



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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

**Regular Meeting - Wednesday, April 18, 2012  
Veteran's Memorial Building - 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Chairperson Rick Grantham

Vice-Chairperson John Solu  
Commissioner Paul Nagy

Commissioner John Fennacy  
Commissioner Jessica Napier

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS

## PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on matters other than scheduled hearing items may do so at this time. 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 comments must observe the following rules to increase the effectiveness of the Public Comment Period:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Commission meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes so keep your comments brief and to the point.
- All remarks shall be addressed to the Commission, as a whole, and not to any individual member thereof. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Commission meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the 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. There are devices for the hearing impaired available upon request at the staff's table.

**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. CONSENT CALENDAR**

None

**B. PUBLIC HEARINGS**

Public testimony given for Public Hearing items will adhere to the rules noted above under the Public Comment Period. In addition, speak about the proposal and not about individuals, focusing testimony on the important parts of the proposal; not repeating points made by others.

**B-1 Case No.: #AD0-070 and #UP0-346**

**Site Location:** 2740 Dogwood Avenue

**Applicant/Project Sponsor:** Shaun Olson

**Request:** The applicant requests to a Parking Exception and a Conditional Use Permit in order to make an addition to a non-conforming structure. The structure does not meet setbacks, the detached garage does not meet the required 6 foot clearance between buildings and the carport was converted to habitable space without benefit of a permit. The parking exception requested is for an open and uncovered parking space adjacent to the detached garage to allow the converted carport to remain habitable space.

**CEQA Determination:** Categorically Exempt, Section 15303, Class 3

**Staff Recommendation:** Deny the parking exception and convert the carport back to a covered parking space for the residence.

**Staff Contact:** Sierra Davis, Assistant Planner, (805) 772-6270

**B-2 Case No.: Zoning Text Amendment #A00-014**

**Site Location:** Citywide

**Request:** The amendment will modify Section 17.44.020.1 providing specific regulations as to when additional onsite parking will be required for existing commercial building converting from one use to another without new construction or additions for specific north Main Street commercial areas.

**CEQA Determination:** Negative Declaration State Clearinghouse #2012031058

**Staff Recommendation:** Review and forward a recommendation to City Council.

**Staff Contact:** Kathleen Wold, Planning and Building Manager, (805) 772-6211

**C. UNFINISHED BUSINESS**

**C-1 Current and Advanced Planning Processing List**

**Staff Recommendation:** Receive and file.

**D. NEW BUSINESS**

None

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on Wednesday, May 2, 2012 at 6:00 p.m.

**PLANNING COMMISSION MEETING PROCEDURES**

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Public Services Department, 955 Shasta Avenue, for any revisions or call the department at 772-6261 for further information.

Written testimony is encouraged so it can be distributed in the Agenda packet to the Commission. Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Division at the Public Services Department, 955 Shasta Avenue, no later than 5:00 P.M. the Tuesday (eight days) prior to the scheduled public hearing. Written testimony provided after the Agenda packet is published will be distributed to the Commission but there may not be enough time to fully consider the information. Mail should be directed to the Public Services Department, Planning Division. Materials related to an item on this Agenda are available for public inspection during normal business hours in the Public Services Department, at Mill’s/ASAP, 495 Morro Bay Boulevard, or the Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Materials related to an item on this Agenda submitted to the Planning Commission after publication of the Agenda packet are available for inspection at the Public Services Department during normal business hours or at the scheduled meeting.

This Agenda may be found on the Internet at: [www.morro-bay.ca.us/planningcommission](http://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](http://www.morro-bay.ca.us/notifyme) and follow the instructions.

The Brown Act forbids the Commission from taking action or discussing any item not appearing on the agenda, including those items raised at Public Comment. In response to Public Comment, the Commission is limited to:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

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 Division 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.

**APPEALS**

If you are dissatisfied with 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. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. 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 within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250 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 for those projects that are in their appeals jurisdiction. 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.



AGENDA NO: B-1

MEETING DATE: April 18, 2012

## Staff Report

**TO:** Planning Commissioners

**DATE:** April 11, 2012

**FROM:** Sierra Davis, Assistant Planner

**SUBJECT:** Conditional Use Permit #UP0-346 and Parking Exception #AD0-070 to Allow an Addition to a Nonconforming Structure by Permitting Non-habitable Floor Area (an illegally converted carport) to Habitable Floor Area and Allow One Open and Uncovered Parking Space.

**RECOMMENDATION:**

*DENY THE PROJECT* by making the following motion:

- A. Adopt the Findings included as Exhibit "A";
- B. Deny Conditional Use Permit #UP0-346 and Parking Exception #AD0-070.

**APPLICANT/AGENT:** Shaun and Christina Olsen

**LEGAL DESCRIPTION/APN:** 068-225-014

**PROJECT DESCRIPTION:**

The applicant requests a Conditional Use Permit and Parking Exception in order to allow an addition to a non-conforming structure by permitting non-habitable floor area (an illegally converted carport) to habitable floor area and allow one open and uncovered parking space. The existing structure does not meet setbacks and detached garage does not meet the required 6 foot clearance between buildings. The existing carport was converted to habitable space without benefit of a permit, therefore is not considered a legal conversion. The parking exception requested is for an open and uncovered 11 foot by 20 foot parking space adjacent to the detached garage to allow the converted carport to remain habitable space.

Prepared By: SD

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

**PROJECT SETTING:**

**Adjacent Zoning/Land Use**

North:	Single Family Residential (R-1/S.2)	South:	Single Family Residential (R-1/S.2)
East:	Single Family Residential (R-1/S.2)	West:	Single Family Residential (R-1/S.2)

**Site Characteristics**

Site Area	4,000 square feet
Existing Use	Single Family Residence
Terrain	Graded
Vegetation/Wildlife	Urbanized landscaping
Archaeological Resources	Site not located within 300 of an archeological resource
Access	Dogwood Avenue

**General Plan, Zoning Ordinance & Local Coastal Plan Designations**

General Plan/Coastal Plan Land Use Designation	Medium Density Residential
Base Zone District	Single Family Residential (R-1)
Zoning Overlay District	S.2
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Yes, but not located in the Original or Appeals Jurisdiction.

**PROJECT ANALYSIS:**

*Background*

The residence was constructed in 1954, and the one-car garage was constructed in 1972. In 1985 the City granted a permit for the addition of 238 square feet of habitable area, and a 267 square foot carport on the western frontage of the property. This permit was finalized by City staff on March 14, 1986. Shortly after this addition was completed and finalized, a County appraiser visited the site and witnessed that the carport had been converted into habitable living area. No permit was obtained for this conversion, and City staff was unaware of the illegal conversion until 2007 when the previous owner of the property submitted for Conditional Use Permit for an addition to the residence.

In 2007 an application submitted for the removal of a portion of the roof in order to add a second

story bedroom, bathroom, seating room and deck. A parking exception application was also submitted for one enclosed and one unenclosed parking space in lieu of the required 2 covered and enclosed spaces. The parking exception also requested that the existing enclosed garage to be closer than 15 feet to the rear property line. In the December 17, 2007 Planning Commission staff report, staff recommended that the “illegally carport be converted to a garage, as a garage is more compliant with Zoning Ordinance requirements than a carport.”

The Planning Commission reviewed and discussed the 2007 project and noted the following comments and concerns:

- Suggested a continuance for a redesign
- Two covered and enclosed parking spaces should be required
- The addition is less than 1000 square feet and that has previously been the trigger for the Commission to require two covered parking spots
- Consider allowing the applicant to convert the dining room back to a garage and relocate the dining room
- Confirmed that the eastern garage will remain

The Planning Commission voted 5-0 to continue the application to a date uncertain and did not take action on the item at the December 17, 2007 meeting.

The previous owners never redesigned the project nor did they close out the Conditional Use Permit or the Parking Exception. The Planning Commission never took action on the item, therefore upon sale of the property there were open permits. Without action on the illegally converted garage to bring it into conformance with the Municipal Code the property was put in abatement prior to the sale of the property to the current owner. On January 3, 2012 the current owner was sent a letter requesting that they either continue to pursue the open permits or abandon the permits. The owner abandoned the previous project on January 8, 2012 and the letter was received at the Public Services Department on January 17, 2012.

#### *Environmental Determination*

Pursuant to the California Environmental Quality Act the project is categorically exempt pursuant Section 15303, Class 3 for the construction and location of limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

#### *Project Specifics*

The applicant requests a Conditional Use Permit and Parking Exception in order to allow an addition to a non-conforming by permitting non-habitable floor area (an illegally converted carport) to habitable floor area and allow one open and uncovered parking space. The existing structure does not meet setbacks and detached garage does not meet the required 6 foot clearance between buildings. The existing carport was converted to habitable space and used as a dining

room without benefit of a permit, therefore is not considered a legal conversion. The parking exception requested is for an open and uncovered 11 foot by 20 foot parking space adjacent to the detached garage to allow the converted carport to remain habitable space. Other improvements proposed to the existing 590 square foot residence includes: adding a toilet, sink, shower and bedroom in the existing carport area, enlarging the kitchen and adding a walk-in closet to the existing bedroom.

### *Regulations*

The property has had additions throughout the years and the Zoning Ordinance has changed throughout the years as well. The detached garage constructed in 1972 met the regulations in the 1971 Zoning Ordinance. Below are the code sections from the 1982 Zoning Ordinance applicable to the addition of the 238 square feet of habitable area, and a 267 square foot carport in 1985.

#### *Section 17.40.030 Standards, S.2 Districts.*

*“Less than three thousand five hundred square feet lot area, one car garage permitted.”*

#### *Section 17.44.020.B.1.c Parking Facilities, Single Family Dwellings.*

*“The spaces for each dwelling, at least one of which shall be covered and enclosed.”*

*“\*Amendment to Municipal Code Section 17.44.020.B.1.c, to read as follows:*

*Single Family Dwellings. Two covered spaces for each dwelling, at least one of which shall be covered and enclosed. Except that existing dwellings, where two spaces have not been previously required by this title, may be altered or expanded with only one covered and enclosed space. Alterations or expansions of an individual dwelling shall not cumulatively exceed more than twenty-five percent of the original floor area, nor more than twenty-five percent of the reasonable value of the structure at the time of initial alterations, within the provision of two parking spaces as required above.”*

#### *Section 17.48.150 attached or Detached Accessory Building.*

*“... Unless so attached, an attached building in an R district shall be located on the rear one-half of the lot and at least five feet from any dwelling building existing or under construction on the same lot or an adjacent lot. Such accessory building, when used as a garage, shall not be located within five feet of any alley or, in the case of a corner lot, to project beyond the front yard required or existing on the adjacent lot but may extent to within one foot of the property line.”*

#### *Section 17.56.030 Compliance of Structurally Altered Building.*

*“Any building or structure existing at the date of the adoption of the ordinance codified herein, which is nonconforming either in use, design, or arrangement shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or alteration is in compliance with the regulations set forth in this title for the district where such building structure is located; provided however, any such nonconforming building or structure may be maintained, repaired or portions*

*thereof replaced so long as such repairs or replacements do not exceed twenty-five percent of the buildings assessed valuations, as shown on the latest assessment roll of the City.”*

The property is approximately 4,000 square feet and meets the 1982 threshold for the requirement of providing two parking spaces. The parking configuration required for this property in 1985 was at least one parking space covered and enclosed and the second parking space could have been an open and uncovered parking space. At the time of the addition the owner provided one covered and enclosed parking space in the garage constructed in 1972 and a carport. The owner exceeded the requirement by providing a carport parking space. Subsequent to the 1985 requirements in the Municipal Code was amended to require two enclosed spaces. As such the applicant cannot now eliminate one of the two provided onsite.

The Planning Division frequently receives requests to convert garage and carports to habitable living space, because it is easy to finish an enclosed space connected to a residence. Pursuant to the Municipal Code a property cannot make themselves nonconforming by removing a required parking space.

If the applicant were to request the conversion of an existing carport into habitable space by providing an open and uncovered parking space the application would be denied. In this case the conversion was done without benefit of a permit; however the same process still applies to the property. The property is non-conforming because of other reasons other than parking and this would be the second addition to a non-conforming residence. Section 17.56.160, Addition and Structural Alterations to Nonconforming Structures Occupies by Conforming Using, requires that the addition is in conformance with Title 17 including parking.

Staff is recommending denial of the request and is supporting the previous findings made in 2007 as the request is the same: to keep the carport as habitable space, by providing an alternative open and uncovered parking space. Staff recommends denial of the parking exception as the findings for an open and uncovered parking space cannot be made. Please see the findings in Exhibit A.

Since the Parking Exception is not recommended for approval by staff, the Conditional Use Permit cannot be recommended for approval. The applicant will have to convert the illegally converted carport to a carport.

**PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Tribune newspaper on April 6, 2012, and all property owners of record within 300 feet and occupants within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**CONCLUSION:** The project as proposed does not meet all the findings required for additions to nonconforming structures or alternative parking design, therefore staff cannot support the project. Staff recommends that the Planning Commission deny the requested Conditional Use Permit #UP0-346 and Parking Exception #AD0-070.

