtown Visioning	TBD	TBD			120 to 160
PD Overlay	TBD	TBD			80
Annexation Proceeding for Public Facilities		TBD			TBD
Sign Ordinance Update	Continued to hold workshop		TBD		50 to 100
<i>Planning Commission Generated Items</i>					
Work Item	Requesting Body				Estimated Staff Hours
Pedestrian Plan	Planning Commission				TBD
<i>Items Requiring Further Analysis When Received Back From The Coastal Commission</i>					
Work Item	Plng. Comm.	City Council	Coastal Comm.		Estimated Staff Hours
Updated Zoning Ordinance	TBD	TBD			1,800
Updated General Plan/LCP	TBD	TBD			1,800



Memorandum

TO: PLANNING COMMISSION **DATE:** FEBRUARY 7, 2011
FROM: SIERRA DAVIS, ASSISTANT PLANNER
SUBJECT: STATUS UPDATE FOR SIGN ORDINANCE

DISCUSSION

The Sign Ordinance has been an item on both the City Council and Planning Commission agendas; however no action has been taken. At the regularly scheduled City Council meeting on April 12, 2010 the status report on the A-Frame Sign Ordinance was presented to the council for direction. The Council directed staff to forward the A-Frame Sign Ordinance to the Planning Commission for recommendation and then back to City Council. The amendment would then be passed on as an amendment to the Coastal Commission.

Staff worked on the amendment and presented the amendments to the Sign Ordinance to the Planning Commission at the regularly scheduled meeting on May 17, 2010. Amendments were made to the ordinance as a whole and not just the A-Frame portion in order to ensure the ordinance could be incorporated into the existing Zoning Ordinance. Please refer to Exhibit A, Memorandum to Planning Commission dated May 11, 2010 for a complete list of all amendments made to the Sign Ordinance.

The Planning Commission continued the item to a date uncertain and requested clarification on the following items. Please refer to Exhibit B for the complete May 17, 2010 Planning Commission meeting minutes.

- Importance of the ordinance and the need to review it
- The benefits of seeking additional input on the Ordinance at the Downtown Visioning presentation
- Appreciation for the business community's input
- Compared the benefits of effective sidewalk advertising with the need to ensure pedestrian safety
- San Luis Obispo's experience with their A-frame ordinance
- Need to do additional research and possibly set aside the A-frame portion of the ordinance as a separate item

Staff has not followed up with the Sign Ordinance amendments, however at the December 13, 2010 City Council Meeting the Mayor indicated that the sign ordinance will be a high priority for staff to work on and that the issue will be discussed and action will be necessary.

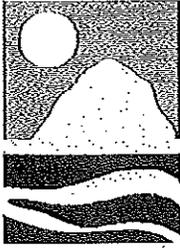
At this time staff is not enforcing the regulations for prohibited signs as directed by the City Council. However if they are a public nuisance or a public safety concern the owner of the sign is required to remove the sign.

EXHIBITS

Exhibit A – May 17, 2010 Planning Commission Packet. Packet Contains April 12, 2010 City Council Report and Minutes

Exhibit B – May 17, 2010 Planning Commission Meeting Minutes

EXHIBIT A



AGENDA NO:	X-B
Meeting Date:	May 17, 2010
Action:	

Memorandum

TO: PLANNING COMMISSION

DATE: May 11, 2010

FROM: KATHLEEN WOLD, SENIOR PLANNER

SUBJECT: AMENDMENT TO THE CITY OF MORRO BAY'S ZONING ORDINANCE (TITLE 17) AMENDING CHAPTER 17.68 "SIGNS" WITH NEW SIGN REGULATIONS AND MODIFYING CHAPTER 17.12 TO INCLUDE ADDITIONAL DEFINITIONS.

RECOMMENDATION:

Staff recommends the Planning Commission:

- 1) Open the public hearing and receive testimony; and
- 2) Make a motion to accept resolution No. 01-10, and direct staff to forward your recommendation to City Council for First Reading and Introduction of the Ordinance.

BACKGROUND:

On April 12, 2010 the City Council gave direction to staff to bring the entire Sign Ordinance from the previously approved Comprehensive Zoning Ordinance Update of 2005 forward to the Planning Commission for review and to forward a recommendation to the City Council.

Prior to this direction the Council had requested that the Sign Exception process be re-evaluated by staff to ensure that the process for approving the A-frame signs has been successful and, if necessary, make recommendations to improve the process. During the evaluation of the A-Frame process staff was able to determine that the program has not been successful to date and recommended various options to the Council including separating the sign ordinance from the 2005 Zoning Ordinance Update and bringing it back for review and approval by the Planning Commission and California Coastal Commission. City Council's direction to staff was to separate the sign ordinance from the comprehensive Zoning Ordinance update and process separately. A copy of this staff report is included for your information as an attachment.

DISCUSSION:

Staff has reviewed Chapter 17.25 "Sign Regulations" in relation to the current Zoning Ordinance and made minor modifications where necessary to ensure that when we incorporate the new sign regulations into the existing Zoning Ordinance there is internal consistency. An example of the modifications that were made are changing section numbers, the zoning district titles and revisions to ensure compliance with state law.

During the review of the new regulations staff noted that there will be a few Zoning Districts that will not allow signs, including the Agriculture, Open Area, Harbor and Golf course districts. Currently the existing sign ordinance regulations allow signs in the Harbor and Agriculture districts but not in the Open Space or Golf Course districts. Staff recommends the following:

1. Add current regulations for the Agriculture district into the new proposed sign regulations as follows:

Agriculture Zone. One unlighted sign per street frontage for the purpose of advertising the sale of products grown on the premises may be allowed in the agriculture zone and shall not require a sign permit. The aggregate area of such signs shall not exceed eight square feet per property.

2. Currently signs are allowed with the Harbor zone under commercial and industrial zone sign regulations. Staff recommends adding the Harbor district into the sign matrix into the C1, MCR, CVS, GO, WF, and GC category. This would allow the placement of some signage for commercial ventures located within the Harbor.
3. There are no provisions for signage for the Open Area or Golf Course districts and staff feels that there is no compelling reason to make provisions for signage within these districts in the new regulations.

As part of the discussions concerning A-frame signs, staff not only recommended the adoption of new sign regulations providing for A-frame signs, but also recommended new guidelines and procedures. While the new ordinance provides for A-frames signs, staff feels that it is too open and recommends additional regulations. The proposed language is as follows:

Temporary Sidewalk Signs. Signs not permanently attached to the ground or any other permanent supporting structure, such as "A-frame" or sandwich type sign, and sidewalk or curb signs. Temporary sidewalk signs shall not impede safe pedestrian circulation. Temporary sidewalk signs are subject to the specific zoning district standards in 17.68.050 and

Staff recommends the following modifications to the regulations:

Temporary Signs. Signs not permanently attached to the ground or any other permanent supporting structure, such as "A-frame" or sandwich type sign, and sidewalk or curb signs.

Temporary sidewalk signs are subject to the specific zoning district standards in 17.68.050 and the following:

One portable sign per street frontage is permitted.

Maximum height of 4 feet. Maximum width of 2 feet.

Portable signs must be located on the business's property or within the boundaries of the shopping center or commercial complex unless an encroachment permit is obtained for any sign located within the City's right-of-way.

Signs located within the right-of-way shall be located directly in front of the property where the advertised business is located.

Signs must not block line of sight on driveway corner or intersections.

A minimum of a 4 foot wide access path must be provided at all times on the sidewalk.

Other controversial signs within the community are signs on vehicles and feather signs within the public right of way. The proposed sign amendment prohibits vehicle displays as follows:

Signs placed or displayed on vehicles parked in a conspicuous location to be used for on-site or off-site advertising, with the exception of signs advertising such vehicles for sale and vehicle identification signs in locations where sale of vehicles is permitted.

Feather signs would also be prohibited except as allowed under the following sections:

Special private event displays and grand opening signs. Temporary signs and wind signs may be erected on the premises of an establishment having a grand opening or special event provided that such signs shall be displayed for a period not to exceed thirty calendar days previous to such event. These signs shall be removed within seven days after the event, and such signs may be used for not more than two periods each calendar year for any property or business.

CONCLUSION

Staff recommends that the Planning Commission review the proposed amendments to Chapters 17.68 and 17.12 including the additional modifications as stated in the staff report and forward a recommendation to the City Council.

Attachments:

Attachment A -Draft Ordinance 559

Attachment B -Resolution No. 01-10

Attachment C.-Final Negative Declaration and Initial Study for the Comprehensive Zoning Ordinance Update 2005

Attachment D-City Council minutes from April 12, 2010.

Attachment E-City Council staff report April 12, 2010 regarding A-frame signs.

ATTACHMENT A

Ordinance No. 559

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MORRO BAY ANNOUNCING FINDINGS AND AMENDING CHAPTER 17.68 "SIGNS" OF THE MUNICIPAL CODE UPDATING REGULATIONS AND PROCEDURES WITH NEW REGULATIONS AND PROCEDURES ENTITLED "SIGNS REGULATIONS" AND ALSO MODIFYING CHAPTER 17.12 TO INCORPORATE NEW DEFINITIONS,

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

WHEREAS, the Planning Commission of the City of Morro Bay held a duly noticed public hearings on May 17, 2010 considering the updated Chapter 17.68 and recommended _____ of said amendment to the City Council; and

WHEREAS, the City Council of the City of Morro Bay conducted duly noticed public hearing on _____; and

WHEREAS, the Council has reviewed and considered Ordinance No 559 and has found that Ordinance No. 559 complies with the City of Morro Bay objectives, criteria and procedures for implementation of the California Environmental Quality Act (CEQA) in that the project is covered under the environmental document previously approved for the comprehensive update of the Zoning Ordinance of which this ordinance was a part of and therefore no additional environmental documentation is deemed necessary; and

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

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

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

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

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

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

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

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

SECTION 3. Revisions. Ordinance No. 559 which revises portions of the existing Title 17 as stated below is hereby adopted.