**ATTACHMENTS:**

1. Findings, Exhibit A
2. Graphics/Plan Reductions, Exhibit B
3. December 17, 2007 Planning Commission Staff Report, Exhibit C
4. December 17, 2007 Planning Commission Minutes, Exhibit D

## **EXHIBIT A**

### **FINDINGS**

#### **SITE: 2740 DOGWOOD AVENUE CONDITIONAL USE PERMIT #UP0-346 AND PARKING EXCEPTION #AD0-070**

**PROJECT DESCRIPTION:** Parking Exception and a Conditional Use Permit in order to make an addition to a non-conforming structure. The structure does not meet setbacks, the detached garage does not meet the required 6 foot clearance between buildings and the carport was converted to habitable space without benefit of a permit. The parking exception requested is for an open and uncovered parking space adjacent to the detached garage to allow the converted carport to remain habitable space.

#### **California Environmental Quality Act (CEQA)**

- A. Pursuant to the California Environmental Quality Act the project is categorically exempt pursuant Section 15303, Class 3 for the construction and location of limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

#### **Conditional Use Permit Findings**

- A. The project will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the project in that a single family residence is allowed.
- B. The project will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.
- C. The project as proposed is not in conformance with the General Plan and Local Coastal Program.

#### **Nonconforming Use Findings**

- A. The project as proposed is not in conformance with the Zoning Ordinance in that it does not comply with the required parking standards, as the applicant is requesting to remove an existing parking space.
- B. The project does not satisfy all other provisions of Zoning Ordinance Chapter 17.56 (Nonconforming Uses and Structures), as applicable because he is asking to remove an existing covered parking which is not allowed under the nonconforming requirements.

- C. The project if approved would be subject to Title 14 (Building Regulations) and reviewed for conformance with the requirements for a conforming use.
- D. The addition is suitable for conforming uses and will not impair the character of the zone in which it exists because the residence is not changing the height, setbacks or foot print of the existing residence.
- E. The Planning Commission finds that it is feasible to make the structure conforming to parking regulations by converting the illegally converted carport back to a carport.

**Parking Exception Findings**

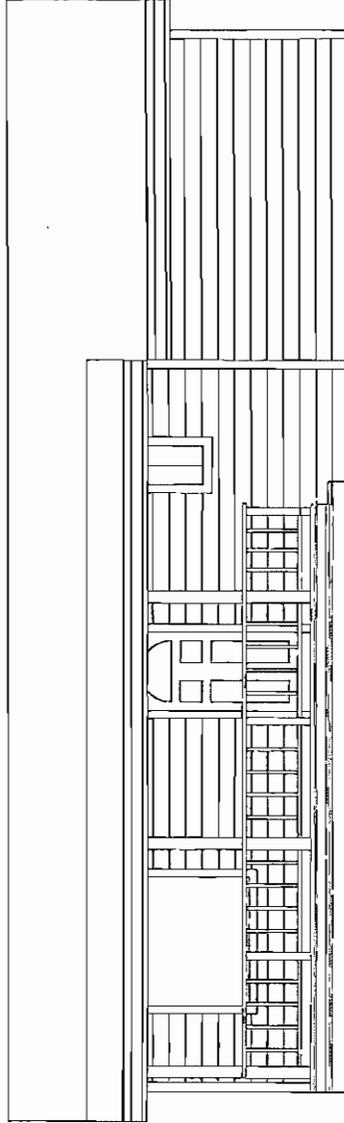
- A. The parking exception will constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and reduced parking or the alternative to the parking design standards of this chapter will not be adequate to accommodate on the site all parking needs generated by the use, because there were two covered parking spaces previously provided on site which can be restored clearly showing there is sufficient area on the site to provide all the required parking.
- B. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity and no traffic safety problems will result from the proposed modification of parking standards; and
- C. The exception is not reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property, because the applicant can convert the illegally converted carport back to a carport and still have sufficient area on the lot to construct additional habitable floor area.

# EXHIBIT B

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

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Shaun and Crissa Olson 2740 Dogwood Ave. Morro Bay CA, 93442 s.olson7@hotmail.com 805.748.5543	Tile Page	Remodel	Date: 2/16/2011 Scale: 1/8" = 1' Drawn By: B.O. Job No: Sheet: T.L.P.
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## Existing West Elevation

2740 DOGWOOD AVE.  
MORRO BAY CA, 93442

Lot 7

BLOCK 20  
3 MB 62

### Lot Size and Coverage

- Total Lot SF 4,000
- Existing Lot Coverage: 2,074 or 51.9%

### Proposed Lot Coverage: 2,174 or 54.4%

- Adding an off street parking space with access from Elm St.

### Building Height From Average Natural Grade: 12' 6"

- No Change

### Existing Dwelling Square Footage

- 870 SF, No Change

### Existing Set Backs

- North Facing Side Yard: 3.7', No Change
- East Facing Back Yard: 5.9', No Change
- South Facing Side Yard: 5.0', No Change
- West Facing Front Yard: 18.83', No Change

**RECEIVED**

FEB 17 2012

City of Morro Bay  
Public Services Department

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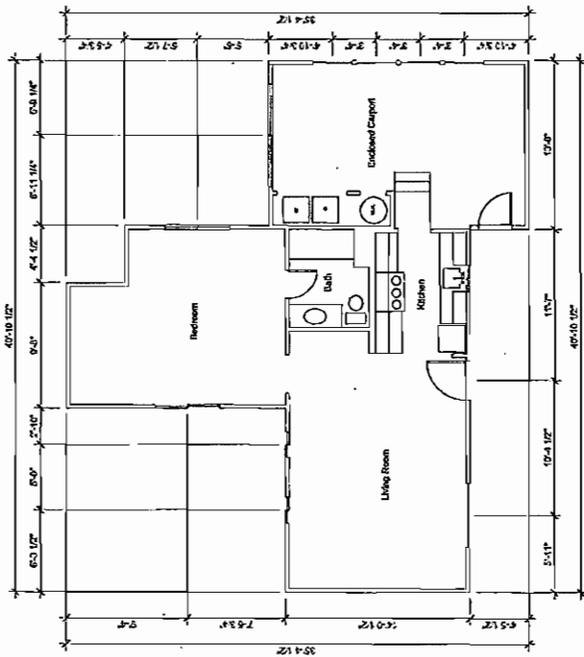
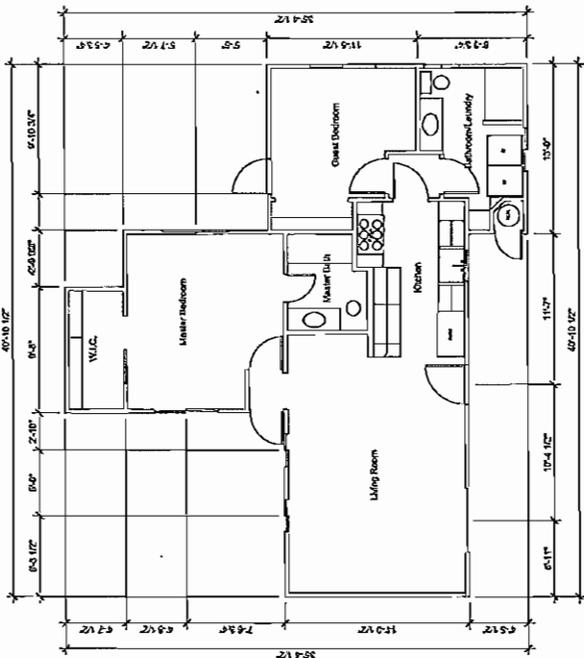




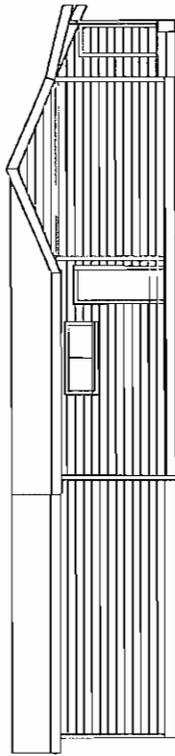
Remodel	
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Drawn By: S.O.	Job No.:
Checked:	A.L.P.

**Proposed and Existing Floor Plans**

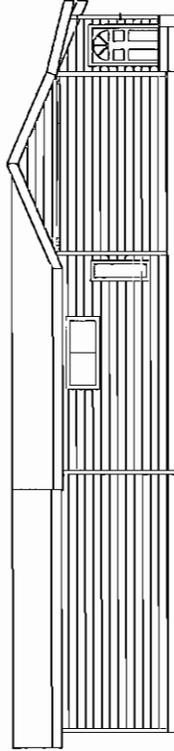
Shaun and Crisse Olson  
 2740 Dogwood Ave.  
 Morro Bay, CA 93442  
 s.olson7@hotmail.com  
 805.748.5543



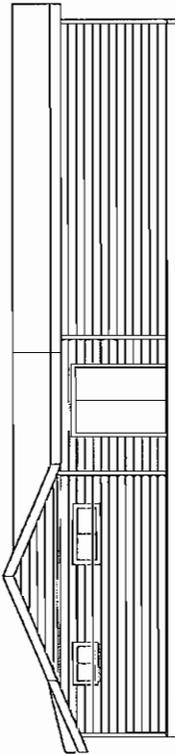
Remodel		Date: 4/11/2011
North and South Elevations		Drawn by: J.W. - P
Shaun and Crissie Olson 2740 Dogwood Ave. Mono Bay CA, 93442 s_olson7@hotmail.com 805.748.5543		Drawn by: J.W. - P
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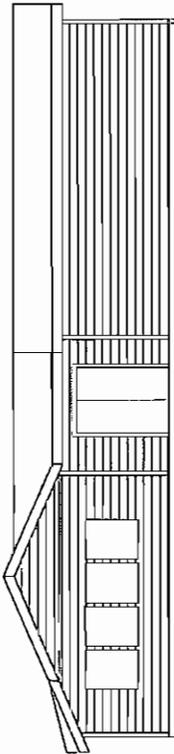
Proposed North Elevation



Existing North Elevation



Proposed South Elevation



Existing South Elevation





- A. Adopt the Findings included as Exhibit "A";
- B. Approve the Conditional Use Permit subject to the Conditions included as Exhibit B and the site development plans dated June 20, 2007.

**ENVIRONMENTAL DETERMINATION:**

CEQA Determination: The project is Categorically Exempt under the Class 1 exemption for small additions. There are no known sensitive resources or other unique circumstances applicable to the site or its surroundings that would suggest these exemptions ought not be applied.

**BACKGROUND:**

The subject residence was constructed in 1954, and the one-car garage was constructed in 1972. In 1985 the City granted a permit for the addition of a 238 square feet of habitable area, and a 267 square foot carport on the western frontage of the property. This permit was finalized by City staff on March 14, 1986. Shortly after this addition was completed and finalized, a County appraiser visited the site and witnessed that the carport had been converted into habitable living area. No permit was obtained for this conversion, and City staff was unaware of the illegal conversion until the applicant submitted for Conditional Use Permit approval for the subject addition.

**PROJECT DESCRIPTION**

Currently, the house is considered non-conforming due to the following reasons:

- The existing residence does not meet the off-street parking requirement, which is a two-car garage;
- The garage does not meet the required garage setback; and
- The structure does not meet the minimum required side yard setback on the north side of the property.

As conditioned, the proposed addition would meet the maximum allowable height of 25 feet and all required yard setbacks. In addition, the project proposal requests Parking Exception approvals to legalize the existing illegally converted carport and to permit a one-car garage where a two-car garage is required.

<b><u>Site Characteristics</u></b>	
	Lot 7
Site Area	4,000 square feet
Existing Use	Existing Single Family Residence
Terrain:	Flat
Vegetation/Wildlife	Previously disturbed site
Archaeological Resources	No known archaeological resources

<b><u>Adjacent Zoning/Land Use</u></b>			
North:	R-1/S.2, Low/Med. Residential	South	R-1/S.2, Low/Med. Residential
East:	R-1/S.2, Low/Med. Residential	West:	R-1/S.2, Low/Med. Residential

**General Plan, Zoning Ordinance & Local Coastal Plan Designations**

General Plan/Coastal Plan Land Use Designation	Low/Medium Density Residential
Base Zone District	R-1 Single Family Residential
Zoning Overlay District	N/A
Special Treatment Area	S.2
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Not Within Appeal Jurisdiction

**PROJECT EVALUATION:**

The R-1/S.2 zoning standards and the proposed project’s compliance with these standards are illustrated in the table below. The existing and remaining nonconformities are delineated in bold.

	Required	Existing	Proposed Addition
Front Yard	15 feet	19 feet	19 feet
Rear Yard	5 feet	6 feet	6 feet
Interior Side Yard	5 feet	<b>3 ft 7 in., 5 ft 3 in.</b>	<b>3 ft 7 in., 5 ft 3 in.</b>
Lot Coverage	50% maximum	32%	35%
Height	25 feet	One-story	23.5 feet
Parking	2 car garage	<b>1-car garage</b>	<b>1-car garage</b>

The table above illustrates that the second story addition will be in compliance with all required setbacks and will result in a minimal increase in building lot coverage. The requested Parking Exception would legalize the illegally converted carport on the western frontage of the lot and permit a one-car garage in a zone district that requires a two-car garage for a lot of this size.