Chapter 17.12 to incorporate new definitions; and

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

INTRODUCED at the regular meeting of the City Council held on the _____, by motion of _____ and seconded by _____

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

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

JANICE PETERS, MAYOR
CITY OF MORRO BAY

JAMIE BOUCHER, DEPUTY CITY CLERK
CITY OF MORRO BAY

APPROVED AS TO FORM:

ROBERT W. SCHULTZ, ESQ.
CITY ATTORNEY

DRAFT

Chapter 17.68 Sign Regulations

Sections:

17.68.010 Purpose

17.68.020 Exempt Signs

17.68.030 Prohibited Signs

17.68.040 General Sign Standards

17.68.050 Regulations for Residential Districts

17.68.060 Regulations for Commercial Districts, Mixed-Use and Industrial Districts

17.68.070 Specific Sign Types and Standards

17.68.080 General Design Principles

17.68.090 Zoning Clearance or Sign Permit Required

17.68.100 Master Sign Program

17.68.110 Maintenance, Abandonment, and Removal

17.68.120 Provisions for Nonconforming and Illegal Signs

17.68.130 Appeals

17.68.010 Purpose

The purpose of this Chapter is to regulate signs as an information system that expresses the character and environment of the City of Morro Bay and its community. These regulations recognize the importance of business activity to the economic vitality of the City. Specifically, these regulations are intended to:

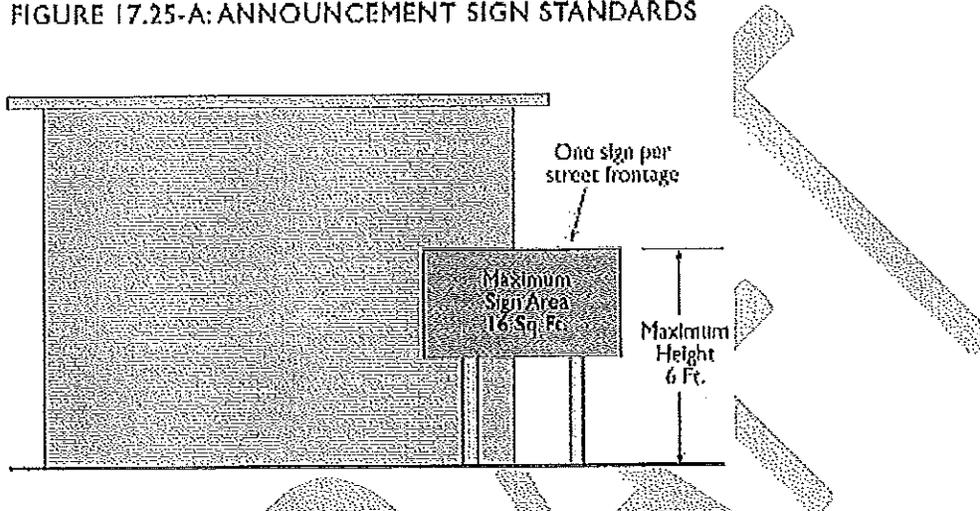
- A. Encourage communications which aid orientation and identify businesses and activities.
- B. Preserve and enhance the aesthetic character of the City.
- C. Apply basic principles of good design and sensitivity to community appearance to signage.
- D. Restrict signs that overload the public's capacity to receive information, violate privacy or which increase the probability of accidents by distracting driver's attention or obstructing a driver's vision.

17.68.020 Exempt Signs

The following signs or modifications to signs do not require zoning conformance review, nor shall the area of such signs be included in the maximum allowable sign area measurement for the purposes of this Chapter. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of the safe erection and safe and attractive maintenance of the sign, of obtaining a building permit where applicable, or of compliance with applicable provisions of this Chapter or any other requirement of this Title.

- A. **Announcement Signs.** One sign, not exceeding 16 square feet in area and 6 feet in height, per street frontage on real property where construction, structural alteration or repair is to take place, or is taking place, which contains information regarding the purpose for which the building is intended and the individuals connected with the project, including names of architects, engineers, contractors, developers, finances and tenants. Announcement signs are exempt only for the duration of the construction of the building and shall be removed prior to issuance of a certificate of occupancy.

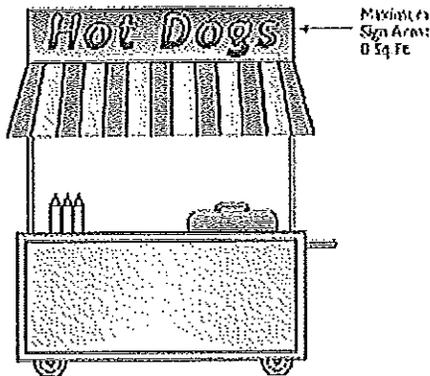
FIGURE 17.25-A: ANNOUNCEMENT SIGN STANDARDS



- B. **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed no longer than 30 days following the change of ownership or activity for which the sign is intended, or up to 90 days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.
- C. **Equipment Signs.** Signs, not more than eight square feet in sign area, incorporated into displays, machinery, or equipment by a manufacturer, distributor, or vendor that identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, menu boards, and umbrellas. If a vending machine is visible from the street, the sign area shall be included in the total sign area allowed for the use.
- D. **Flags.** Flags and insignia of any government, except when incorporated into a commercial sign.
- E. **Garage Sale Signs.** One unlighted sign is permitted for garage sales, provided such sign does not exceed four square feet in area and is displayed on the property where such sale shall take place only on the day of the sale.
- F. **Mobile Vendor (Non-permanent Vendor) Signs.** Signs fixed to mobile vending carts that identify

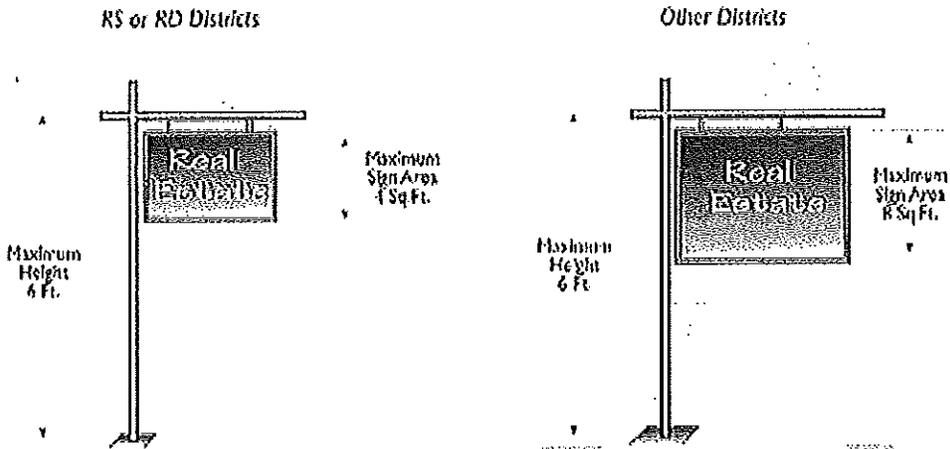
or advertise the name, product, or service provided by the vendor. Each mobile vending cart is limited to a maximum sign area of eight square feet.

FIGURE 17.25-B: MOBILE VENDOR SIGN STANDARDS



- G. **Official Government Signs and Legal Notices.** Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agent in the performance of a public duty; historical markers erected by a governmental body; identification information; directional signs erected by government bodies; or other signs required or authorized by law.
- H. **Parking and Directional Signs.** On-site parking and directional signs, not exceeding eight square feet in sign area and five feet in height, that do not include any advertising messages or symbols.
- I. **Political Campaign Signs.** Political campaign signs not to exceed sixty-four square feet in area per site and shall be permitted only on private property;
- J. **Real Estate and "Open House" Signs.** Signs conveying information about the sale, rental, or lease of a property and the identification of the person or firm (agent) handling such sale, lease or rental, provided they comply with the following standards. Real estate and open house signs are exempt only during the period for which the property is offered for sale or lease.
1. **Maximum Number.** One on-site per frontage.
 2. **Maximum Sign Area.**
 - a. RS or RD Districts, 4 square feet.
 - b. Other Districts, 8 square feet.
 3. **Maximum Height.** 6 feet.

FIGURE 17.25-C: REAL ESTATE SIGN STANDARDS

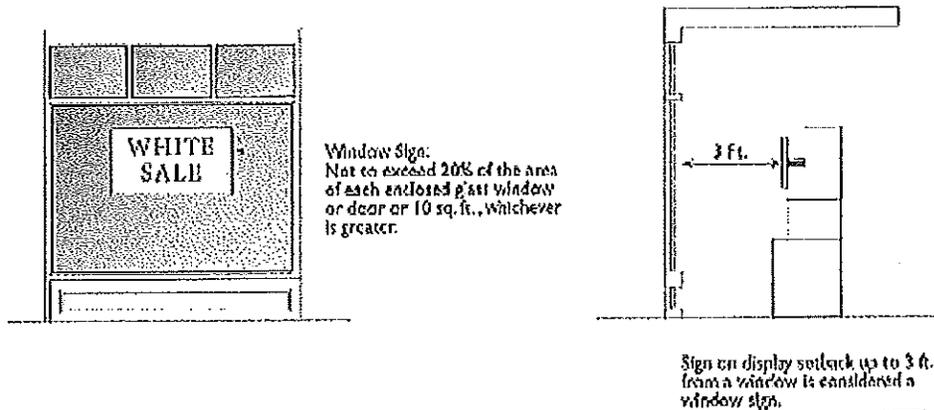


- K. **Off-Site Directional Sign.** One off-site sign not to exceed 36 square feet, providing direction to real estate available for sale or lease, during daylight hours only. Permission from the property owners of the site where the sign is placed is required.
- L. **Small Signs.** Any sign no larger than eight square feet in area, attached to a freestanding sign structure no higher than five feet, a window, or a building wall. This exception may include, but is not limited to, commercial and non-commercial signs, freedom of speech signs, organization identification signs, and commemorative plaques within the required size limits.
- M. **Subdivision Signs.** One sign per frontage, advertising the sale of a subdivision may be displayed on the site of the subdivision upon approval of a final map and initiation of construction for a period of one year. The display period may be extended with written approval of the Director for a reasonable period of time, not to exceed one year at any one time.

Maximum Height	8 ft.
Maximum Sign Area	24 sq. ft.
Maximum Number per Subdivision or Tract	4

- N. **Window Signs.** Window signs not exceeding 20 percent coverage of each glass window or glass door to which the sign is attached or 10 square feet, whichever is greater. Any sign that is hung within three feet of a window, attached to a display located within three feet of a window, or painted on the window is considered a window sign. For temporary window signs, refer to Section 17.68.070.

FIGURE 17.25-D: WINDOW SIGNS



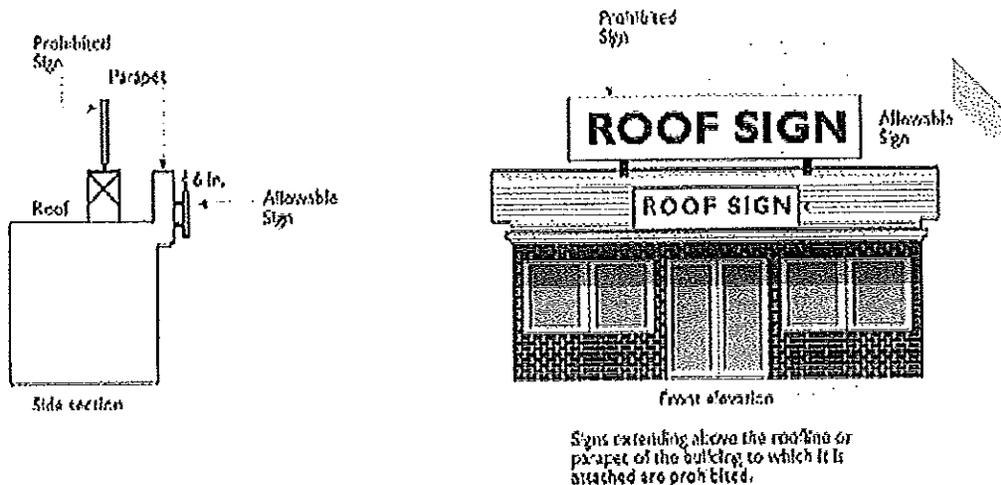
17.68.030 Prohibited Signs

The following types of signs, materials, designs, messages, and locations are prohibited:

- A. **Animated and Moving Signs.** Signs that incorporate, in any manner, any flashing, moving, rotating, pulsating or intermittent lighting, with the exception of approved time and temperature displays.
- B. **Banners, Streamers, or Pennants.** Signs, banners, pennants, valances or any other advertising display constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials except for awnings and temporary signs as provided for in this Chapter.
- C. **Billboards.** Off premises outdoor advertising signs.
- D. **Emissions.** Signs that produce noise or sounds in excess of 40 decibels, excluding voice units at drive-through facilities, and signs that emit visible smoke, vapor, particles, or odor.
- E. **Fence Signs.** Signs on fences or free-standing walls, not part of a building.
- F. **Obscenities.** Signs that depict, describe, or relate to "specified sexual activities" or "specified anatomical areas" as defined in Chapter 17.41: Terms and Definitions.
- G. **Obstruction to Exits.** Signs that obstruct any fire escape, required exit, window or door opening intended as a means of egress.

- H. **Obstruction to Ventilation.** Signs that interfere with any opening required for ventilation.
- I. **Posters and Snipe Signs.** Posters of a miscellaneous or temporary character that are tacked, painted, pasted or otherwise placed or affixed and made visible from a public way, on the walls of buildings, on barns, sheds, trees, fences, utility poles or other structures, sidewalks or patios, except as otherwise provided in this Chapter.
- J. **Roof Signs.** Signs erected upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the eave line of a roof. No projecting sign shall extend above the roofline or parapet of the building or structure to which it is attached.

FIGURE 17.25-E: PROHIBITED ROOF SIGNS



- K. **Signs Creating Traffic Hazards.** Signs located in such a manner as to constitute a traffic hazard or obstruct the view of any authorized traffic sign or signal device, or signs that may be confused with any authorized traffic sign, signal, or device; or that makes use of the words "stop", "look", "danger", or any other word, phrase, symbol, or character that interferes with, misleads, or confuses vehicular drivers.
- L. **Signs on Public Bus Shelters or Benches.** Signs located on bus shelters, benches, or similar structures provided for the use of passengers along the route of a bus, not including plaques containing the names of persons or organizations which have made gifts or donations of such street furniture.
- M. **Vehicle Displays.** Signs placed or displayed on vehicles parked in a conspicuous location to be used for on-site or off-site advertising, with the exception of signs advertising such vehicles for sale and

vehicle identification signs in locations where sale of vehicles is permitted.

17.68.040 General Sign Standards

This Section establishes rules for measuring sign area, general physical standards, and requirements applicable to all signs and the districts in which they are located. More detailed standards applicable to specific sign types (e.g. building mounted, freestanding, and other sign types) in each zoning districts follow this Section.

A. **Maximum Allowable Sign Area.** The maximum allowable total sign area per property shall be as specified under the regulations in Section 17.68.050 and 17.68.060 for specific districts, unless a different limit is approved under a

Master Sign Program (see Section 17.68.100) or approved by the Planning Commission.

B. **Computation of Sign Area.** The methodology for computing the sign area of all sign types shall be as follows:

1. **Single-faced Signs.** The sign area of signs with sign faces on a single plane and viewable from only one side of the plane shall be measured as the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color.
2. **Double-faced Signs.** Double-faced signs with sign faces that are parallel (back-to-back) and a distance of less than three feet apart, or sign faces that have an interior angle of 45 degrees or less, shall be counted as a single sign with only one face measured in calculating sign area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.
3. **Multi-faced Signs.** The sign area of signs with three or more sign faces, or signs with two sign faces with a distance greater than three feet apart or an interior angle greater than 45 degrees, shall be calculated as the sum of all the sign faces.
4. **Three-dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of two adjacent sides or sign faces.

FIGURE 17.25-F: MEASUREMENT OF SIGN AREA

Sign Area = Height x Width

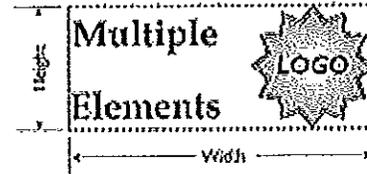
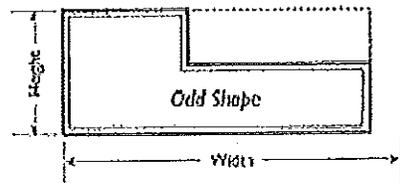
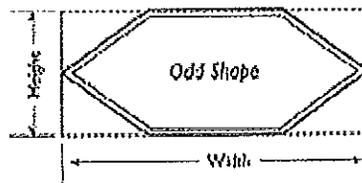
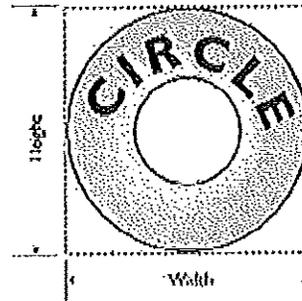
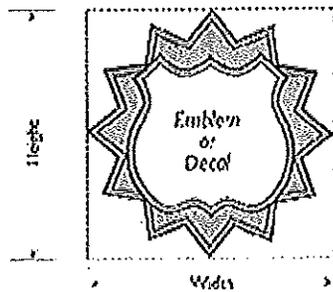
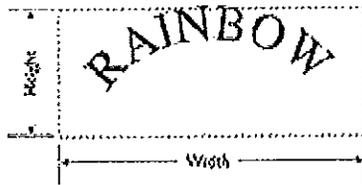


FIGURE 17.25-G: MEASUREMENT OF DOUBLE AND MULTI-FACED SIGN AREA

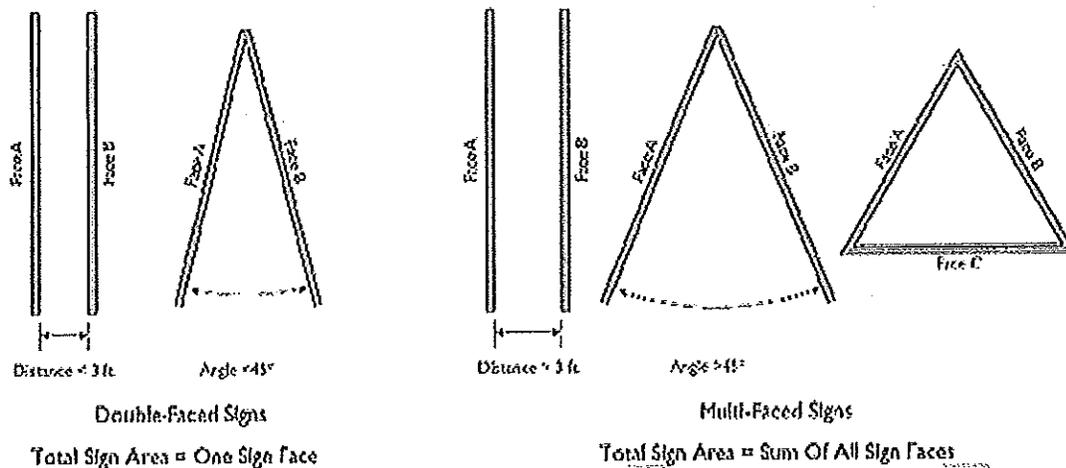
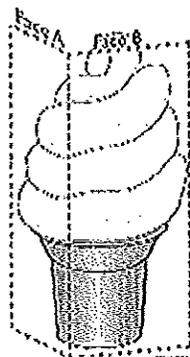


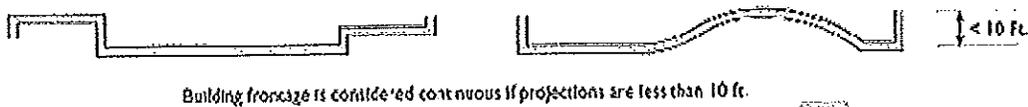
FIGURE 17.25-H: MEASUREMENT OF THREE-DIMENSIONAL SIGNS

Sign Area = Sum of two adjacent sides



C. **Building Frontage.** A building's frontage is considered continuous if projections or recesses in a building wall do not exceed ten feet in any direction.

FIGURE 17.25-1: BUILDING FRONTAGE



D. **Materials.** Paper, cardboard, or other material subject to rapid deterioration shall be limited to signs displayed for no more than 30 days.

E. **Illumination.** Signs may be illuminated subject to all of the following standards:

1. All lighting is subject to necessary electrical permits.
2. Freestanding and building-mounted signs adjacent to an R district shall be illuminated only during hours when the establishment is open for business.
3. External lighting shall be properly shielded to prevent glare upon an adjacent public right-of-way or adjacent property.
4. Illumination shall be constant in intensity and color and shall not consist of flashing, animated or changing lights.

F. **Changeable Copy.** Changeable copy shall cover no more than 25 percent of the total sign area, except for the following uses which are exempt from this restriction: churches and establishments for religious assembly, cinemas, gas station gas price signs, indoor theaters, schools, colleges, and signs that flash the time and temperature.

G. **Construction and Maintenance.**

1. Unless exempt, signs and supporting structures shall be installed in accordance with the Building Code.
2. All signs, together with all supporting structures, shall be maintained in the following manner:
 - a. Signs shall be kept free of rust, dirt and chipped, cracked or peeling paint.
 - b. All hanging, dangling, torn or frayed parts of signs shall be promptly repaired and graffiti and unauthorized attachments shall be removed.
 - c. Burned-out illumination shall be promptly replaced.
 - d. Sign areas shall be kept free and clear of all noxious substances, rubbish, and weeds.
3. If a sign is removed from its supporting structure for longer than 90 days, the supporting structure

shall be removed.

- H. **Abandoned Signs.** Sign faces shall be removed or made blank within 60 days after the activity, product, business, service or other use which was being advertised has ceased or vacated the premises. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in Section 17.68.110 of this Chapter.
- I. **Substitution of Sign Message.** The owner of a permitted sign may substitute a non-commercial message for a commercial message or a commercial message for a non-commercial message.
- J. **Encroachment into Public Street or Sidewalk.** Any sign projecting over a public street or sidewalk requires approval of the Director or City Engineer, except that projecting signs and pole signs are allowed a maximum encroachment of 12 inches over a public street or sidewalk subject to approval of an encroachment permit.
- K. **Clearance from Utilities.** Signs and their supporting structures shall maintain clearance and not interfere with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.
- L. **Drainage.** The roofs of canopies or marquees exceeding 25 square feet shall be drained to prevent dripping or flow onto public sidewalks or streets and shall be connected to an approved disposal source of adequate conductors.
- M. **Sign Orientation.** No sign, other than a projecting sign, shall be permitted that is so oriented as to be viewed primarily across an adjacent private property line. All signs must be visible directly from a public right-of-way, other public open space or parking lot or courtyard on the same site as the sign, without view lines extending over private property different from that on which the sign is located.
- N. **Lighting.** Light sources shall be steady, and stationary lighting shall not be distracting to pedestrians, motorists and neighboring property. No sign shall emit or reflect light exceeding ten foot-candle power at ten feet from the face of the sign.

17.68.050 Regulations for Residential Districts.

The following regulations shall apply to all R districts, as well as residential dwellings located in nonresidential districts. Sign permits shall be required for the sign types described in the following zones unless expressly exempted.