Per Morro Bay Municipal Code section 17.44.050, Parking Exceptions can be granted by the director or Planning Commission if the requested Parking Exception is not a grant of special privilege, would not impact the health and safety of the neighborhood, and the exception is necessary for the applicant’s full enjoyment of the lot. All three of these findings must be made in the affirmative for the Director or Planning Commission to grant a Parking Exception. If one of more of the required findings is made in the negative, the Parking Exception must be denied.

In general, when it is feasible, Planning Department staff recommends placement of the required parking on site. Many times locating the required parking on site is not feasible as a result of the location of the existing residence, lot coverage, and setback requirements. In this case the illegally converted carport meets required setbacks and the conversion of the dining room back into a carport or garage would not increase lot coverage on the site. Staff is recommending that the illegally converted carport be converted to a garage, as a garage is more compliant with Zoning Ordinance requirements than a carport. The resulting garage would be slightly nonconforming in depth (the interior depth is 19.5’), however, this garage would be functional as an additional covered and enclosed parking space on the lot. Since it is feasible to locate the required parking on site, staff feels that granting a Parking Exception would be a special privilege and not necessary for the applicant’s full enjoyment of the property, and does not recommend approval of the Parking Exception.

Since the addition is less than 1,000 square feet, the second covered and enclosed parking space is not mandatory; however, highly recommended by Staff. The Planning Commission could authorize the addition and conversion under the requested Conditional Use Permit and not grant the requested Parking Exception. If the Planning Commission took this action, the site would continue to be non-conforming and would require Conditional Use Permit approval for any subsequent additions of habitable space.

Since the requested addition (including the carport conversion) total an addition of 931 square feet of habitable living area, it is likely that any subsequent additions would trigger the need for two covered and enclosed parking spaces.

Though the conversion of the illegally converted carport into a garage would result in a loss of habitable space, there is sufficient area to provide a new dining room on the northeastern portion of the property. A dining room of comparable size could be located on this portion of the lot and would not result in excessive lot coverage. Staff has added a condition of approval that would permit the applicant to construct a code compliant dining room addition of comparable size to the existing dining room on the northeastern portion of the project site.

**PUBLIC NOTICE:**

Notice of this item was posted at the site and published in the San Luis Obispo Telegram-Tribune newspaper on December 7, 2007 and all property owners of record within 300 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

**CONCLUSION:**

With staff recommended conditions of approval, the request for Conditional Use Permit approval to construct an addition to an existing nonconforming residence can be found consistent with applicable zoning and building code regulations and does not appear to be out of place with the neighborhood, as many residences in the area are two-stories. The requested Parking Exception is not recommended for approval because there is sufficient room on site to provide the required parking and relocate the existing dining room. With compromise, it appears that the applicant can provide the required on site parking and construct the addition that they desire.

Report prepared by: Rachel Grossman, Associate Planner

**EXHIBIT A:**  
**FINDINGS**

**California Environmental Quality Act (CEQA)**

- A. The project is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) under the Class 1 exemption for small residential additions. There are no known sensitive environmental resources on the project site that would suggest that the exemption should not be applied.

**Conditional Use Permit Findings:**

- B. The project will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the project in that a single family residence is allowed, the additional 931 square feet is not out of character with the neighborhood and the expansion would conform to the zoning standards.
- C. The project will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City in that a single family residence is allowed in the R-1/S.2 district and the expansion would conform to the zoning standards.
- D. The project is in conformance with the General Plan and Local Coastal Program.

**Nonconforming Use Findings**

- E. The enlargement, expansion, or alteration is in conformance with the Zoning Ordinance in that it complies with the required development standards such as height, setbacks and lot coverage and provides at two covered and enclosed parking spaces.
- F. The project satisfies all other provisions of Zoning Ordinance Chapter 17.56 (Nonconforming Uses and Structures), as applicable.
- G. The project meets applicable Title 14 (Building Regulations) requirements for a conforming use.
- H. The addition is suitable for conforming uses and will not impair the character of the zone in which it exists because many residence in the neighborhood are two story structures.
- I. The Planning Commission finds that it is feasible to make the structure conforming to parking regulations by converting the illegally converted carport into a garage.

**Parking Exception Findings**

- J. The parking exception will constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and reduced parking or the alternative to the parking design standards of this chapter will not be adequate to accommodate on the site all parking needs generated by the use, because there is sufficient area on the site to locate the required parking parking;
- K. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity and no traffic safety problems will result from the proposed modification of parking standards; and
- L. The exception is not reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property, because the applicant can convert the illegally converted carport into a garage and still have sufficient area on the lot to construct a new dining room.

**EXHIBIT B:**  
**CONDITIONS OF APPROVAL**

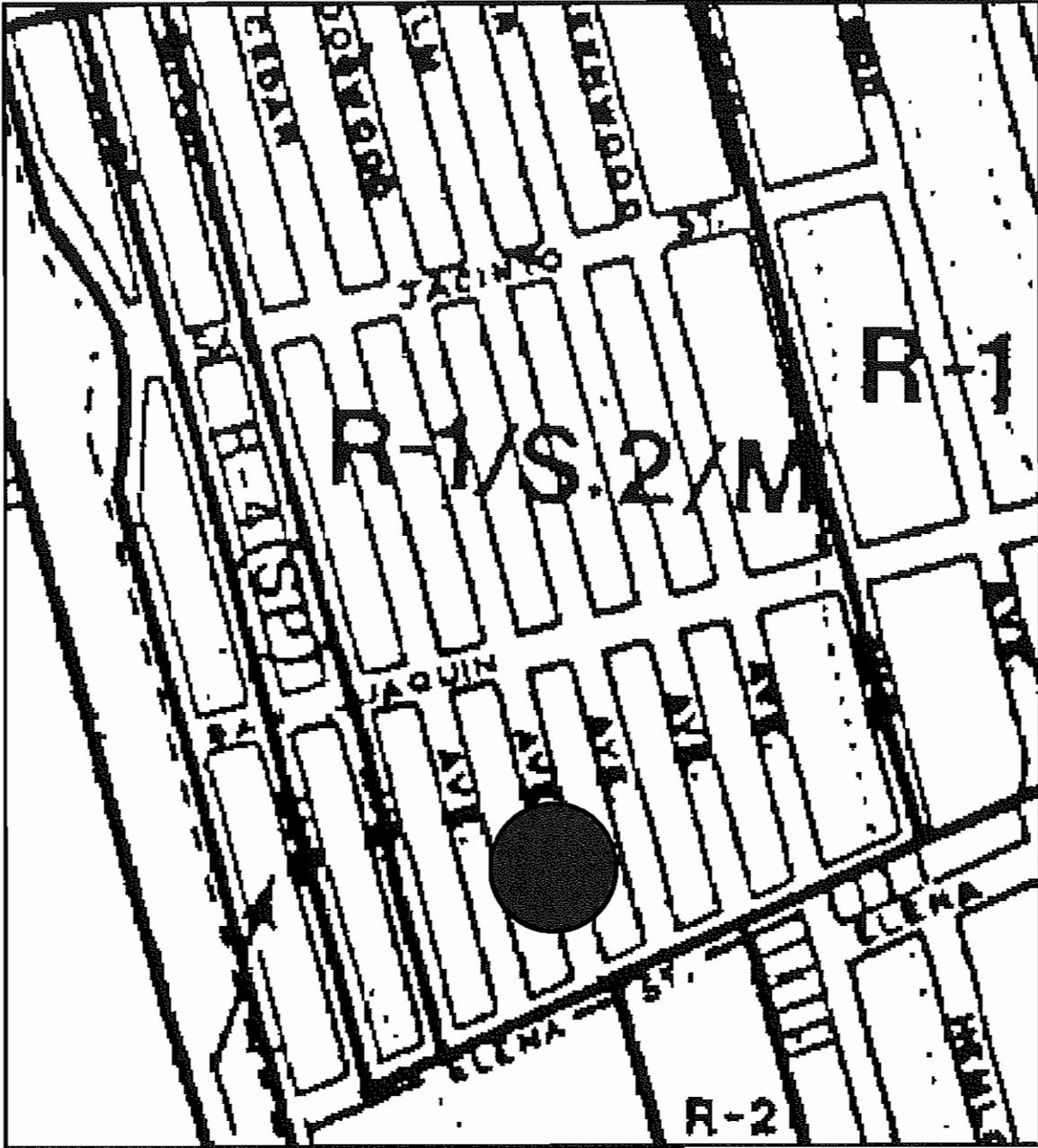
**STANDARD CONDITIONS**

1. **Permit:** This permit is granted for the land described in the staff report, referenced above, and all attachments thereto, and as shown on the attached exhibits, and on file with the Public Services Department.
2. **Inaugurate Within Two Years:** Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. **Changes:** Any minor change may be approved by the Public Services Director. Any substantial change will require the filing of an application for an amendment to be reviewed by the Planning Commission.
4. **Compliance with the Law:** All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
5. **Compliance with Conditions:** By issuance of building permits for the proposed use or development, the owner or designee accepts and agrees to comply with all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
6. **Compliance with Morro Bay Standards:** This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the Zoning Ordinance, certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
7. **Hold Harmless:** The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

## PUBLIC SERVICES CONDITIONS

8. Water Saving Devices: Prior to final occupancy clearance, water saving devices shall be installed in the project in accordance with the policies of the Morro Bay Coastal Land Use Plan and as approved by the Building Official.
9. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. Monday through Friday and eight a.m. to seven p.m., unless the Director of Planning & Building grants an exception pursuant to the terms of this regulation.
10. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
11. CEQA Exemption: If the applicant elects to post the Categorical Exemption with the Clerk's Office then a required fee of \$25 fee shall be made payable to "County of San Luis Obispo" and delivered to the County Clerk along with the Categorical Exemption form. The Notice of Exemption along with the fee may be filed after the appeal period has ended and the planning permit is effective. This filing has the effect of starting a 30-day statute of limitations period for challenges to the decision in place of the 180-day period otherwise in effect.
12. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Planning & Building.
13. Property Line Verification. It is the owner's responsibility to verify lot lines.
14. Illegally converted carport: The illegally converted carport shall be converted into a garage.
15. New Dining Room: The applicant may construct a new code compliant dining room consistent in size with the existing dining room.
16. Include the locations of the sewer lateral and sewer backflow valve.
17. Add the following Notes to the Plans:
  - a. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Services Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.
  - b. Any damage, as a result of construction operations for this project, to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.

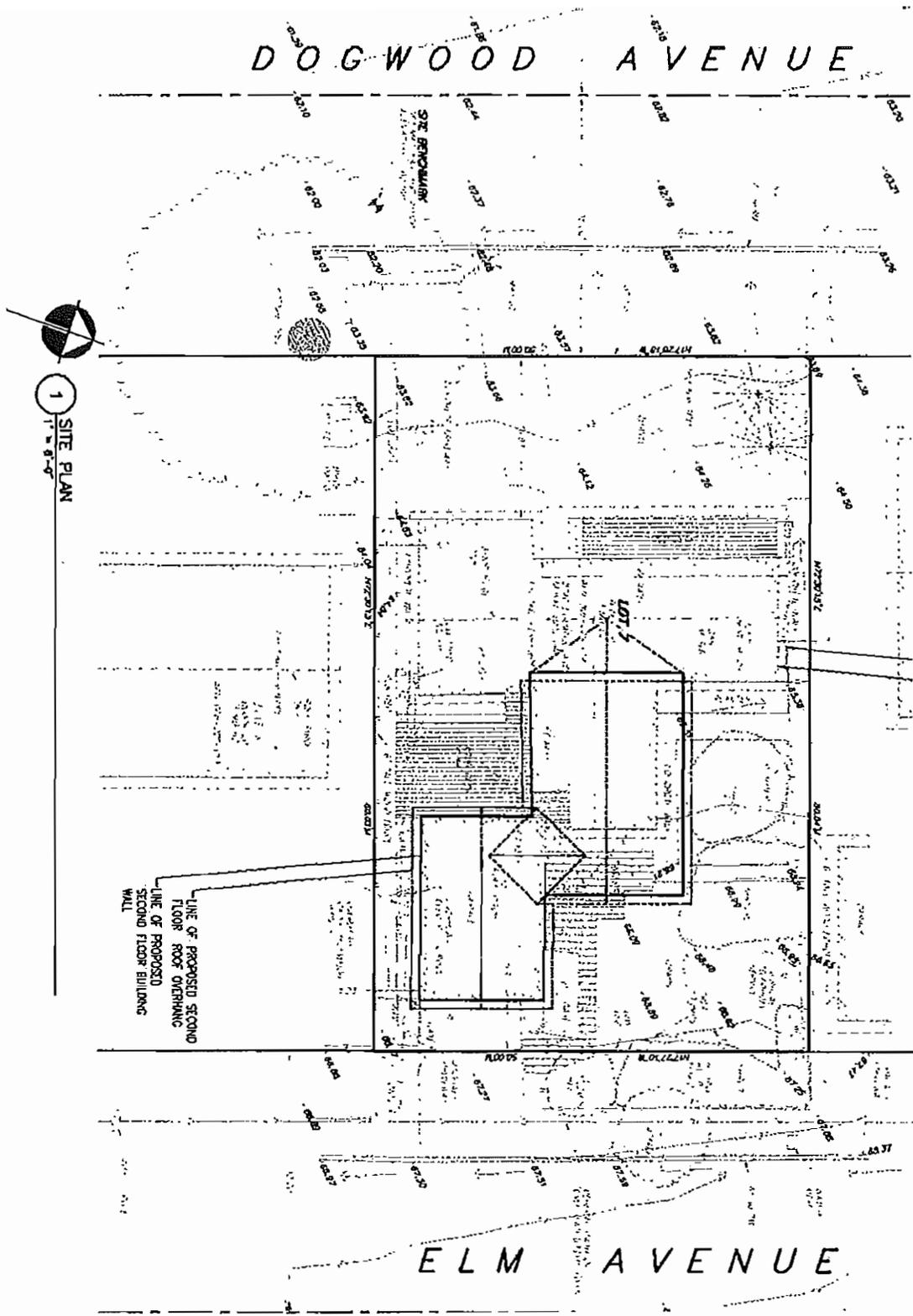
**EXHIBIT C:  
GRAPHICS/PLAN REDUCTIONS**



2740 Dogwood Avenue



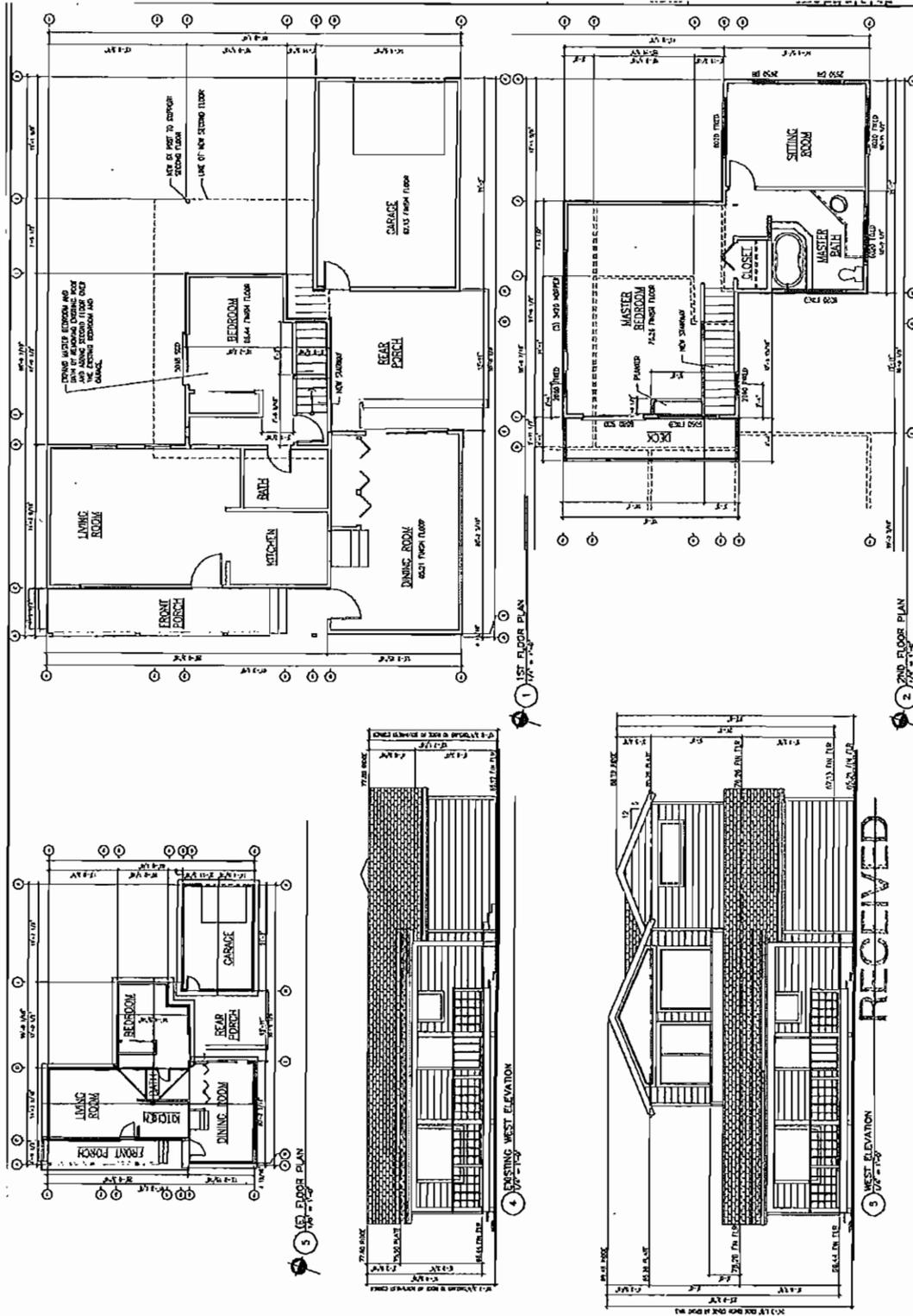
Zoning Map



2740 Dogwood Avenue



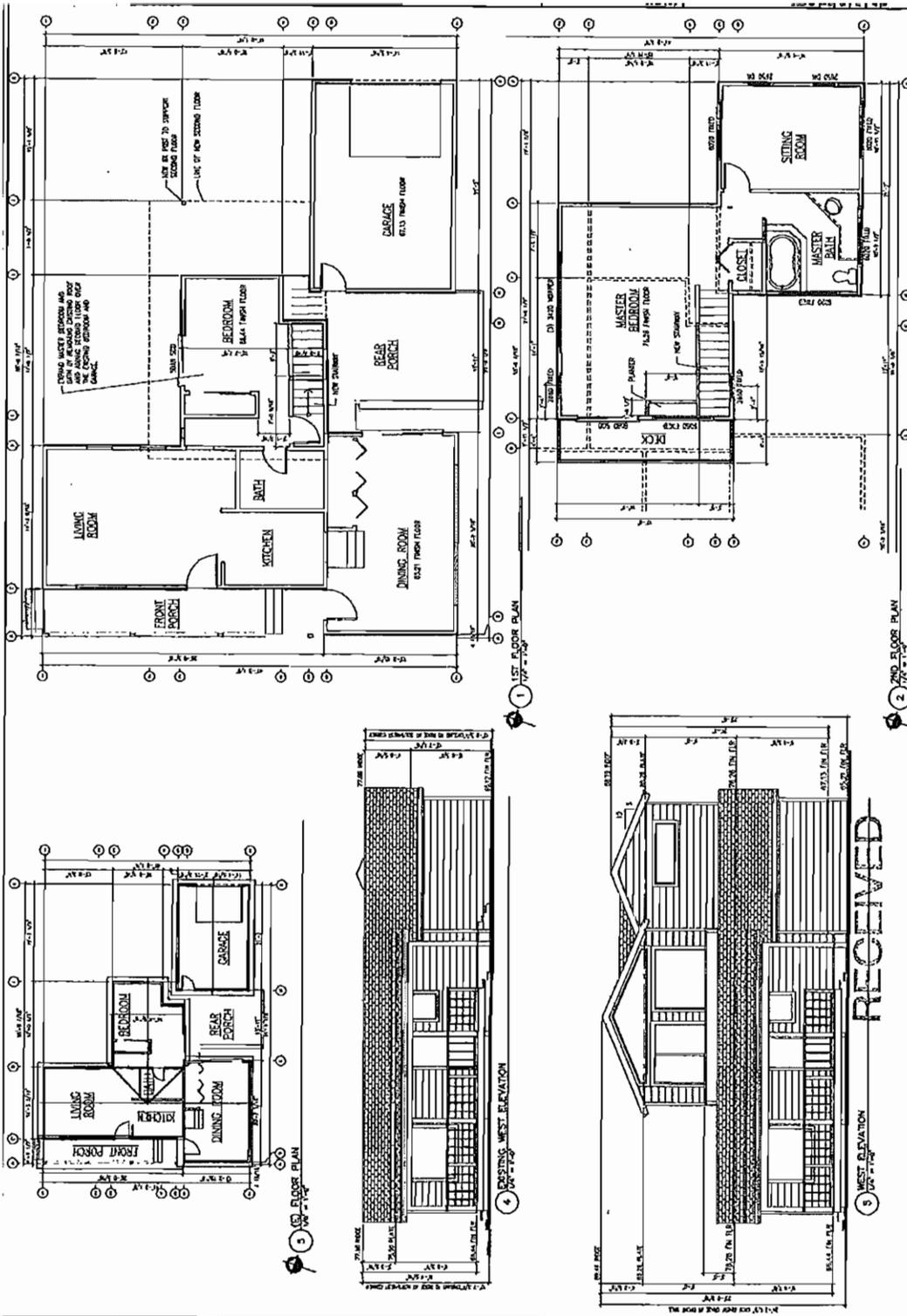
SITE PLAN



2740 Dogwood Avenue



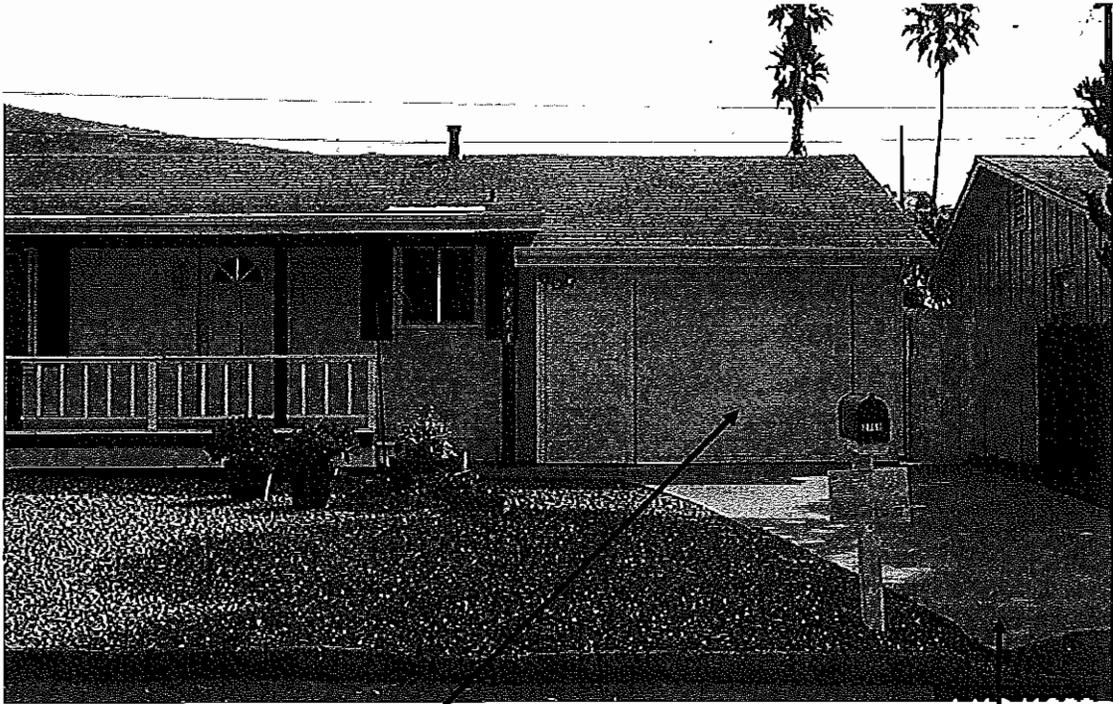
Floor Plans/Elevations



2740 Dogwood Avenue



Elevations



**Location of previous access to carport**

**Location of existing driveway approach**

2740 Dogwood Avenue



**Site Photo**

# EXHIBIT D

## 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  
Monday, December 17, 2007

Chairperson Nancy Johnson  
Vice-Chairperson Bill Woodson      Commissioner Michael Lucas  
Commissioner Gerald Luhr          Commissioner Gary Ream  
Michael Prater, Secretary

### I. CALL MEETING TO ORDER

Johnson called the meeting to order at 6:02 p.m.

### II. PLEDGE OF ALLEGIANCE

Rob Livick led the pledge.

### III. ROLL CALL

Johnson asked that the record show all Commissioners were present.

Staff Present: Bruce Ambo, Rob Livick, Michael Prater, Rachel Grossman, and Kimberly Peebles

### IV. ACCEPTANCE OF AGENDA

MOTION: Woodson, Ream 2<sup>nd</sup> to accept the agenda as printed. VOTE: 5-0

### V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Ambo reported at the December 10, 2007 meeting, City Council:

- Accepted a right of way dedication for 461 Piney Way
- Gave authorization to remove a Coastal Commission condition of approval from the City owned lot in the Cloisters subdivision. Ambo noted we will be applying for that soon by forwarding a letter to the Coastal Commission asking them to adjust their records in accordance with our local action.
- Extended the moratorium on Medical Marijuana facilities for another year
- Continued the hearing on the bed and breakfast proposal at 214 Beach
- Reconsidered the City participation in the Countywide Business Improvement District (BID)
- Considered an additional payment of \$10,000 and reaffirmed their participation in the Countywide BID
- Awarded a contract to Management Partners to do an organizational study of the City of Morro Bay
- Directed Staff to solicit an RFP to have a new City Website design
- Authorized funds for additional fire engine
- Authorized funds for legal aid assistance with the Linker/Patterson lawsuit

The upcoming agenda will include a request to apply for grant funding to do a Chorro Valley Water Analysis.