- A. **Multi-family Dwellings.** One building-mounted sign or monument sign per multi-family dwelling complex of four or more units is permitted, with a maximum sign area of 20 square feet.
- B. **Hotels, Motels, and Bed and Breakfast Establishments.**
1. R2 Districts. One surface sign or monument sign per bed and breakfast establishment and attraction boards as provided in the Section 17.68.070(C)(5) are permitted with a maximum sign area of 0.5 square feet per linear foot of building frontage.
 2. R3 and R4 Districts. Signs may be permitted in accordance with the provisions for commercial zones as provided in Section 17.68.060 below as well as attraction boards as provided in Section 17.68.070(C)(5).
- C. **Subdivision or Tract Name Signs.** One non-illuminated sign not to exceed 24 square feet in area or one non-illuminated sign not to exceed 12 square feet in area, per exclusive entrance to a subdivision or tract name with a maximum of four per tract is permitted.
1. Maximum Sign Area. 30 square feet.
 2. Maximum Height. 8 feet.
- D. **Mobile Home Parks.** A mobile-home park may be allowed one externally illuminated or non-illuminated identification sign, not to exceed the equivalent of one square foot of sign area per ten linear feet of frontage on each right-of-way upon which it takes vehicular access. No sign shall have a surface area of greater than 30 square feet or be erected at right angles to the right-of-way.
1. Maximum Sign Area. 30 square feet.
 2. Maximum Height. 8 feet.
- E. **Non-residential Uses.** One building-mounted sign or monument sign per each allowable non-residential uses is permitted.
1. Maximum Sign Area. 0.5 square feet per linear foot of building frontage up to 24 square feet.
 2. Maximum Height. 15 feet above finished grade for building-mounted signs and eight feet for monument signs.

17.68.060 Regulations for Commercial, Mixed-Use and Industrial Districts

The following standards apply to signs in commercial, mixed-use and industrial zones.

- A. **Sign Area and Allowable Signs.** Signage in Commercial, Mixed-Use, and Industrial zoning districts shall comply with the standards in Table 17.68 – B.

1. **Calculation of Sign Area.** For individual signs, the sign area of the proposed sign shall be multiplied by the sign factor specified in Table 17.68 – B to calculate the sign area to be applied towards the maximum sign area allowed.
2. **Minimum Sign Area.** All commercial, mixed-use, and industrial uses shall be allowed a minimum sign area of 20 square feet.

B. **Sign Placement.** Signs shall be oriented towards the public street or the harbor frontage on which they are located, or where no such public right-of-way or harbor frontage exists, signs shall be oriented towards a common use parking lot or interior courtyard. Where the principal sign for a business is located so that it cannot be seen by pedestrian traffic, an identification sign, in addition to that otherwise allowed by this Chapter, may be permitted.

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TABLE 17.68 - B: SIGN AREA AND SIGN STANDARDS FOR COMMERCIAL, MIXED-USE, AND INDUSTRIAL DISTRICTS

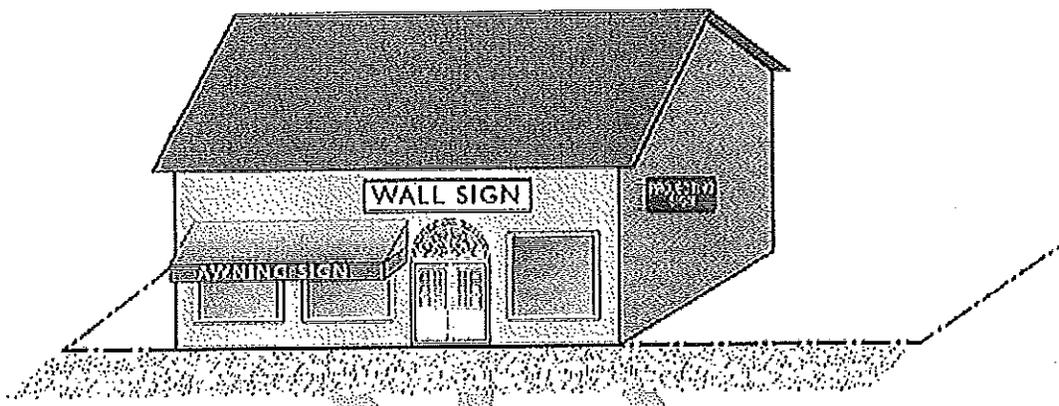
Zoning Districts	Sign Area Allowed (sq. ft. per 1 linear ft. of building frontage)		Total Maximum Sign Area (sq. ft.)	Permitted Sign Types	Sign Type Factor	Maximum Number of Signs	Maximum Sign Area Per (sq. ft.)	Additional Regulations
	Primary	Secondary						
Frontage: C1, MCR, CVS, GO, WF, and GC	0.5		100	Awning and Canopy	1		24	Section 17.68.070(A)(1)
				Projecting	1	1 per frontage	16; 8 under a canopy or awning	Section 17.68.070(A)(3)
				Wall	2	2 per frontage	24	Section 17.68.070(A)(4)
				Marquee	1		1.5 per linear ft. Section of building frontage	Section 17.68.070(A)(2)
				Monument	3	1 per site	24	Section 17.68.070(B)(1)
				Temporary Sidewalk	1	1 per site	12	Section 17.68.070(B)(3)
C2, CF, M1, M2 H & MMR	2	1	200	Awning and Canopy	1	1 per site	60	Section 17.68.070(A)(1)
				Wall	1	1 per building or tenant space	25	Section 17.68.070(A)(4)
				Window Monument	2	2 per frontage	60	Section 17.68.070(A)
				Pole	3	1 per site or shopping center	60	Section 17.68.070(B)(1)

1. For buildings facing on more than one public right-of-way

17.68.070 Specific Sign Types and Standards

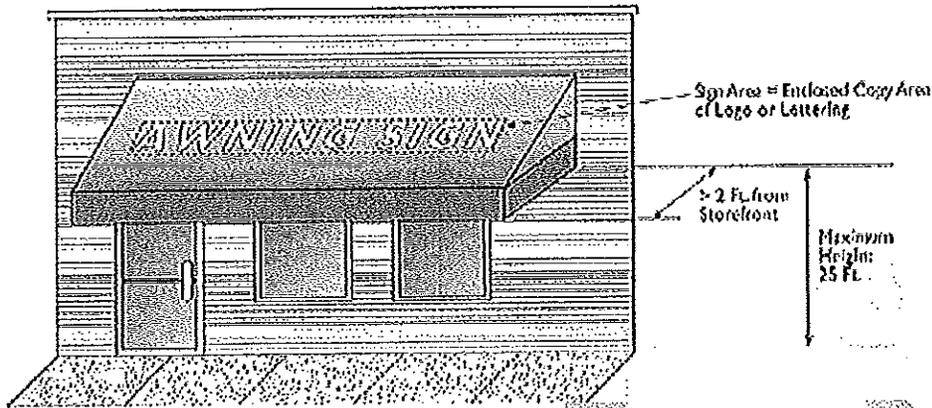
- A. **Building-Mounted Signs.** Building-mounted signs consist of wall signs, awning and canopy signs, projecting signs, and marquee signs. There is no limit on the maximum number of building mounted signs, provided that the total size of all such signs does not exceed the total maximum signage area permitted for all signs in the zoning district where the sign is located, established by Sections 17.68.050 and 17.68.060.

FIGURE 17.25-J: BUILDING-MOUNTED SIGN TYPES



1. **Awning and Canopy Signs.** Signs painted on awnings, canopies, arcades, or similar attachments or structures. Sign area for awning and canopy signs is calculated as the area within a single continuous enclosure around only the copy area of the lettering or logo of the sign. Awning and canopy signs are also subject to the specific zoning district standards in 17.68.050 and 17.68.060.
 - a. **Maximum Height.** 25 feet above a sidewalk or public right-of-way.
 - b. **Marquee Signs.** A sign permanently affixed to a marquee is allowed in conjunction with theaters, museums, galleries, and similar uses. Removable copy may be changed on the face of permitted marquee signs without securing a sign permit. Marquee signs are subject to the specific zoning district standards in 17.68.050 and 17.68.060.
 - c. **Maximum Height.** Marquee signs may not project above the marquee face.

FIGURE 17.25-K: AWNING AND CANOPY SIGNS



2. **Projecting Signs.** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall. Projecting signs are subject to the specific zoning district standards in 17.68.080.
- a. **Minimum Height.** 8 feet above a sidewalk or other public right-of-way.
 - b. **Maximum Height.** 20 ft. above a sidewalk or other public right-of-way, but not above an eave or roof.

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FIGURE 17.25-L: PROJECTING SIGNS



Projecting Under Awning Sign

3. **Wall Surface Signs ("Wall" Signs).** Wall surface signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a false or mansard roof. Wall signs are subject to the standards in Table 17.68 – C. No wall surface sign may cover wholly or partially any required wall opening. Wall signs are also subject to the specific zoning district standards in 17.68.050 and 17.68.060.

TABLE 17.68 – C: WALL SURFACE SIGN STANDARDS	
Minimum Horizontal and Vertical Separation Between Signs	3 ft.
Maximum Projection from Surface of Building	12 in
Minimum Vertical Separation Between Sign and Roof Line	1 ft. (8 inches on a fascia or mansard roof)
Maximum Height	20 ft. above a sidewalk or Above public right-of-way.

- B. **Freestanding Signs.** Freestanding signs consist of signs not attached to a building or structure, including monument signs and pole signs. Freestanding signs shall not interfere with safety sight angles on corners and at driveways. No more than one freestanding sign is allowed on a site.

1. **Monument Signs.** Freestanding signs erected on the ground or on a monument base designed as an architectural unit. Monument signs are also subject to the specific zoning district standards in 17.68.050 and 17.68.060.

a. **Maximum Height.** six feet six inches, eight feet if setback a minimum of five feet from property line.

b. **Minimum Setbacks – C1 and C2, CVS, and MCR Districts.** one foot from setback line.

c. **Landscaping.** Signs higher than six feet six inches shall be placed in a landscaped planter or berm. As a condition of any sign permit for a monument sign, additional landscaping of the site may be required to better integrate sign appearance with the site.

2. **Pole Signs.**

a. **Landscaping.** Pole signs shall be placed within a landscaped planter with at least 28 square feet of planting area. As a condition of any sign permit for a pole sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.

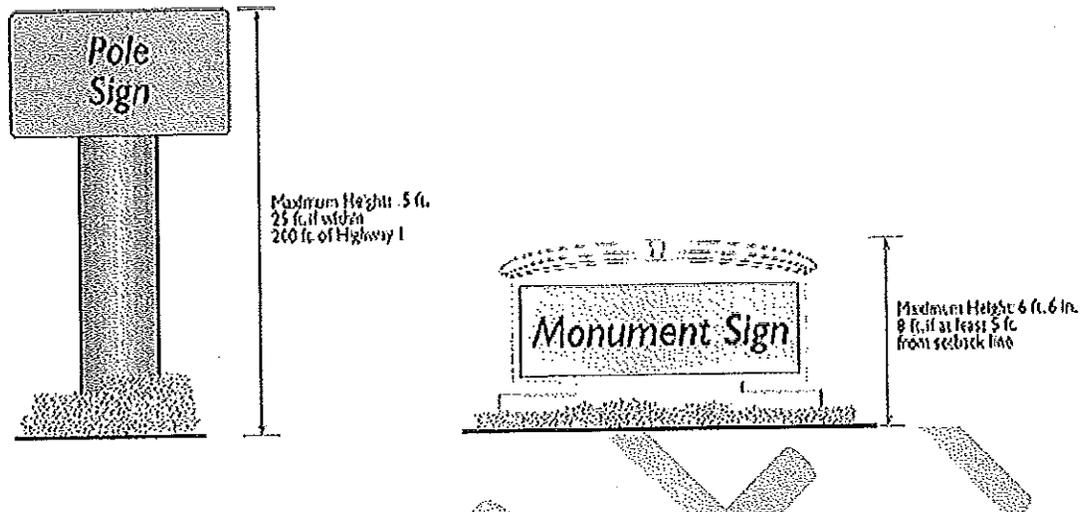
b. **Design.** Such signs and their supporting elements shall be designed so as to be harmonious with any building or structures on the site, including architectural style, colors and scale.

c. **Maximum Height.** 15 feet; 25 feet within 200 feet of Highway 1, subject to approval of a conditional use permit.

d. **Other Requirements.** Pole signs are subject to the specific zoning district standards in 17.6.050 and 17.68.060.