### VI. PUBLIC COMMENT

Seeing no comments Johnson closed the Public Comment period.

## VII. CONSENT CALENDAR

### A. Approval of minutes from hearing held on December 3, 2007

Lucas noted he had met with the appellant at the 360 Cerrito site and would like that added to the minutes on page 3. Woodson commented that he noticed the project at 1140 Front Street is due to come back to the Commission on the consent calendar of the January 7, 2008 meeting. He felt that since he has not seen the project or the presentation, he would not be making any comments on the project one way or the other, unless it comes back as a Public Hearing. Prater clarified that the item can be pulled from the Consent Calendar and become a Public Hearing. Woodson and Ream concurred that they would prefer this so they could see the entire project and have the opportunity to comment.

MOTION: Ream, Lucas 2<sup>nd</sup> to approve the minutes as written. VOTE: 5-0.

## VIII. PRESENTATIONS

### A. Pedestrian pathway and circulation plan – City Engineer, Rob Livick

Livick introduced the item noting the path it has taken thru the City Council and how the plan has developed.

Lucas asked if there is a long-term plan for the R1 zones, especially in the areas where children are walking to school. Livick said that the best place for that to be included is the circulation element of the general plan. Ream asked if any consideration was given to adding sidewalks to only one side of the street. Livick said there was not due to the Federal Boards Right of Way guidelines and it's plan for equitable requirements for owners on both sides of the street with the only exception being topographic reasons. Woodson asked if Livick would require sidewalks for the project on the agenda tonight that is between Dogwood and Fir. Livick responded that based upon Council's directions to modify code and based upon it being in the R1 zone, he would not require it. Johnson asked if sidewalk improvements are paid for by the City or the Residents, Livick said sidewalks are generally done thru land development and the landowner is responsible for them. Ream asked if a designated pedestrian pathway was in a R1 zone, would sidewalks be required and Livick noted that would have to be determined by Council, because as the code reads now they are not required in R1 zones. Lucas commented on a regional CalTrans Meeting that he attended a few months ago that there are grant monies available for sidewalks in School pathways. Livick noted that is the Safe Routes to School program and there are various stipulations that are involved with applying for those grants and are very competitive. Luhr asked if the City could require the residents to install sidewalks in front existing residents. They said that would be against State Law.

## IX. FUTURE AGENDA ITEMS

- A. Pedestrian pathway and circulation plan.
- B. Secondary unit design competition and consideration to waive development fees for secondary units.
- C. More effective announcement of Planning Commission agendas.
- D. Develop a specific list of items all project have on the plans before going to Planning Commission.

## X. PUBLIC HEARINGS

A. Site Location: 2740 Dogwood Ave. in the R-1/S.2 zoning district. Applicant: Ken & Lisa Blackwell. The applicant requests Conditional Use Permit and Parking Exception approvals to construct a 648 square foot second floor addition to an existing nonconforming residence, and legalize an illegally converted garage. This site is located outside of the appeals jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: Categorically exempt, Class 1, Section 15301). Staff Recommendation: Conditionally approve the conditional use permit, but deny the parking exception. Staff Contact: Rachel Grossman, Associate Planner, 772-6261.

Grossman presented the Staff report noting the history of the additions and the illegally converted carport, also the required findings for the Parking Exception, which Staff could not make and is therefore suggesting the parking exception be denied.

Grossman confirmed the following questions and concerns from the Commissioners:

- The addition will not encroach into the required setback
- Communication between the City and County has improved so these types of conversions are detected sooner
- The fees noted in Exhibit B are correct, but the applicant will also have Building Fees and potentially Development Impact Fees when they apply for their building permit
- The proposed garage setback meets code
- The Commission is within their rights to deny the project and require them to redesign with a two-car garage
- If they required the applicant to convert the dining room to a garage and keep the rear garage they could approve the project tonight

Johnson opened the Public Hearing asking the applicant to address the Commission. The agent and architect for the applicant, David Main addressed the Commission noting the applicants intent for use of this site as a residence, to keep as much of the view corridor as possible, landscape a large portion of the lot and use sustainable energy building techniques. He also reminded the Commissioners that the current owners did not do the illegal conversion and the garage in the rear did conform to code at the time it was built. Redesigning to move the dining room is not something they are prepared to do, especially since they are trying to keep the footprint as small as possible. They do not agree with item J in exhibit A, as they don't feel the parking exception would be a special privilege, especially when you drive down their street and see the condition of parking on their street.

Johnson closed the Public Hearing seeing no further comments.

Luhr asked if they put any thought into adding a dining room in another location. Mr. Main said he had, but he had not reviewed that option with the applicants. Luhr confirmed they are not intending to do any work on the kitchen.

Ream expressed his initial concern about who did the illegal conversion and was relieved to hear it was not the current owners. Due to that he spoke favorably of the project.

Lucas asked if they had considered expanding the existing rear garage. Mr. Main said they had not and Grossman interjected that they would have to come back before the Commission to ask for a variance for the rear setback.

Johnson asked if they eliminated the rear porch could they provide a tandem garage. The architect said they had not considered that yet.

During discussion the Commissioners noted the following comments and concerns:

- Suggested a continuance for a redesign
- Two covered and enclosed parking spaces should be required
- The addition is less than 1000 square feet and that has previously been the trigger for the Commission to require two covered parking spots
- Consider allowing the applicant to convert the dining room back to a garage and relocate the dining room
- Confirmed that the eastern garage will remain

MOTION: Woodson, Ream 2<sup>nd</sup> to approve the project as presented by Staff with a change to item 15 in exhibit B to delete the word "dining".

During discussion Ream asked if the illegally converted carport is wide enough to fit a car. Grossman confirmed that it is if they remove the encroachments. Lucas does not agree with converting the dining room to a garage because he does

not like two streets with two garages. Luhr and Johnson would both like to see some flexibility for relocating the garage. Johnson asked the applicant if they would like to have a continuance or a denial. The applicant asked for the opportunity to redesign and work with Staff to find a solution. Johnson said she felt a continuance would be the best option for the applicant. Woodson thought the applicant was willing to accept the motion and convert the carport back. The applicant said they do not want to convert the dining room back to a garage and they would like a continuance.

VOTE: 1 – 4 (Johnson, Lucas, Ream and Luhr opposed)

MOTION: Luhr, Lucas 2<sup>nd</sup> to continue the item to a date uncertain.

During discussion Ream questioned the applicant's options again and thought a conditional approval tonight would be a good option for them. Grossman clarified the options. Lucas felt it would be best to give the applicant time to take in the suggestions in and come back with revised plans to another meeting. VOTE: 5 – 0.

B. Site Location: 206 Main Street in the R-1 zoning district. Applicant: Candy Botich. The applicant requests a Parking Exception approval to legalize an illegally converted garage, and to permit a one-car garage where a two-car garage is required. This site is located inside of the appeals jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: Categorically exempt, Class 1, Section 15301). Staff Recommendation: Deny the requested parking exception. Staff Contact: Rachel Grossman, Associate Planner.

Grossman stated that this project was not noticed properly and therefore Staff is recommending a continuance to the January 7, 2008 meeting.

MOTION: Lucas, Luhr 2<sup>nd</sup> to continue the item to the January 7, 2008 meeting. VOTE: 5 – 0.

Johnson asked the members of the public that are interested in speaking on the next public hearing item to please complete one of the Public Comment Forms and give them to Staff. She then asked for a 4–5 minute break at 7:21 p.m. to allow some time for the public to complete the forms. The meeting was called back to order at 7:29 p.m.

C. Site Location: Citywide in the R-1, and S.1/S.2 Districts. Zoning Code Amendment. The City of Morro Bay will hold a public hearing to discuss the approach of developing new neighborhood compatibility standards for single-family residences. Staff is recommending these new standards apply in the R-1, S.1 overlay, and S.2 overlay zone districts only. The standards will be designed to address the interim Ordinance 535, which increases the level of review for homes larger than 2,500 square feet and the concerns expressed at the public workshops for less bulk, scale, boxy appearance, and structures that would allow for more natural light, air, and privacy between neighboring properties. (CEQA Determination: Statutory Exemptions 15265). Staff Recommendation: Direct staff to return with code amendments for neighborhood compatibility standards. Staff Contact: Mike Prater, Planning Manager.

Prater outlined the process for tonight's meeting and the approach that will be taken to making the suggested amendments. He highlighted the zones that would be affected by these changes and how the suggested changes would affect the appearance of future projects. Ambo addressed the topic of Floor to Area Ratios, their traditional applications and how this type of product would not necessarily be the appropriate approach for Morro Bay.

Prater noted the following members of the public; Ann Reeves, Commissioner Lucas, Linda Stedjee, Sue Perry, Amity Perry, and John Barta forwarded e-mails on this topic. Councilmember Winholtz provided a news article and Staff is in possession of the documents from the View Shed Committee.

Lucas asked if they legally have the right to limit the square footage on projects. Prater said as long as we go thru the appropriate process they do have the right to make those limitations.

Prater acknowledged for Luhr that they could have a balcony in the front and rear step back areas, just not on the side.

Woodson confirmed with Prater that this amendment would be layered on top of what we currently have existing. He also asked if there are other communities that have recently made these types of changes. Ambo said there might be but he felt this product they have presented is the most user friendly and most appropriate for this community. He noted there are a number of items inserted into this product that triggers the project to come before the Planning Commission for more stringent review. Woodson also asked why all single family residences were not having this applied. Ambo clarified that the other single-family zones would be addressed under a different topic at a later date. Woodson asked if the side step backs would be required at the front portion of the home. Staff clarified that it could be anywhere on the side to allow for flexibility in design. Woodson asked if this amendment would have to go to the Coastal Commission. Staff confirmed.

Johnson confirmed the process Staff will take after tonight's meeting.

Johnson opened the Public Hearing.

Sue Perry spoke in favor of Floor to Area Ratio and against the Staff Report.

Dorothy Cutter presented a map of California with City's highlighted that have adopted Floor to Area Ratio and spoke in favor of Floor to Area Ratio and did not feel the product presented was satisfactory.

Robert Tefft spoke against the product presented by Staff and hoped Commission would redirect Staff to make changes, which the product they have presented does not do.

David Nelson spoke in favor of implementing Floor to Area Ratio noting it can be implemented on small lots.

John Barta spoke against Floor to Area Ratio and noted that he did not feel the consensus in the community is not in favor of F.A.R. as previously stated and there are many people who are adamantly against F.A.R.

Ken Vesterfelt felt the proposal by Staff is very fair.

Bill Black spoke to the variety of homes in Morro Bay because "That's Morro Bay" and that is why people move and live here. We have the tools in place to regulate the size of homes in the community already.

Johnson closed the Public Hearing seeing no further comment.

Staff addressed the following questions and concerns from the Commissioners:

- Staff does have some of the numbers showing the various size of lots throughout Morro Bay
- The Beach Tract on the west side of Highway One and the Cloisters Tract have restricted height limits
- FAR would generally create an extremely small home on the smaller lots
- Porches should be viewed differently in how they are calculated in floor area to help provide articulation

Woodson noted he felt one of the items that needed to be addressed tonight is whether or not we use FAR to address the issue and if we do use FAR if they include the garage area in those calculations.

Lucas noted his shock about the limited number of people that attended this meeting tonight and is ready to move forward with recommending changes to Staff.

Ream felt that a larger percentage could be applied to FAR. It wouldn't have to be at the suggested 50%.

Johnson asked for a simple explanation of the difference between F.A.R. and what we have in our code now. Ambo clarified our current ordinance uses setbacks and lot coverage whereas F.A.R. limits the size of the building.

Woodson felt that both Staff's recommendations and F.A.R. have valid ideas but that neither one individually addresses his concerns.

Lucas felt with FAR bad small houses could be built just as easily as it can with bad big houses.

Johnson gave each of the Commissioners 10 minutes to site their issues and concerns.

Woodson:

- FAR addresses bulk but does not address a boxy house, articulation, sunlight penetration or view shed
- Include FAR but with bonuses for additional square feet if they add the articulations that they want like pitched roofs, second story setbacks, or one-car garage facing front
- He felt there were many ways to give an architect options for articulation on houses, big or small.

Luhr:

- Felt the current ordinance is more restrictive than what is being proposed
- If you get into restrictive areas and adding bonuses, it gets very complicated and does not guarantee good design
- If you change the existing ordinances, recently built houses are going to become legal non-conforming
- Staff's proposal goes a long way towards getting a better product and limits the size
- Would like to see bonuses for porches, because he felt they are an asset to the community
- Would like to see a survey of property owners, not the residents to get there feedback
- Concerned about the cost to the builder for step backs as they are very expensive to build
- Felt Staff's plan is easily implemented, understandable and gets at reducing the size of the house

Ream:

- Does not like the idea about doing a survey to property owners as they don't necessarily live here and does not feel they have the same care about the City as people who do live here
- Felt the community has had ample opportunity to express their concerns
- Likes the idea of doing a combination of Staff's recommendation and FAR and giving bonuses for articulation
- Felt the community wants FAR to be "part:" of the plan

Lucas:

- Pleasantly surprised with what Staff came up with and doesn't want to lose site of the items in this report
- Doesn't tend to agree with Staff's description of "neighborhood" but he doesn't necessarily disagree
- Doesn't know how to control the articulation when you use FAR.
- Felt you can still design a bad product with FAR
- Doesn't think FAR would be clear, so he wants to design a usable product that is clear
- Doesn't know if privacy on sloped lots can be addressed
- Agrees the step backs will add construction cost, but feels the articulation is very important
- Very important to be sure to leave light space to enhance the use of photo voltaic systems

Johnson:

- Wants a way to limit the big boxy house and isn't sure if she wants to give a bonus for a garage in front
- R2 and R4 lots should be looked at as well, so they have to follow the same regulations to avoid big boxy houses
- There should be different regulations for different neighborhoods that have different topography
- Doesn't want to adopt another City's FAR regulations, because she doesn't want to turn into one of those towns
- Need to find a way to limit the changes taking place in town
- Would like to encourage "Green Building"

Johnson asked the Commissioners to give Staff the direction they would like them to go in during their final comments.

Woodson asked how the details for the step backs would be defined. Ambo said the details would be defined when they write code, but they can't write the code until they determine the direction they are going in. Woodson asked to replace lot coverage with FAR, leave in place the setbacks, implement a FAR criteria of 40% on lots over 4000 square feet and 50% on lots under 4000 square feet, garages not counted in square footage, put a limit on garage space, and provide bonuses for articulation we deem desirable including solar power and porches.

Luhr was impressed with the elegance of Staff's solutions and has concerns with changing the ground rules for the people that bought here with certain expectations. He is in favor of Staff's approach with a few tweaks. He has concerns about FAR on sloped sites and is generally leery of it for it to work correctly.

Ream is in favor of Staff's approach with some form of FAR concept to limit the size of the house based on the size of lot.

Lucas doesn't have any trouble with numbers 2, 4 and 5 on Staff's list being developed, but he has concerns with #1 and #3. He has the biggest concern with the lots that are 2400 square feet. It could be FAR has to change as the lots change. So a FAR would have to be different for the flat lots then it is in the sloped lots. Not in favor of requiring sloped roofs. He doesn't feel a strict FAR will get at providing a better product.

Johnson would like to know what direction Staff would like to go in. She would like to see a clearer designate to the areas that this would apply to and find a way to eliminate boxes.

Ambo said he would like to know from the Commission what they are looking for specifically; develop Staff's concept, a combination or FAR.

Lucas would like to see a combination using FAR with articulated requirements including Staff's step backs applying them to the different areas of town and how they will affect each area.

Ambo noted they will come back with what they are asking and provide them with some studies which they have already looked at the different approaches and FAR was one of the first approaches they looked at.

Lucas felt there were still tremendous opportunities for the town to change with the potential for teardown/rebuilds.

Ream would like to see a combination. Thinks the biggest problem seems to be people who want a big home on a small lot. He likes the tiered level look, but felt it could be enhanced with a FAR program of some sort.

Luhr felt Staff's approach is simple and clear. Would like to see some of the work that has gone into this and bring back some of the problems you have come across when researching the FAR approach. The proponents of FAR seem to have the biggest concern with the size of the house. Staff's approach does address that. He is unsure of #1 on the list but comfortable with Staff moving forward with #2 thru #5.

Woodson feels we need to do something different to try and achieve some of the neighborhood character. Would like to see FAR implemented with bonuses when using articulation. He would like to see a model from Staff that they can use.

Johnson doesn't want to see our main codes changed. She believes what we have now is pretty good and just needs to be tweaked every once in a while. She is not convinced about FAR.

Lucas asked what is the smallest threshold we can deal with. Ambo said Staff would look at that and bring it back to the Commission in the future. Woodson asked if Staff could come back with specific text the next meeting so that they could have a better basis for further discussion. Ambo stated that going from broad statements to code is not suggested.

MOTION: Lucas, Ream 2<sup>nd</sup> to continue this item to a date uncertain. VOTE: Approved by consensus.

XI. OLD BUSINESS

A. Current Planning Processing List

Projects submitted for Administrative Approval (not single-family residential unless in MCR)

1. None

Johnson confirmed that 1140 Front would not be a noticed Public Hearing on the next agenda.

XII. NEW BUSINESS - None.

XIII. ADJOURNMENT

Johnson adjourned the meeting at 9:58 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, January 7, 2008, at 6:00 p.m.

---

Nancy Johnson, Chairperson

ATTEST:

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Michael Prater  
Secretary



AGENDA NO: B-2

MEETING DATE: April 18, 2012

## Staff Report

**TO:** Planning Commissioners

**DATE:** April 11, 2012

**FROM:** Kathleen Wold, Planning and Building Manager

**SUBJECT:** Zoning Text Amendment #A00-014 Modifying Section 17.44.020.1 Providing Specific Regulations as to when Additional Onsite Parking will be Required for Existing Commercial Building(s) Converting from One Use to Another Without New Construction or New Additions, for the Mapped Specific North Main Street Commercial Area.

### RECOMMENDATION:

Staff recommends the Planning Commission:

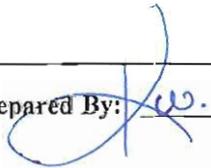
- 1) Open the public hearing and receive testimony; and
- 2) Make a motion to adopt Resolution #19-12, forwarding your recommendation to City Council.

### APPLICANT:

City of Morro Bay

### BACKGROUND

At the December 13, 2010 City Council meeting, Councilmember Borchard requested that staff provide a report on the status of parking in the North Main Street area to include options for modifications or amendments to City requirements which would address buildings where the number of stalls is nonconforming to today standards. At the February 8, 2011 meeting, staff presented a report which contained various options for the Council to consider prior to giving direction to staff. City Council's direction to staff was to prepare a boundary map and an exemption for Section 17.44.020.A.1. On June 14, 2011 staff took forward a boundary map and specific language for the text amendment. Council took action to approve the submitted map and language with the additional language "to not include new construction or new additions" and directed staff to process the Zoning Text Amendment.

Prepared By: 

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

**PROJECT DESCRIPTION:**

The amendment will modify Section 17.44.020.1 to read as follows:

**17.44.020                    PARKING FACILITIES**

**A.    Off-Street Parking — General Requirements**

**1.    Facilities Required**

For every structure erected or enlarged, and for all land devoted to a new use, and for any structure or land changed to a more intensive use that would require the provision of more parking spaces over what already exists, off-street parking spaces shall be provided in accordance with the requirements and standards of this chapter, a change, expansion or intensification of land use which would increase the number of parking spaces required as provided in this title shall be based only upon the number of spaces required for the change or expansion. . **Except in the North Main Street Commercial Parking Area as defined in Figure 17.44.020(3) as codified at the end of this chapter where all changes in uses including more intense uses not including new construction or new additions will not be required to provide additional onsite parking.**

**PROJECT SETTING:**

The proposed text amendment as proposed will be applicable to the North Main Street Parking Area as shown on the attached map. This area consists mainly of fully developed parcels with older buildings with few opportunities to provide additional onsite parking. In addition the North Main Street Parking Area is not within the defined Parking In-lieu area.

**PROJECT ANALYSIS:**

The purpose of the parking regulations contained within the Zoning Ordinance is to minimize street congestion and traffic hazards; and to provide safe and convenient access to land uses. With this goal in mind the Zoning Ordinance contains policies which regulate when parking is required, how much parking is required, and how the parking is provided. Section 17.44.020.A.1 states: For every structure erected or enlarged, and for all land devoted to a new use, and for any structure or land changed to a more intensive use that would require the provision of more parking spaces over what already exists, off-street parking spaces shall be provided in accordance with the requirements and standards of this chapter, a change, expansion or intensification of land use which would increase the number of parking spaces required as provided in this title shall be based only upon the number of spaces required for the change or expansion.

This means that when a business submits a request to occupy a building that the proposed use is reviewed to the approved uses at that site to determine if the new use is more intensive and therefore would require additional parking. When it is determined that additional parking is required, that business owner is notified and given all options available to satisfy the parking requirement.

Currently the code allows for the following:

- Meet the increased parking demand on site.
- Meet the increased parking demand on site other than the site where the use is located, provided that the site is located within 600 hundred feet of the use to be served and an adequate indenture is provided.
- Pay Parking In-Lieu fee if the subject site is within the Parking Management Plan area and it is determined that the reasonable and practical development of the property precludes the provision of required parking on site.

The proposed amendment would provide relief for this specific area to allow businesses to convert from one use to another without providing additional parking if there were to be no expansion of the building or demolition and new construction (no new construction or new additions). Since the amendment does not provide for expansion of the building square footage ,the increase in parking created by the conversion of one use to another is anticipated to be minimal.

Currently, there are other areas within the City where businesses are allowed to convert from one use to another based on historical parking. With the concept of historical parking there may be no actual parking onsite but the building is given parking credit based on the historic use of the building. These buildings are allowed to convert from one use to another and not provide additional parking if the new use does not create a demand greater than the historic parking even though there is no actual parking. This amendment will provide a similar opportunity for North Main Street businesses.

**ENVIRONMENTAL DETERMINATION:**

A Negative Declaration was prepared for the project as there were no environmental impacts associated with the project. The environmental document was posted for review and comment for a thirty day period beginning on March 16, 2011 and ending on April 16, 2011. The State Clearing House number is 2012031058.

**PUBLIC NOTICE:**

Notice of this item was published as a 1/8<sup>th</sup> page in the San Luis Obispo Tribune newspaper on April 7, 2012 notifying all Morro Bay residents of this Zoning Text Amendment.

**CONCLUSION:**

The proposed Zoning Text Amendment will allow the existing buildings within the North Main Street Commercial Parking Area to convert from one use to another without having to provide additional parking.

**EXHIBITS:**

Exhibit A – Resolution #19-12

Exhibit B –Ordinance #579

Exhibit C -Negative Declaration Environmental Document/Initial Study

Exhibit D – City Council staff reports and minutes from the June 8, 2011 and February 2, 2011 meeting.

Exhibit E—North Main Street Commercial Area Boundary Map.

# EXHIBIT A

## RESOLUTION NO. 19-12

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORRO BAY, ANNOUNCING FINDINGS AND RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENT #A00-014 TO THE MORRO BAY MUNICIPAL CODE SPECIFICALLY TITLE 17 “ZONING ORDINANCE”, SECTION 17.44.020.1 “FACILITIES REQUIRED”

#### THE PLANNING COMMISSION CITY OF MORRO BAY

WHEREAS, the Planning Commission of the City of Morro Bay held a duly noticed public hearing on April 18, 2012 to consider the amendments to Title 17 Section 17.44.020.1 and recommended approval of said amendments to the City Council; and as follows:

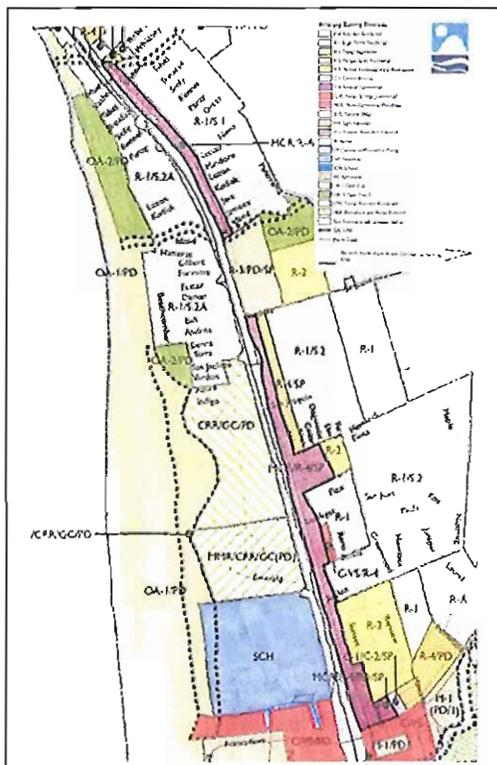
#### 17.44.020 Parking facilities

##### A. Off-Street Parking — General Requirements

##### 1. Facilities Required

For every structure erected or enlarged, and for all land devoted to a new use, and for any structure or land changed to a more intensive use that would require the provision of more parking spaces over what already exists, off-street parking spaces shall be provided in accordance with the requirements and standards of this chapter, a change, expansion or intensification of land use which would increase the number of parking spaces required as provided in this title shall be based only upon the number of spaces required for the change or expansion. . Except in the North Main Street Commercial Parking Area as defined in Figure 17.44.020(3) as codified at the end of this chapter where all changes in uses including more intense uses not including new construction or new additions will not be required to provide additional onsite parking.