3. **Temporary Sidewalk Signs.** Signs not permanently attached to the ground or any other permanent supporting structure, such as "A-frame" or sandwich type sign, and sidewalk or curb signs. Temporary sidewalk signs shall not impede safe pedestrian circulation. Temporary sidewalk signs are subject to the specific zoning district standards in 17.68.050 and

FIGURE 17.25-14: FREESTANDING SIGN TYPES



17.68.060. C. Other Sign Types.

- 1. Display Structures.** Display structures for pedestrian viewing, as defined in this Chapter, are permitted in any commercial district. Such display structures must comply with building setback requirements, and shall be illuminated only by indirect light or diffused light. The maximum sign area is 50 percent of the maximum building mounted sign area allowance for the building and frontage with which they are associated.
- 2. Special Private Event Displays and Grand Opening Signs.** Temporary signs and wind signs may be erected on the premises of an establishment having a grand opening or special event provided that such signs shall be displayed for a period not to exceed thirty calendar days previous to such event. These signs shall be removed within seven days after the event, and such signs may be used for not more than two periods each calendar year for any property or business.
- 3. Directional and Community Promotional Display Programs.** Directional and community promotion sign programs advertising, directing or informing pedestrian of business service or community events and services not related to or located on the site shall be permitted on private property in C districts, and on public land with the granting of an encroachment permit.
- 4. Civic Event Signs.** Temporary signs announcing a campaign drive or event of a civic, public, quasi-public, philanthropic, educational or religious organization.
 - a. Maximum Sign Area. 32 square feet.
 - b. Maximum Time Period. 30 days. Such signs shall be removed within 15 days after the event.

5. **Attraction Boards for Hotels, Motels and Bed and Breakfast Establishments.** An attached or detached attraction board, not to exceed five square feet in sign area, is allowed, provided it is included within the calculation of the maximum allowable sign area for a hotel, motel, or bed and breakfast establishment.

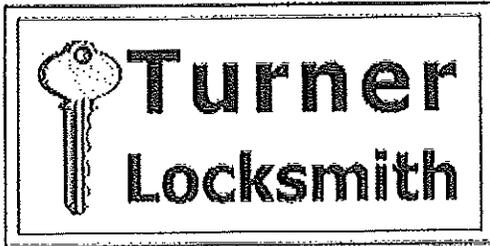
17.68.080 General Design Principles

The following principles are general criteria that should be considered in the design of all signs. Creative design is strongly encouraged, and signs should make a positive contribution to the aesthetic appearance of the street or commercial area where they are located. These principles will be used in reviewing and approving proposed signs and Master Sign Programs (see Section 17.68.100).

- A. **Visibility.** A sign shall be conspicuous and readily distinguished from its surroundings.
- B. **Legibility.** The size and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.
- C. **Readability.** A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign. Excessive use of large areas of several colors can create competition for the eye and significantly reduce readability.

FIGURE 17.25-N: VISIBILITY AND LEGIBILITY

This:



Not This:



This:

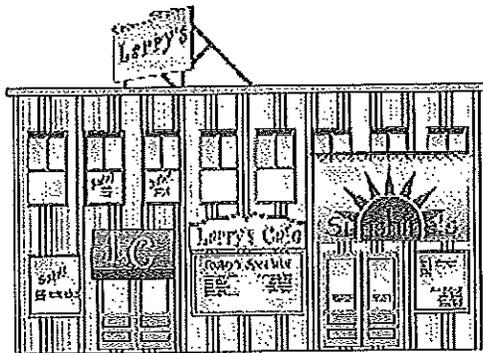


Not This:

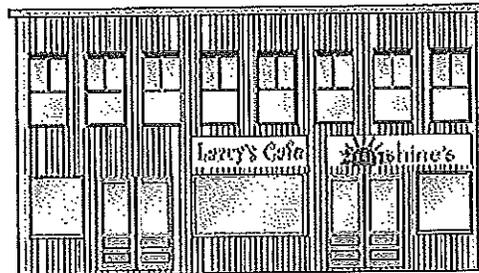


- D. **Architectural Compatibility.** A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture, and shall be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign which covers a window, or which spills over "natural" boundaries or architectural features and obliterates parts of upper floor of buildings is detrimental to visual order and may not be permitted.
- E. **Consistency with Area Character.** A sign should be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where signs are located in close proximity with a residential area, the sign should be designed and located so they have little or no impact on adjacent residential neighborhoods.

FIGURE 17.25-O: ARCHITECTURAL COMPATIBILITY



These signs block building's elements and create a chaotic image.



These signs complement the building's form and create a more orderly appearance.

17.68.090 Zoning Clearance or Sign Permit Required

- A. **Authority.** No sign, other than an exempt sign, shall be erected or altered, without first obtaining a zoning clearance or sign permit from the Director. The Director may attach reasonable conditions on the approval of the sign permit to help ensure compliance with this Chapter. These conditions may require the removal, modification or relocation of existing signs where the proposed sign(s) would be located on sites where existing signs are nonconforming.
- B. **Application Requirements.** Applications for a sign permit shall be made in writing upon forms furnished by the Director, accompanied by the required fee and plans drawn to scale and with all of the following information. Where the scale and scope of the sign proposal so warrants, the Director may waive some of the informational requirements listed below, provided all information necessary for adequate review of the proposal is submitted.
1. The proposed design, dimensions, copy, color, lighting methods and location of the sign on the site, including the dimensions of the sign's supporting members, and details of all connections, guy lines, supports and footings, and materials to be used.
 2. The maximum and minimum height of the sign.
 3. The location of off-street parking facilities, including entries and exits where directional signs are proposed.
 4. The size and dimension of all signs existing on the site.
 5. The location and horizontal frontage of any building(s) on the property, both existing and

proposed.

6. Any other information deemed necessary by the Director.

C. Required Findings. In approving a sign permit, the Director must find that:

1. The size, shape, color, materials, design and location of the sign conforms to the design principles and standards of this Chapter.
2. Signs on all proposed buildings or new additions to existing buildings are designed as an integral part of the total building design.
3. The location of the proposed sign and the design of its visual elements (lettering, words, figures, colors, decorative motifs, spacing and proportions) are legible under normal viewing conditions that prevail where the sign is to be installed.
4. Review of signs at city entryways as defined in the Scenic Highway Element of the General Plan shall also be subject to the following provisions:
 - a. Sign area, height and location of signs shall be designed so as not to interfere with view corridors as defined and specified in the General Plan/Local Coastal Plan.
 - b. Freestanding signs shall not exceed eight feet in height except within two hundred feet of Highway 1 or Highway 41. Where feasible, all freestanding signs within or along city entryways shall be placed within a landscaped planter.

17.68.100 Master Sign Program

- A. **Applicability.** Any site having four or more non-residential occupants shall submit a master sign program to be reviewed and approved by the decision-making authority for the use (e.g. the Director or the Planning Commission). Any site having three or fewer non-residential occupants may submit a master sign program to be reviewed and approved by the decision-making authority. Additionally, projects involving construction or renovation of more than 25,000 square feet of space in the commercial and mixed use districts shall submit a master sign program which must be approved prior to issuance of any occupancy permit.
- B. **Application Requirements.** Applications for approval of a master sign program shall be submitted to the Director and shall include the following:
 1. **Master Sign Program.** A Master Sign Program, drawn to scale, delineating the site proposed to be included within the signing program and the general location of all signs.

2. Drawings and Sketches. Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, directory signs, ground signs or projecting signs are proposed.
 3. Statement for Modifications. A statement of the reasons for any requested modifications to the regulations or standards of this Chapter.
 4. Sign Standards. A written program specifying sign standards, including color, size, construction details, placement, and necessity for City review for distribution to future tenants.
- C. Allowable Modifications. A Master Sign Program may provide for additional sign area and other deviations from the standards of this Chapter, provided that the Master Sign Program is consistent with the provisions of Sections 17.68.040 and 17.68.080.
- D. Required Findings. In approving a Master Sign Program, the decision-making authority shall find that all of the following are met:
1. The proposed signs are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site;
 2. Future tenants will be provided adequate opportunities to construct, erect or maintain a sign for identification; and
 3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
- E. Conditions of Approval. The Planning Commission may attach any reasonable conditions necessary to carry out the intent of the Master Sign Program requirement, while still permitting each sign user opportunities for effective identification and communication.
- F. Administrative Approval of Signs Consistent with Master Sign Program. Following approval of a Master Sign Program, the Director is authorized to issue building permits or other permits, as deemed necessary, to install signs that conform to an approved Master Sign Program. Minor modifications of individual sign area may be approved, provided the maximum allowed by an approved Master Sign Program is not exceeded.

17.68.110 Maintenance, Abandonment and Removal

- A. **Maintenance.** Every sign, including those signs for which no permit is required, together with all supports braces, guys and anchors shall be maintained in a safe, presentable and good structural condition at all times. The display surfaces of all signs shall be kept neatly painted, posted or

otherwise maintained at all times. The owner of property on which the sign is located shall be responsible for the condition of the area in the vicinity of the sign, and shall be required to keep this area clear, sanitary and free from noxious or offensive substances, rubbish and flammable waste materials.

B. **Abandonment.** The following signs shall be presumed to be abandoned:

1. **Located on Property.** Any sign which is located on property that becomes vacant and is unoccupied for a period of three months or longer.
2. **Unrelated to Property.** Any sign which was erected for an occupant or business unrelated to the present occupant or business, except existing, nonconforming outdoor off-site freestanding signs.
3. **Time, Event or Purpose Sign.** Any sign which pertains to a time, event or purpose which no longer exists.
4. **Temporarily Suspended Business.** Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more.

C. **Removal.** Abandoned signs are found to be a public nuisance due to their misleading and distracting nature and due to their contributing to visual blight, detrimental to surrounding areas and the community generally. An abandoned sign is prohibited and shall be removed by the property owner.

17.68.120 Provisions for Nonconforming and Illegal Signs

A. **Existing Non-conforming Signs.** Signs existing at the time of adoption of this Title, that do not comply with the provisions of this Chapter but that were legally erected pursuant to applicable state and city ordinances in effect at the time of construction, shall be regarded as nonconforming signs, subject to the following:

1. **Use Change.** Whenever the type of business or use with which a nonconforming sign is associated changes, the nonconforming sign associated with business shall be removed or otherwise made to conform to the provisions of this Chapter.
2. **Limited Expansion.** A nonconforming sign may not be expanded, extended, reconstructed, or altered in any way in its location or orientation to enable it to be read or viewed from a different direction than its original position. Except in the following cases:
 - a. Such sign may be removed for purposes of repair and routine maintenance, including painting, provided such sign is replaced within 60 days of its removal;
 - b. Changes in sign face, copy, graphic design or color are permitted.

- c. Such sign may be removed for the purpose of remodeling a building provided replacement occurs within 30 days after remodeling is completed.
- d. If change in ownership of the business occurs, without any change to the type of business advertised by a nonconforming sign, the new owner may change any name or names on such sign provided that there is no change in the sign size, configuration or orientation.

3. Other Requirements. Nonconforming signs are also subject to the provisions of Chapter 17.68: Nonconforming Uses and Structures.

B. **Illegal Signs.** Whenever a sign is found to be erected or maintained in violation of any provision of this Chapter, this Title, or any other Federal, State, or local law, and such sign is not a nonconforming sign (e.g. it was a legal sign under the sign regulations in effect prior to adoption of the ordinance codified in this Chapter), the Director shall order that such sign be altered, repaired, reconstructed, demolished or removed, as may be appropriate, to abate such condition or the Director may initiate proceedings to abate the sign as a public nuisance under the provisions of the Business and Professional Code (Sections 5499.1 to 5499.16). Any work required to be done shall be completed within ten days of the date of such order, unless otherwise specified in writing.

17.68.130 Appeals of Sign Permits

17.68.130.A Rights of Appeal

A. **Persons Who May Appeal.** Except as provided for elsewhere in this Title, appeals may be made by the following persons, in the following instances:

1. **Local Appeals.** Appeals to the Planning Commission or City Council may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Title.

B. **Final Decision Required.** Unless otherwise specified by Federal or State law, an appeal must be brought and a final decision rendered by the hearing body before the matter may be appealed to a court of law.

17.68.130.B Time Limits

Unless otherwise specified in State or Federal law, all appeals shall be filed within 10 days of the date of action.,

17.36.040 Local Appeals

- A. **Proceedings Stayed by Appeal.** The timely filing of an appeal shall stay all proceedings in the matter appealed, including, but not limited to, the issuance of City building permits and business licenses.
- B. **Appeals of Director Decisions.** A decision of the Director on any application may be appealed to the Planning Commission by filing a written appeal with the Planning Department. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal.
- C. **Appeals of Planning Commission Decisions.** Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal with the City Clerk. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal.
- D. **Transmission of Record.** The Director, or in the case of appeals to the City Council, the City Clerk, shall schedule the appeal for consideration by the authorized appellate body within 60 days of the date the appeal was filed. The Director shall forward the appeal, the Notice of Action, and all other documents that constitute the record to the appellate body. The Director also shall prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.
- E. **Appellate Body Action.** The appellate body shall review the appeal, the administrative record, and any written correspondence submitted after the appeal has been filed, and may take one of the following actions:
1. Conduct a public hearing and decide on the action; or
 2. Remand the matter to the decision-making body or official to cure a deficiency in the record or the proceedings.
- F. **No "De Novo" Review.** At an appeal or review, the appellate body shall consider only the same application, plans, and related project materials that were the subject of the original decision.
- G. **Appellate Body Decision.** The appellate body shall render its decision within 60 days of the date the hearing is closed unless State law requires a shorter deadline. An action to grant an appeal shall require a majority vote of the appellate body members. A tie vote shall have the effect of rejecting the appeal.
- H. **Standards of Review.** When reviewing any decision on appeal, the appellate body shall use the same standards for decision-making required for the original decision. The appellate body may adopt the same decision and findings as were originally approved.

17.12 Definitions

Abandoned Sign. A sign that no longer applies to a business space, building, or site, due to lack of a valid business license, change of business name, or for any other reason that renders the sign not applicable to the premises involved.

Attraction board means a device used to display information regarding conveniences, services and rates currently offered by facilities providing temporary accommodation.

Banners. A temporary sign of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame, and which is suspended, mounted, or attached to buildings or poles at two ends or continuously across its longest side so as to allow movements of the sign by atmospheric conditions.

Bench sign means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Billboard means the same as outdoor off-site freestanding sign.

Building Mounted Sign. Any sign mounted or erected on or against any building or façade and includes all walls signs, awning and canopy signs and projecting signs.

Business Sign. Any interior or exterior sign which is intended to identify the name or portions of the business name and which is viewable from any exterior area open to the public.

Canopy shall refer to an ornamental roof like structure upon which a sign may be attached or otherwise affixed which is usually located over gasoline pumps.

Changeable copy sign means a sign designed so that characters, letters or illustrations can be changed or rearranged without substantially altering the face or the surface of the sign.

Construction Sign. A sign displayed by a contractor, subcontractor, or architect on a project site whenever a building permit has been issued for construction, alteration, or repair of a structure and when work is in progress on site pursuant to such permit.

Directory Sign. A collection of signs which list names of individual businesses located in a single building, courtyard, or property. Directories are located on private property at one or more entrance(s) facing or near the public right of way.

Freestanding sign means any sign which is supported by one or more uprights, poles or braces in or upon the ground which are not a part of any building or enclosed within the exterior walls of any building, and are separated there from by a distance of a least six inches.

Frontage constitutes, for purposes of computing allowable sign area, the linear measurement in feet of

the property line directly fronting on a public street, or other public right-of-way to which such sign is oriented, excluding California State Highway One

Height of a sign means the greatest vertical distance measured from the ground level directly beneath the sign to the top of the sign or from the nearest property line fronting on a public street, whichever is lower.

Illuminated Sign. A sign which radiates light from any internal source or is backlit and is visible from any public right-of-way or from any area open to the public.

Marquee Sign. A projecting sign that is part of a permanent entryway or canopy and traditionally associated with theaters. A marquee may include a projecting vertical sign extending above the cornice line of a building.

Master Sign Plan. A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.

Monument Sign. A freestanding sign not erected on one or more poles or similar structures but erected to rest on the ground or to rest on a monument base designed as an architectural unit.

Nonconforming Sign. Any sign that existed prior to a change in the municipal code that prohibits such signs or any sign installed without approval from the City that requires approval by the City.

Open House Sign. An open house sign advertises that a house is open for view as part of the sale or exchange of the property.

Outdoor-off-site freestanding sign means a sign placed for the purpose of advertising products or services that are not produced, stored or sold on the property or any other subject no related to the property or use of the property, upon which the sign is located.

Real Estate Sign. A sign identifying that a property is for sale, lease, exchange, or rent. The purpose of this sign is to help owners in the sale of their property by providing information on the location of the property to potential buyers without impairing the appearance of the community.

Roof Sign. Any sign erected, constructed, and maintained wholly upon or over the roof of any building.

Signs. Any object, structure, symbol, emblem, logo, or display, or any combination thereof, which is

intended to or does identify, attract attention to, advertise, or communicate information of any kind to the public. See also Chapter 17.68: Signs.

Sign Area. The entire area of a sign calculated for maximum sign area purposes, pursuant to Chapter 17.68:

Sign Face. The surface or surfaces used for the display of a sign message as seen from any one direction.

Snipe Sign. An off-site sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects.

Temporary Sign. A sign or advertising display designed or intended to be displayed for a short period of time.

Wall Sign. Any sign that is fastened, affixed, or attached to and erected parallel to a building wall.

Window sign means any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

DRAFT

ATTACHMENT B

RESOLUTION 01-10

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORRO BAY, CALIFORNIA

Case No. A00-010

WHEREAS, the Planning Commission of the City of Morro Bay held a duly noticed public hearing on May 17, 2010 to consider an amend to Title 17 amending Chapter 17.68 "Signs" establishing new regulations and including modifications to Chapter 17.12 and recommended approval of said amendments to the City Council; and

WHEREAS, said Text Amendment has complied with the City of Morro Bay objectives, criteria and procedures for implementation of the California Environmental Quality Act (CEQA) in that the project need no further environmental review beyond the Negative Declaration originally adopted for the Comprehensive Zoning Ordinance Update 2005 of which these changes were a part of; and

WHEREAS, at said Public Hearing after consideration of the staff report and the testimony of all persons, if any, wishing to testify, the Planning Commission did find the following facts and reasons to justify their recommendation to the City Council in this matter:

1. These amendments to Title 17 (Zoning Ordinance) are consistent with the requirements of State Law, the City of Morro Bay's General Plan and Local Coastal Program.

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

1. That the above recitations are true and correct and constitute the findings of the Commission in this matter; and
2. That the Commission does hereby forward a favorable recommendation to the City Council for Case No. A00-010 amending Chapters 17.68 and 17.12 of the Zoning Ordinance as shown on Attachment B.

PASSED, APPROVED, AND ADOPTED, by the Planning Commission of the City of Morro Bay, on the day of May 17, 2010, by the following vote to wit:

AYES:

NOES:

ABSENT:

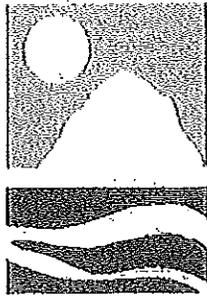
Nancy Johnson, Chairman

ATTEST:

Rob Livick, Secretary to the Planning Commission

Attachment
C

C . ay
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:

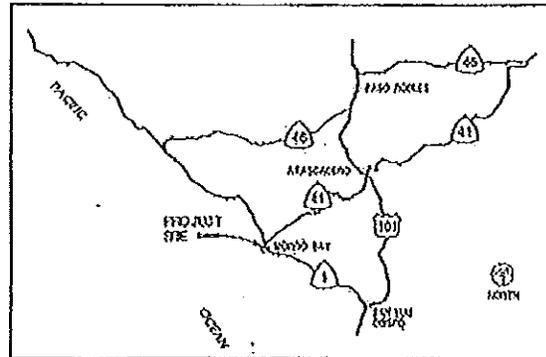
Public Services Department
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

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:

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.

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

INITIAL STUDY ENVIRONMENTAL CHECKLIST

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
AESTHETICS				
Would the project:				
a. Have a substantial adverse effect on a scenic vista?			X	
b. Substantially diminish scenic resources including but not limited to, tree canopy, outcroppings, hillside buildings, utility structures, and highway.				
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d. Create a new source of substantial light or glare which would adversely affect a nearby or distant view?				

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:

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

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- 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.

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Issues	Potentially Significant Impact	Potentially Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>II. AGRICULTURAL RESOURCES</p> <p>Determine whether impacts to agricultural resources are significant and if not, are they less than significant. Use the California Agricultural Land Evaluation and Site Assessment Model (CAL EASAM) prepared by the California Dept. of Conservation to evaluate potential impacts of agricultural resources on 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, Williamson Act contracts?</p>				
<p>c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</p>				X

SETTING

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

DISCUSSION OF CHECKLIST ANSWERS

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

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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.

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Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>III. AIR QUALITY</p> <p>Of the various potential impacts of the proposed development, the most significant are those related to the project's air quality management plan (AQMP) and the project's contribution to the overall air quality in the project region.</p>				
<p>a. Conflict with or obstruct implementation of the applicable air quality plan?</p>			X	
<p>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>				
<p>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</p>			X	
<p>d. Expose sensitive receptors to substantial pollutant concentrations?</p>				
<p>e. Create objectionable odors affecting a substantial number of people?</p>			X	

SETTING

San Luis Obispo County is in moderate non-attainment for respirable particulate matter, or PM₁₀, and precursors to ozone. Sources of PM₁₀ emissions include agricultural operations, construction, and road dust. Vehicular emissions are the main source of precursors to ozone. In San Luis Obispo County, the Air Pollution Control District (APCD) regulates air quality through its Clean Air Plan (CAP) and construction monitoring, among other measures.