Figure 17.44.020(3) North Main Street Commercial Parking Area Boundary Map



**WHEREAS**, the Environmental Coordinator determined that the proposed text amendment complies with the City of Morro Bay objectives, criteria and procedures for implementation of the California Environmental Quality Act (CEQA) in that environmental review pursuant to CEQA resulted in a Negative Declaration; and

**WHEREAS**, following the public hearing after consideration of the staff report and consideration of all comment by persons written and oral, the Planning Commission did recommend approval of the amendments to the City Council, based on the following findings:

The proposed text amendment is consistent with the General Plan and Local Coastal Plan and the purposes of Chapter 17.44 Parking, Driveway and Loading Facilities.

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

That the above recitations are true and correct and constitute the findings of the Commission in this matter; and,  
That the Commission does hereby recommend approval of the amendment to Title 17, Section 17.44.020.1 to the City Council; and,

**PASSED, APPROVED, AND ADOPTED**, by the Planning Commission of the City of Morro Bay, on the day of April 18, 2012 by the following vote to wit:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Rick Grantham, Planning Commission Chairperson

ATTEST:

\_\_\_\_\_  
Rob Livick, Public Services Director

# EXHIBIT B

## ORDINANCE NO. 578

### AN ORDINANCE OF THE CITY OF MORRO BAY ANNOUNCING FINDINGS AND ADOPTING AMENDMENTS TO TITLE 17 OF THE MUNICIPAL CODE AMENDING SECTION 17.44.020.1

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

Case No. A00-014 (Local Coastal Plan/Zoning Ordinance Amendment)

**WHEREAS**, it is the purpose of the Zoning Ordinance of the City of Morro Bay to establish a precise and detailed plan for the use of land in the City based on the General Plan; and

**WHEREAS**, the proposed amendment will provide specific regulations as to when additional onsite parking will be required for existing commercial building(s) converting from one use to another without new construction or new additions for the mapped specific North Main Street Commercial Area; and

**WHEREAS**, it is important to have clear, consistent, easy to use regulations within the Zoning Ordinance; and

**WHEREAS**, the Planning Commission of the City of Morro Bay, on April 18, 2012 after a duly noticed PUBLIC HEARING, did forward a recommendation, by adoption of Planning Commission Resolution #19-12 that the City Council amend Title 17 (Zoning Ordinance) Section 17.44.020.1 “Facilities Required”; and

**WHEREAS**, on XXX, the City Council of the City of Morro Bay did hold a duly noticed PUBLIC HEARING to consider the amendment regulating parking in the specific North Main Street Commercial Area; and

**WHEREAS**, the City Council finds that a Negative Declaration was prepared to evaluate the environmental impacts of the proposed ordinance amendments, and determined that no significant impacts would result from the adoption of these amendments; and

**WHEREAS**, following the PUBLIC HEARING, and upon consideration of the testimony of all persons, both written and oral, the City Council accepted the Planning Commission recommendation and approved the following amendment:

#### **17.44.020                    PARKING FACILITIES**

##### **A.    Off-Street Parking — General Requirements**

###### **1.    Facilities Required**

For every structure erected or enlarged, and for all land devoted to a new use, and for any structure or land changed to a more intensive use that would require the provision of more



Based on the following findings:

1. The proposed Zoning Ordinance Amendments will not be injurious or detrimental to the health, safety, comfort, general welfare or well being of the persons residing or working in the neighborhood.
2. That the proposed amendment is in general conformance with the City's General Plan and Local Coastal Plan.

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

SECTION 1: Title 17 of Morro Bay Municipal Code (Zoning Ordinance) is amended as contained in this Ordinance and made a part of this ordinance:

SECTION 2: To implement the amendment adopted herein, the City Council of the City of Morro Bay, California, hereby directs as follows:

1. That the above recitations are true and correct and constitute the findings of the Council in this matter; and
2. The City Council of the City of Morro Bay hereby finds that the Local Coastal Program Implementation Program (Zoning Ordinance) Amendments are in compliance with the intent, objectives, and all applicable policies and provisions of the California Coastal Act; and
3. Pursuant to Section 17.64.080 No amendment to Title 17 shall be legally effective in the coastal zone until the amendment is certified by the Coastal Commission.

**INTRODUCED** at the regular meeting of the City Council held on XXX 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:

---

William Yates, Mayor  
City of Morro Bay

---

Jamie Boucher, City Clerk  
City of Morro Bay

APPROVED AS TO FORM:

---

ROBERT W. SCHULTZ, Esq.  
City Attorney

# EXHIBIT C

**City of Morro Bay**  
PUBLIC SERVICES DEPARTMENT  
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442  
805-772-6261

**Public Notice of Availability**  
**Document Type: Mitigated Negative Declaration**

**CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**CITY OF MORRO BAY**

**March 14, 2012**

The City has determined that the following proposal qualifies for a

Negative Declaration     Mitigated Negative Declaration.

**PROJECT TITLE:** Zoning Ordinance Text A00-014. Amending Section 17.44.020.1

**PROJECT LOCATION:** Citywide

**CITY:** Morro Bay                      **COUNTY:** San Luis Obispo

**CASE NO.:** A00-014

**PROJECT DESCRIPTION:** The amendment will modify Section 17.44.020.1 providing specific regulations as to when additional onsite parking will be required for existing commercial building converting from one use to another without new construction or additions.

**LEAD AGENCY:** City of Morro Bay

**CONTACT PERSON:** Kathleen Wold

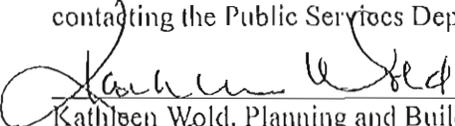
**TELEPHONE:** (805) 772-6211

**ADDRESS WHERE DOCUMENT MAY BE OBTAINED:**

Public Services Department  
955 Shasta Avenue  
Morro Bay, California 93442  
(805) 772-6261

**PUBLIC REVIEW PERIOD:** Begins: March 16 to April 16, 2012

Anyone interested in this matter is invited to comment on the document by written response or contacting the Public Services Department.

  
\_\_\_\_\_  
Kathleen Wold, Planning and Building Manager  
Signature

**City of Morro Bay**  
PUBLIC SERVICES DEPARTMENT  
955 SHASTA AVENUE • MORRO BAY, CA 93442  
805-772-6261

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N E G A T I V E   D E C L A R A T I O N

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY OF MORRO BAY  
955 Shasta Avenue  
Morro Bay, California 93442  
805-772-6210

The State of California and the City of Morro Bay require, prior to the approval of any project, which is not exempt under CEQA, that a determination be made whether or not that project may have any significant effects on the environment. In the case of the project described below, the City has determined that the proposal qualifies for a Negative Declaration.

**PROJECT TITLE:** Zoning Ordinance Text Amendment #A00-014.

**PROJECT LOCATION:** Citywide

**CITY:** Morro Bay                      **COUNTY:** San Luis Obispo

**CASE NO.:** A00-014

**PROJECT DESCRIPTION:** The amendment will modify Section 17.44.020.1 providing specific regulations as to when additional onsite parking will be required for existing commercial building within the North Main Street commercial area when converting from one use to another without any new construction or additions.

The following is the proposed ordinance change. Words in bold have been added to the existing text.

**Section 17.44.020.1. Facilities Required**

For every structure erected or enlarged, and for all land devoted to a new use, and for any structure or land changed to a more intensive use that would require the provision of more parking spaces over what already exists, off-street parking spaces shall be provided in accordance with the requirements and standards of this chapter, a change, expansion or intensification of land use which would increase the number of parking spaces required as provided in this title shall be based only upon the number of spaces required for the change or expansion. Except in the North Main Street Commercial Area where all changes in uses including more intense uses will not be required to provide additional onsite parking not to include new construction or new additions.

**FINDINGS OF THE: Environmental Coordinator**

An environmental impact report is not required pursuant to the California Environmental Quality Act of 1970, Division 13 of the Public Resources Code of the State of California. The environmental review process and negative declaration filing are pursuant to Title 14, Division 6 Chapter 3, Article 6, Section 15070 of the California Administrative Code.

**INITIAL STUDY AND CHECKLIST**

**I. PROJECT INFORMATION**

Project Title: Amendment to Parking , Driveway and Loading Facilities  
Section 17.44.020.1 Facilities Required.  
Case Number: #A00-014

**Project Description:** The amendment will modify Section 17.44.020.1 providing specific regulations as to when additional onsite parking will be required for existing commercial building within the North Main Street commercial area converting from one use to another.

The following is the proposed ordinance change. Words in bold have been added to the existing text.

**Section 17.44.020.1. Facilities Required**

For every structure erected or enlarged, and for all land devoted to a new use, and for any structure or land changed to a more intensive use that would require the provision of more parking spaces over what already exists, off-street parking spaces shall be provided in accordance with the requirements and standards of this chapter, a change, expansion or intensification of land use which would increase the number of parking spaces required as provided in this title shall be based only upon the number of spaces required for the change or expansion. **Except in the North Main Street Commercial area where all changes in uses including more intense uses will not be required to provide additional onsite parking not to include new construction or new additions.**

**Lead Agency:** City of Morro Bay Phone: (805) 772-6261  
955 Shasta Ave Fax: (805) 772-6268  
Morro Bay, CA 93442

**Project Applicant:** City of Morro Bay Phone: (805) 772-6261  
955 Shasta Ave Fax: (805) 772-6268  
Morro Bay, CA 93442

**Project Landowner:** Various Phone: \_\_\_\_\_  
**Project Agent:** Not Applicable Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_

**Project Location:** North Main Street Parking Area (see map)  
**Assessor Parcel Number(s)** Multiple parcels in study area  
**General Plan Designation:** Mixed Use Area F  
**Zoning:** MCR (Mixed Commercial Residential)

<b>Surrounding Zoning and Land Uses</b>	
North	Commercial and residential
South	Commercial and residential
West	Highway One
East	Residential

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

\_\_\_\_ California Coastal Commission

INITIAL STUDY AND CHECKLIST – Zoning Text Amendment--Section 17.44.020.1

CASE NO.: A00-014

DATE: March 9, 2012

**II. ENVIRONMENTAL SETTING AND IMPACTS**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated", as indicated by the Environmental Checklist:

1. Aesthetics	10. Land Use/Planning
2. Agricultural Resources	11. Mineral Resources
3. Air Quality	12. Noise
4. Biological Resources	13. Population/Housing
5. Cultural Resources	14. Public Services
6. Geology/Soils	15. Recreation
7. Greenhouse Gas Emissions	16. Transportation/Circulation
8. Hazards/Hazardous Materials	17. Utility/Service Systems
9. Hydrology/Water Quality	18. Mandatory Findings of Significance

Environmental Setting:

The proposed project is a text amendment to the City's municipal code. The amendment will modify Section 17.44.020.1 providing specific regulations as to when additional onsite parking will be required for existing commercial buildings within the North Main Street area converting from one use to another without new construction.

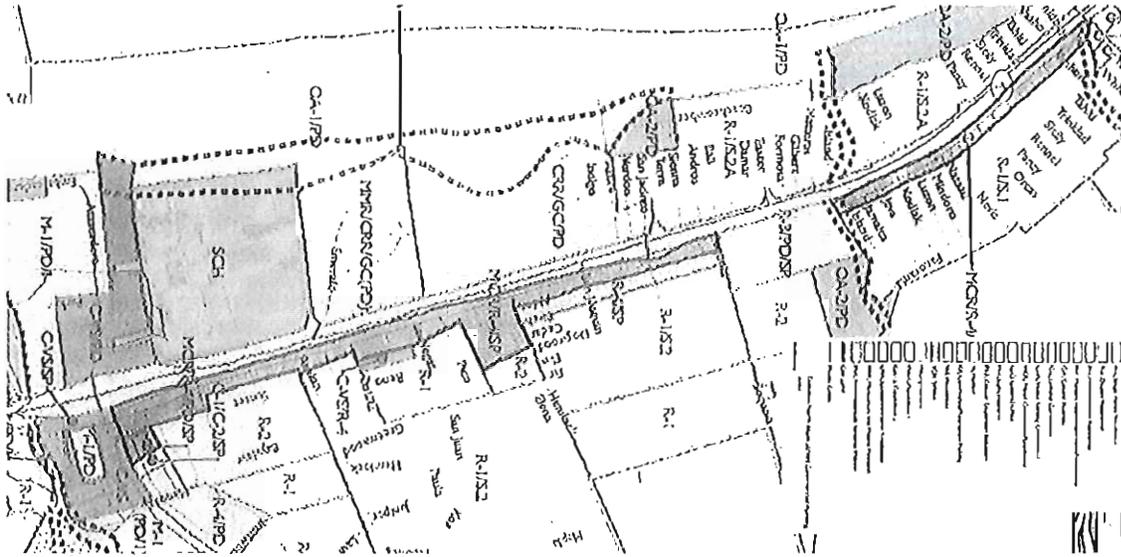
The purple area delineated on the map below is the North Main Street Parking Area. The area is a narrow commercial strip running along Main Street. Many of the subject properties are developed with older buildings and have limited parking due to these properties being developed under older codes. As such it restricts the reuse of these building when they are vacated because they cannot provide parking to today's standards. The amendment would allow new uses in these building without having to provide additional parking as long as there is no expansion or new construction and the new uses are allowed in that zone district.