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

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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-c. 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.

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

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Conflicts with previous or adopted Habitat Conservation Plans, Community Conservation Plans, or other approved plans for the protection of sensitive habitat resources.</p>				

SETTING

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

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

Other sensitive habitats within the City include:

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

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- o **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.
- o **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.

Morro Bay Zoning Ordinance Update -- Initial Study

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
CULTURAL RESOURCES				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			X	
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d. Destroy any other unique biological resource?				

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

Morro Bay Zoning Ordinance Update – Initial Study

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.

Morro Bay Zoning Ordinance Update – Initial Study

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known or inferred fault, with potential for seismicity, including the risk of loss, injury, or death involving structures and/or people? (Refer to the State Seismicity and Geologic Hazard Database for information on known faults.)				
ii. Strong seismic ground shaking?			X	
iii. Significant and cumulative seismicity, including liquefaction?			X	
iv. Landslides?			X	
v. Result in substantial soil erosion or loss of topsoil?				
c. Be located on a geologic unit or soil that is unstable, or that would become unstable because of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	

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

CONCLUSION

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

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIAL				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or the release of hazardous material into the environment.				
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, where the project is not in compliance with applicable government codes Section 05907.3 and any result would create a significant impact to the public or the environment?				
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
For a project within the vicinity of a public airport, would the project result in a safety hazard for people residing or working in the project area?				

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g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			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.

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY Would the project:				
a. Violate any water quality standards or waste discharge requirements?			X	
b. Substantially deplete ground water supplies or alter ground water quality, including such things as water table, base level, and quality, volume or flow rate of the local ground water table level, or the production rate of the aquifer, or the ability of the aquifer to support existing and/or planned uses, for which permits have been granted?				
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Other issues substantially analyzed				
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	
Place within a 100-year flood hazard area structures which would impede or obstruct the flow of water				
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	
Impairment of soils, streams, or wetlands				

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 desalination 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

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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 Bstuary. 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.

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X LAND USE PLANNING				
a. Physically divide an established community?				X
Conflict with any applicable habitat plan or natural conservation plan or natural community conservation plan with jurisdiction over the project (including, but not limited to the General Plan, State or Federal land use planning or any other ordinance enacted for the purpose of avoiding or mitigating an environmental effect)				
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

SETTING

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

DISCUSSION OF CHECKLIST ANSWERS

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

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

CONCLUSION

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

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Issues	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
MINERAL RESOURCES Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
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? General plan specific plan or other				

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.

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

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.

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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.

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING				
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 people, necessitating the construction of replacement housing elsewhere?				
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

SETTING

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

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

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

DISCUSSION OF CHECKLIST ANSWERS

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

CONCLUSION

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

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

SETTING

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

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

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

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

DISCUSSION OF CHECKLIST ANSWERS

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

CONCLUSION

Impacts associated with public services are considered less than significant.

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. RECREATION				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b. Would the project result in the loss of existing neighborhood, recreational or educational facilities, or require the construction of new recreational facilities which would have a significant effect on the environment?				

SETTING

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

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

DISCUSSION OF CHECKLIST ANSWERS

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

CONCLUSION

Impacts associated with recreation are considered less than significant.

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV TRANSPORTATION/TRAFFIC				
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 the traffic load capacity of the street system, including the amount of congestion management capacity, to the extent roads are analyzed?				
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 affect safety at any location, including any hazardous intersections or incompatible uses, capacity, or other traffic-related issues?				
e. Result in inadequate emergency access?			X	
f. Result in inadequate emergency access?				
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 B 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.

Intersection	Control	LOS
Route 1 / San Jacinto	Signal	LOS B
Route 1 SB / Route 41	1-Way Stop	LOS A
Route 1 NB / Route 41	1-Way Stop	LOS B
Main / Route 41	4-Way Stop	LOS C
Main / Route 1 SB	1-Way Stop	LOS A
Main / Quintana	Signal	LOS A
Morro Bay Blvd / Shasta	4-Way Stop	LOS B
Morro Bay Blvd / Kern	2-Way Stop	LOS B
Morro Bay Blvd / Quintana	4-Way Stop	LOS D
Morro Bay Blvd / Route 1 SB	2-Way Stop	LOS E

Source: ATE, 1999.

Roadway	ADT	LOS
Highway 1	24,000	LOS A-B
Highway 41	8,800	LOS C
Main n/o Route 41	8,300	LOS A
Main s/o Route 41	9,900	LOS A
Main n/o Route 1	16,600	LOS D
Main s/o Morro Bay Blvd	6,200	LOS A
Harbor e/o Main	3,600	LOS A
Morro Bay Blvd e/o Main	5,000	LOS A
Morro Bay Blvd e/o Kern	12,200	LOS B
Quintana n/o Morro Bay Blvd	9,500	LOS D
Phney s/o Morro Bay Blvd	3,000	LOS A
Kern s/o Morro Bay Blvd	3,400	LOS A

Source: ATE, 1999.

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 Rinabout.

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

Merro Bay Zoning Ordinance Update – Initial Study

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

CONCLUSION

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

Morro Bay Zoning Ordinance Update -- Initial Study

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. UTILITIES AND SERVICE SYSTEMS				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could have significant environmental effects?				
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could have significant environmental effects?			X	
Have sufficient water supplies available to serve the project from existing entitlements and resources or have or expanded entitlements in place?				
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	
Have you or will you have an adequate permitted capacity to accommodate the project's solid waste disposal needs?				
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

SETTING

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

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

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

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

DISCUSSION OF CHECKLIST ANSWERS

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

CONCLUSION

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

Morro Bay Zoning Ordinance Update - Initial Study

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

DISCUSSION

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

CONCLUSION

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

Morro Bay Zoning Ordinance Update -- Initial Study

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CITATIONS

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

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

LIST OF PREPARERS

Dyett & Bhatia, Urban and Regional Planners

ATTACHMENT D

APRIL 12, 2010

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

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

C. UNFINISHED BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

D. NEW BUSINESS

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

This item was pulled from the agenda.

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

ATTACHMENT E



AGENDA NO:

MEETING DATE: April 12, 2010

Staff Report

TO: Honorable Mayor and City Council

DATE April 12, 2010

FROM: Rob Livick, Acting Public Services Director
Kathleen Wold, Senior Planner

SUBJECT: Status Report on the A-frame Sign Program

RECOMMENDATION:

Staff recommends that the City Council review the various options regarding A-frame sign regulations and give direction to staff as to how staff is to proceed.

FISCAL IMPACT:

This update report on the City's A-Frame sign guidelines will not generate any fiscal impact. The City may experience a negative fiscal impact from the processing of an A-Frame sign exception permits if the fee is not increased to reflect actual expenses incurred from the processing. In 2003 the master fee schedule indicated that a fee of \$307.80 was required, however the fee was reduced to \$25.00 by City Council. Currently the fee for an A-frame sign permit exception is \$20.00 and \$660.00 for other sign permit exceptions.

BACKGROUND:

The City's current Zoning Ordinance was adopted in 1997 and in this ordinance A-Frame signs are specifically prohibited. Over the next 13 years there have been various reviews and modifications to Chapter 17.68 "Signs" with a specific emphasis on A-frame signs. In 1998 the Planning Commission approved revised A-frame sign exception permit guidelines. These guidelines were adopted to address the A-frame sign issue on an interim basis pending adoption of a new sign ordinance, which would permanently modify the A-frame regulations. The time frame given in these guidelines was December 21, 2000. No new sign regulations were adopted by December 31, 2000 therefore the Planning Commission decided to consider sign exception permits on a year-by-year, case-by-case basis issuing permits valid for one year only. In 2005 the city undertook a comprehensive Zoning Ordinance update that included completely revised sign regulations. The new sign regulations permit temporary sidewalk signs (A-frame sign) in commercial, mixed-use and industrial districts. The new Zoning Ordinance was approved by City Council in 2005 and submitted to the California Coastal

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

Commission for certification, to date the document has not been certified resulting in the new sign regulations not being effective. Because of the lack of certification the City must continue to utilize the 1997 sign regulations including the A-frame signs regulations.

In 2009 the City received several complaints regarding unpermitted A-frame signs. In response to concerns regarding unpermitted A-frame signs police volunteer Ken Vesterfelt conducted a field survey within the city documenting all the A-frame signs currently being utilized by businesses. The survey indicated that as of 2009 there were 73 A-frame signs on display within the community. The actual number of A-frame signs may currently with the community may have changed since this survey. The last A-frame sign permit exception granted was in 2004, all those permits would have expired in 2005 resulting in all 73 of the current signs being without benefit of a permit.

DISCUSSION

The City Council requested that the Sign Exception Process be re-evaluated by staff to ensure that the process for approving the A-frame signs has been successful and, if necessary, make recommendations to improve the process.

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. The applicant must pay the \$20 application fee and the \$116.00 encroachment permit fee prior to placing the A-Frame Sign within the Public-right-of-way. The City has a history of taking these permits once a year so if a business does not submit prior to the annual review of these permits they must either be taken separately or wait until the next round of permits are taken the following year. This process has proven to be too burdensome on both the public and City staff and therefore over the last few years appears while permits have been accepted with the necessary fee none have been taken for approval.

Staff researched the surrounding cities to find out how other cities are handling A-Frame signs the following matrix provides the details:

City	Process	Permits Needed	Cost
Arroyo Grande	A-frame signs not allowed within public right-of-way allowed only on private property and as part of a comprehensive sign program	Sign Permit	\$100 fee for Sign Program
Atascadero	Allows one sign	When within the Public right-of-way needs encroachment permit.	No planning permit fee. Public Works encroachment permit fee of \$150.
Grover Beach	Prohibits A-Frame Signs		
Paso Robles	Allows for A-frame signs with appropriate permit. Permit taken to the Development Review Committee Signs not allowed on private property or in landscape planters Maximum size of 12 square feet A minimum of 4 feet clearance shall be maintained on the sidewalk at all times. No signs permitted unless the sidewalk is a minimum of 6 feet wide. One sign only on adjacent street frontage.		\$20 fee for A-frame sign permit. No encroachment.
Pismo Beach	Prohibits A-Frame Signs		
San Luis Obispo	Allowed on private property only. No public-right-of way. No planning permit required only building permit sign permit fee		Estimate Building sign permit fee \$200.

After reviewing current city policies, the updated Zoning Ordinance and other City's policies staff offers the following options:

Option	Pros	Cons
Enforce the current Zoning Ordinance prohibiting A-Frame signs	No additional work load for staff.	Restricts businesses from advertising via A-Frames within the public-right-of-way. Currently there is a minimum of 73 signs which would need to be removed.
Separate the new Zoning Ordinance sign regulations from the remaining ordinance and submit to coastal for separate certification.	Minimal additional staff work. Provides a permanent solution to an ongoing problem. Eliminates the need for serial interim solutions. Allows for A-Frame signs.	Applicant would still incur cost of encroachment permit if the sign is to be placed within the public right-of-way.
Implement guidelines using the Atascadero A-Frame sign program.	User friendly permit process with clear concise procedures. Allows one portable sign per street frontage. Maximum width and height 2 feet by 5 feet. Allowed on private property and within the public right-of-way with encroachment permit.	Interim solution only. Still requires a sign permit exception from the Planning Commission in accordance with Section 17.68.100.
Implement both the Atascadero A-Frame Sign Program and Process the Updated Zoning Ordinance Sign regulations for separate certification from the California Coastal Commission	Will provide complete regulations for A-Frame signs in a clear and concise manner.	Additional staff time to process the Text Amendment and to implement the A-Frame regulations.

CONCLUSION:

In reviewing the processing of A-Frame signs over the last 12-13 years it becomes apparent that current guideline are cumbersome and not a beneficial use of either the business owner's or city staff's time. In making recommendations on how to modify or update the process to make it more user friendly and in particular to allow A-Frame signs with minimal effort on the part of the business community and city staff it is apparent that a permanent solution should be pursued to eliminate the need for these types of permits to have a public hearing before the Planning Commission. Staff's opinion is that the best way to achieve this is to pursue separate certification from CCC for the Updated Zoning Ordinance Sign Regulations. Not only will this remedy the issues with permitting A-Frame signs it will also provide the community with complete updated sign regulations. Staff also recommends implementing the program similar to the Atascadero A-Frame Sign Program, as this would complete the package with a clear concise implementation tool. Staff recommends that if the Council chooses to request certification of the Updated zoning Ordinance Sign Regulations that they grant amnesty for the current A-frame signs to a date specific allowing sufficient time for staff to pursue certification through the CCC.

Attachments:

Exhibit A-City of Atascadero A-Frame sign Rules

Exhibit B-2009 list of A-Frame signs within the community

Exhibit C-Current A-Frame sign application

Exhibit D-Current Sign Regulations

Exhibit E-New Sign Regulations excerpted from the 2005 Updated Zoning Ordinance.

EXHIBIT B

CITY OF MORRO BAY PLANNING COMMISSION SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay
May 17, 2010

Chairperson Nancy Johnson
Vice-Chairperson Gerald Luhr
Commissioner Jamie Irons
Commissioner Michael Lucas
Commissioner John Diodati
Rob Livick, Secretary

I. CALL MEETING TO ORDER

Chairperson Johnson called the meeting to order at 6:03 p.m.

II. PLEDGE OF ALLEGIANCE

Rob Livick led the pledge.

III. ROLL CALL

Chairperson Johnson noted Jamie Irons is absent. All other Commissioners are present.
Staff Present: Rob Livick, Kathleen Wold, Sierra Davis and Cindy Jacinth

IV. ACCEPTANCE OF AGENDA

MOTION: Agenda accepted as presented.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Livick briefed the Commission on action taken at the May 10, 2010 City Council meeting and also on items scheduled for the May 24, 2010 City Council meeting.

VI. PUBLIC COMMENT

Johnson opened public comment. Hearing no comments, Johnson closed public comment.

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on May 3, 2010

Lucas noted the following corrections:

On page 2, Lucas asked to add "as being Class I" after his comments on the bike path.

On page 3, where it states Steve Goschke clarified plant capacity and it states "plant usage" is one gallon per minute should be amended to read "current plant usage..."

On page 3, he asked to clarify whether the motion was missing one additional condition that the "power plant would be the sole client of the water company". Johnson asked staff to check the tape to confirm whether this condition was mentioned at the May 3rd meeting.

Diodati noted on page 4, to add a bullet regarding specific economic benefits to state "studies indicate that bicycle tourism is a growing tourism segment and that these tourists have more discretionary income and are more likely to return to an area if adequate dedicated trails are available."

MOTION: Lucas/ Diodati 2nd to approve the minutes as amended. VOTE: 3-0-1. Luhr abstained.

VIII. PRESENTATIONS – None

IX. FUTURE AGENDA ITEMS

A. Downtown Visioning (Planning Commission Subcommittee).

Luhr announced the Committee will present three separate plans for the Planning Commission on June 7th.

B. Restrictions/rules on installing gates on driveways for residential and commercial properties.

C. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

X. PUBLIC HEARINGS

Continued from the May 3, 2010 Planning Commission Meeting

A. **Site Location:** 571 Embarcadero

Applicant: Abba Imani, applicant/ Cathy Novak, agent

Request: The applicant has submitted for a Use Permit (UP0-260) to allow modifications to an existing commercial building located 571 Embarcadero. The building, known as the Salt building, is approximately 2,996 square feet. The proposed additions/modifications will add approximately 40 square feet for the relocation of the patio and approximately 80 square feet for a new walkway. The existing sidewalk along Embarcadero Road will be widened to eight feet in order to meet City standard compliance.

Recommended CEQA Determination: Adopt a Mitigated Negative Declaration

Staff Recommendation: Review and take action on Use Permit and Mitigated Negative Declaration.

Staff Contact: Sierra Davis, Planning Intern (805) 772-6297

Davis presented the staff report and noted the second motion has been amended which seeks to approve the project as a Precise Plan instead of a Concept Plan as shown in the staff report.

Luhr asked staff to clarify the lack of detail that would normally be included in a Precise Plan. Wold responded they did not receive this detail from the applicant because the amount of proposed modification is minor.

Johnson opened the Public Hearing.

Cathy Novak, Applicant Representative, presented the project and addressed the lack of project details. She noted that additional project details have not been submitted because they are waiting until the engineering design is completed.

Johnson asked for additional public comment. Hearing none, Novak returned to the podium.

Commissioners asked Applicant to clarify the type of materials, the trash enclosure location, construction set up area, signage and frosted glass design. Abba Imani, the leaseholder of the building came forward to explain the proposed trash location will still be enclosed. Novak clarified they hope the project to the north proceeds at the same time to allow for an economy of scale in construction costs and the signage and glass design are Coastal Commission requirements.

Johnson closed the public hearing and brought it back to Commissioners for discussion.

Commissioners discussed concerns regarding:

- The proposed patio location in the back
- The lack of detail that would normally be included with a Precise Plan
- The front signage changing
- Potential ADA modifications to the front of the building

Luhr objected to the layout of the patio in the back. Luhr noted that due to the concern regarding the patio being on the Bayside of the walkway, he would rather have the walkway exterior to the patio or exterior to the commercial space in order to ensure public access. Commissioners discussed the issues with the lack of detail and therefore suggested a continuance to bring the project back with additional detail which would be needed in order to approve it as a Precise Plan.

Staff was asked to clarify if there was any benefit to approving this tonight as a Concept Plan. Wold clarified the process and timeline of Concept Plan approval.

Commissioners discussed concern regarding the lease negotiation with the Harbor Department. Applicant responded that due to lease negotiations timing impacts, he is willing to have it accepted as a Concept Plan.

Discussion continued on the following:

- Ways to improve seat signage in the back
- The need to educate the public regarding the availability of seating
- How to more clearly define the walkway area and improve access to the edge
- The urgency created by the tight timeframe associated with the lease expiration

MOTION: Lucas/Diodati 2nd moved to favorably recommend the project as a Concept Plan subject to the conditions included as Exhibit B in the site plan dated May 5, 2010.

VOTE : 3-1.

B. Site Location: Citywide

Applicant: City of Morro Bay

Request: AO0-010 City-Wide Text Amendment. The City of Morro Bay will hold a public hearing to consider adopting an amendment to the City's Municipal Code Title 17 amending Section 17.68 "Signs". The purpose of this amendment will be to update the City's current sign regulations to provide regulations that result in an information system that expresses the character and environment of the City of Morro Bay and its community. The new sign regulations will recognize the importance of business activity to the economic vitality of the City. Specifically, these regulations are intended to:

- A. Encourage communications which aid orientation and identify businesses and activities.
- B. Preserve and enhance the aesthetic character of the City.
- C. Apply basic principles of good design and sensitivity to community appearance to signage.
- D. Restrict signs that overload the public's capacity to receive information, violate privacy or which increase the probability of accidents by distracting driver's attention or obstructing a driver's vision.

Recommended CEQA Determination: No further environmental review necessary beyond that previously approved for the 2005 Zoning Ordinance Update.

Staff Recommendation: Review and forward a recommendation to the City Council on the proposed Text Amendment.

Staff Contact: Kathleen Wold, Senior Planner (805) 772-6211

Wold presented the staff report.

Commissioners asked staff to clarify the details of the Sign ordinance. Wold clarified sign terms, size and height definitions.

Johnson asked staff to clarify permit fees for A-frame sign permit exception and encroachment permit. Livick said the current sign exception process does not require an encroachment permit for a sign.

Johnson opened the Public Hearing for public comment.

The following persons spoke:

- Ken Vesterfelt, resident of Morro Bay, urged the Commission to take time to properly review.
- John Barta, resident of Morro Bay and former Planning Commissioner gave a short history of this ordinance from his prior experience on the Planning Commission
- Bill Yates, resident of Morro Bay and former Mayor encouraged the Planning Commission to be business-friendly
- Bob Shandrup, resident of Los Osos and tourist, likes the signs as they are
- Patrick Bietz, owner of Top Dog Coffee Bar encouraged the Planning Commission to be business-friendly
- Kay Crocker, business owner, stated signs have been effective for her business
- Vicky Battles, owner of Morro Bay Battles, needs signs to help their advertising and stay in business

Johnson then closed the public hearing and brought it back to Commissioners for discussion.

Commissioners discussed the following:

- Importance of the ordinance and the need to review it
- The benefits of seeking additional input on the Ordinance at the Downtown Visioning presentation
- Appreciation for the business community's input
- Compared the benefits of effective sidewalk advertising with the need to ensure pedestrian safety
- San Luis Obispo's experience with their A-frame ordinance
- Need to do additional research and possibly set aside the A-frame portion of the ordinance as a separate item

MOTION: Luhr/ Diodati 2nd moved to continue the Public Hearing to a date uncertain. VOTE: 4-0

XI. OLD BUSINESS

- A. Current Planning Processing List/Advanced Work Program
- B. Presentation from Rob Livick, City Engineer, on the Pedestrian Plan (continued to the June 7, 2010 Planning Commission Meeting)

XII. NEW BUSINESS

XII. ADJOURNMENT

Johnson adjourned the meeting at 9:06 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, June 7, 2010 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA NO: XIV-A
MEETING DATE: February 7, 2011

Planning Commission Staff Report

TO: Planning Commission **DATE:** February 2, 2011
FROM: Rob Livick PE/PLS, Public Services Director/City Engineer
SUBJECT: Discussion of Topics to be discussed at the Joint City Council/Planning Commission Meeting, February 22, 2011

RECOMMENDATION:

Staff recommends that the Planning Commission consider and discuss potential topics for the February 22, 2011 joint City Council/Planning Commission meeting.

BACKGROUND/DISSION:

Staff recommends that the Planning Commission discuss and develop a list of potential topics for the joint meeting. Narrowing the focus to items already identified on the Advance Planning Work Program on the Current Planning Processing List will maximize the usefulness of the joint meeting.

Previous Planning Commission's potential topics have included the following:

- Downtown Revitalization
- Chain Link Fences – Visual Resources and LCP Consistency
- Sign Ordinance
- Planning Workload

The Planning Commission's recommendations will be presented orally at the City Council February 8, 2011 meeting.

Prepared By: <u>RL</u>	Planning Manager Review: <u>RL</u>
Director Review: <u>RL</u>	
City Attorney Review (If Applicable): _____	