The area is zoned MCR (Mixed Commercial Residential). The purpose of this zone is to allow and regulate a mix of compatible commercial uses with residential uses in districts where a strip commercial area is in close proximity to a residential neighborhood, to broaden the range of commercial market opportunities and to provide a review procedure to protect the residential neighborhood from unsafe or unhealthy conditions. Because the district is in close proximity (walking or biking distance) to the residential uses that utilize the businesses, the demand for parking is reduced. In recognition of this reduced parking demand this code amendment seeks to provide an exception which will allow reuse of a building without bringing the parking up to today's standards. Because all uses in the district require a discretionary permit, each new use will be reviewed on a case by case basis to ensure that use is compatible with the neighborhood and all environmental impacts have been addressed.

INITIAL STUDY AND CHECKLIST – Zoning Text Amendment--Section 17.44.020.1

CASE NO.: A00-014

DATE: March 9, 2012



Determination: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- 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 effect that remain to be addressed.
- 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 that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measure that are imposed upon the proposed project, nothing further is required.

Kathleen Wold  
Signature

Kathleen Wold  
Printed Name

3/14/2012  
Date

Rob Civick  
For  
Public Services Director

**III. ENVIRONMENTAL CHECKLIST**

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

**Impact Discussion:** a., b., c. and d. A substantial adverse impact to a scenic vista occurs if a project would significantly degrade a scenic landscape as viewed from public roads or areas. The text amendment proposed only modifies existing code requirements when additional parking is required on a commercial use within the North Main Street area, it does not modify any regulations concerning aesthetics, heights of buildings or lot coverage which may indirectly affect aesthetics. State Route 1 is an Officially Designated State Scenic Highway through Morro Bay, and Highway 41, is an eligible state scenic highway, though not officially designated. The text amendment proposed only modifies existing code requirement when additional parking is required on a commercial use within the North Main Street area, it does not modify any regulations concerning trees, rock outcroppings or historic buildings.

The text amendment proposed only modifies existing code requirement concerning when additional parking is required on a commercial use within the North Main Street area, while this may result in an intensification of uses within an existing building without the provision of additional on-site parking all uses will be consistent with zoning and general plan designations and the rules governing those designations. Therefore, any potential for this modification to parking to result in a degradation of visual character or quality of the city will be minimal. This amendment does not apply to new development but rather to existing building and therefore will not result in an increase in light or glare.

**Mitigation and Residual Impact:**

The project is not expected to result in any potentially significant impacts to aesthetics and no mitigation measures are necessary.

**Monitoring:** None.

INITIAL STUDY AND CHECKLIST – Zoning Text Amendment--Section 17.44.020.1

CASE NO.: A00-014

DATE: March 9, 2012

2. AGRICULTURAL RESOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocol adopted by the California Air Resources Board.</p> <p>Would the project:</p>				
<p>a. Convert prime farmland, unique farmland, or farmland of statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>				x
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>				x
<p>c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>				x
<p>d. Result in the loss of forest land or conversion of forest land to non-forest use?</p>				x
<p>e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?</p>				x

**Impact Discussion:** a., b., c., d., and e. The project proposes a text amendment to the City of Morro Bay's Zoning Ordinance modifying Section 17.44.020.1. It will provide specific regulations as to when additional onsite parking will be required for existing commercial buildings within the North Main Street area converting from one use to another. These regulations will not affect agricultural lands including but not limited to prime farmland, unique farmland or land of statewide importance. Since the amendment will only affect existing buildings in the built environment there will be no potential for a loss of forest land or pressures to convert farmland or forest land to other uses. As such there is no potential for environmental impacts related to agricultural and forestry resources.

**Mitigation and Residual Impact:** The proposed project will not result in any impacts to agricultural or forestry resources; therefore, no mitigation measures are required.

**Monitoring:** None.

INITIAL STUDY AND CHECKLIST – Zoning Text Amendment--Section 17.44.020.1

CASE NO.: A00-014

DATE: March 9, 2012

<p><b>3. AIR QUALITY</b></p> <p>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.</p> <p>Would the project:</p>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?				x
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			x	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			x	
d. Expose sensitive receptors to substantial pollutant concentrations?			x	
e. Create objectionable odors affecting a substantial number of people?				x

**Impact Discussion:** a., b., c., d., and e. The proposed amendment is consistent with the goals and policies of the City of Morro Bay General Plan and is consistent with the APCD’s CEQA Handbook and Clean Air Plan. The amendment will not violate any air quality standard or contribute to an air quality violation.

The amendment may contribute to a minor amount of additional traffic generated pollutants as patrons drive through an area looking for parking. This activity is not uncommon in the City and occurs routinely within the older areas of the City where historically parking is minimal or nonexistent. However, the potential for this increase is minor and will not result in a cumulatively considerable net increase of any pollutant or expose sensitive receptors to substantial pollutant concentrations.

The proposed text amendment focuses on the existing built environment and does not change or amend any policies which would affect the generation of odors.

**Mitigation and Residual Impact:** The proposed project would result in less than significant impacts to air quality therefore, no mitigation measures are required.

**Monitoring:** None.

INITIAL STUDY AND CHECKLIST -- Zoning Text Amendment--Section 17.44.020.1

CASE NO.: A00-014

DATE: March 9, 2012

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

**Impact Discussion:** a., b., c., d., e., and f. Since the amendment will only affect existing buildings within the built environment there will be no potential for a loss of habitat, wetlands or an impact to identified species. The ordinance amendment will not conflict with any conservation plan or tree preservation policy. As such there is no potential for environmental impacts related to biological resources.

**Mitigation and Residual Impact:** The proposed project would not result in any impacts to biological resources; therefore, no mitigation measures are required.

**Monitoring:** None.

INITIAL STUDY AND CHECKLIST – Zoning Text Amendment--Section 17.44.020.1

CASE NO.: A00-014

DATE: March 9, 2012

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

**Impact Discussion:** a., b., c. and d.. Since the amendment proposed will only affect the use of existing buildings there will be no potential for a loss of historical, archaeological or paleontological resources normally associated with the development of a site. Since there is no development associated with the ordinance there will be no potential to disturb human remains. As such there is no potential for environmental impacts related to cultural resources.

**Mitigation and Residual Impact:** The proposed project would not result in any impacts to cultural resources; therefore, no mitigation measures are required.

**Monitoring:** None.

INITIAL STUDY AND CHECKLIST – Zoning Text Amendment--Section 17.44.020.1

CASE NO.: A00-014

DATE: March 9, 2012

6. GEOLOGY /SOILS		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42)				X
ii	Strong Seismic ground shaking?				X
iii	Seismic-related ground failure, including liquefaction?				X
iv	Landslides?				X
b.	Result in substantial erosion or the loss of topsoil?				X
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

**Impact Discussion:** a., b., c., d., and e. Since the amendment proposed will only affect the use of existing buildings within the built environment the proposal will not create new exposures associated with geological events such as landslides, ground shaking, liquefaction or to create erosion issues or issues with stability associated with development. As such there is no potential for environmental impacts related to geology and or soils.

**Mitigation and Residual Impact:** The proposed project would not result in any impacts to geology or soils; therefore, no mitigation measures are required.

**Monitoring:** None.

INITIAL STUDY AND CHECKLIST – Zoning Text Amendment--Section 17.44.020.1

CASE NO.: A00-014

DATE: March 9, 2012

7. GREENHOUSE GAS EMISSIONS  Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b. Conflict with an applicable plan, policy of regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**Impact Discussion:** a. The APCD has no authority to require implementation of GHG reduction measures, as no applicable standard or threshold has been established which could be applied to the project. However, CEQA requires the Lead Agency (City) to implement any feasible alternatives or mitigation measures which would substantially lessen significant environmental effects of a project prior to agency approval (Public Resources Code Section 21002). The project proposes a text amendment to the City of Morro Bay's Zoning Ordinance modifying Section 17.44.020.1 It will provide specific regulations as to when additional onsite parking will be required for an existing commercial building within the North Main Street area converting from one use to another. Since the amendment will only affect the use of existing buildings there will be no greenhouse gas impacts associated with development. In addition, this amendment does not propose to change the permitted or conditionally permitted uses within the commercial district therefore there will be no change in the amount of greenhouse gas produced through operations. Any potential increase in greenhouse gases that may result from the changes in the parking requirement due to limit parking being provided onsite is offset by those walking or biking to the facility from the adjacent residential neighborhoods.

b. The proposed ordinance change is consistent with the goals and policies of the City of Morro Bay General Plan and is consistent with the APCD's CEQA Handbook and Clean Air Plan. Impacts would be less than significant.

**Mitigation and Residual Impact:** The proposed project would result in less than significant impacts to greenhouse gas emissions; therefore, no mitigation measures are required.

**Monitoring:** None.

INITIAL STUDY AND CHECKLIST – Zoning Text Amendment--Section 17.44.020.1

CASE NO.: A00-014

DATE: March 9, 2012

8. HAZARDS/HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				x
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				x
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				x
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				x
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				x
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				x
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				x
h. Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wildlands?				x

**Impact Discussion:** a., b., c., d., e., f., g., and h. This amendment does not propose to change the permitted or conditionally permitted uses within the MCR commercial district therefore there will be no change in the way hazardous materials are transported or the quantities transported. All uses within the North Main Street Parking area will continue to be required to obtain a discretionary permit. Under this permit review each use will be subject to review including additional CEQA analysis to ensure compliance. There are no airstrips within this area or within the city. There are no changes proposed which would affect emergency response to the or within the area. As such there is no potential for environmental impacts related to hazardous materials.

**Mitigation and Residual Impact:** The proposed project would not result in any impacts to geology or soils; therefore, no mitigation measures are required.

**Monitoring:** None.

INITIAL STUDY AND CHECKLIST – Zoning Text Amendment--Section 17.44.020.1

CASE NO.: A00-014

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9. HYDROLOGY/WATER QUALITY  Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?				X
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c. Substantially alter the existing drainage pattern on 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 on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				X
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
f. Otherwise substantially degrade water quality?				X
g. Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?				X
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i. Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j. Inundation by seiche, tsunami, or mudflow?				X

**Impact Discussion:** a, b, c, d, e, f, g, h, i, and j. The amendment does not propose to change the permitted or conditionally permitted uses within the commercial district therefore there will be no increase in amounts of water utilized, increased opportunities to degrade water, increase runoff or expose people to water hazards beyond that under today's regulations. The amendment will only affect existing buildings within the built environment.

**Mitigation and Residual Impact:** The proposed project would not result in any impacts to hydrology/water quality; therefore, no mitigation measures are required.

**Monitoring:** None.

INITIAL STUDY AND CHECKLIST – Zoning Text Amendment--Section 17.44.020.1

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DATE: March 9, 2012

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

**Impact Discussion:** a., b. and c.. This amendment does not propose to change the permitted or conditionally permitted uses; or any regulations which would then result in the division of an established community or conflict with a habitat conservation plan. The proposed amendment has been reviewed and found consistent with the City's General Plan/ Local Coastal Plan and Zoning Ordinance.

**Mitigation and Residual Impact:** The proposed project will result in less than significant impacts to Land Use and Planning.

**Monitoring:** None.

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

**Impact Discussion:** a. and b. This amendment will not affect the regulations concerning known mineral resources or result in the loss of any known mineral resource. The amendment is proposed only for an area within the City predominately built and zoned for commercial uses.

**Mitigation and Residual Impact:** The proposed project would not result in any impacts to mineral resources; therefore, no mitigation measures are required.

**Monitoring:** None.

INITIAL STUDY AND CHECKLIST – Zoning Text Amendment--Section 17.44.020.1

CASE NO.: A00-014

DATE: March 9, 2012

12. NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?				X
b. Expose persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X

**Impact Discussion:** a., b., c. and d.. This amendment does not propose to change any noise regulations or change the types of uses permitted within the area and therefore no impacts will result beyond those under current regulations.

**Mitigation and Residual Impact:** The proposed project would not result in any impacts to noise therefore, no mitigation measures are required.

**Monitoring:** None.

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

**Impact Discussion:** a., b. and c. This amendment does not propose to change any regulations which would displace substantial number of people or affect housing stock. The amendment will not affect or change the types of uses only in the subject area and therefore will not have an effect on growth in the area.

**Mitigation and Residual Impact:** The proposed project would not result in any impacts to population and housing therefore no mitigation measures are required.

**Monitoring:** None.

INITIAL STUDY AND CHECKLIST – Zoning Text Amendment--Section 17.44.020.1

CASE NO.: A00-014

DATE: March 9, 2012

14. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in a 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 following public services:				
a. Fire protection?				X
b. Police protection?				X
c. Schools?				X
d. Parks or other recreational facilities?				X
e. Other governmental services?				X

**Impact Discussion:** a., b., c., d., and e. This amendment does not propose to change any regulation that would affect public services and the modifications to parking will not indirectly affect public services. There will be no change in the types of uses allowed within the district or any other changes which would increase the demand for services.

**Mitigation and Residual Impact:** The proposed project would not result in any impacts to public services; therefore, no mitigation measures are required.

**Monitoring:** None.

15. RECREATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. 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. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X

**Impact Discussion:** a. and b. This amendment does not propose to change any regulations affecting parks, recreational facilities or indirectly cause an increase in the use of these types of facilities

**Mitigation and Residual Impact:** The proposed project would not result in any impacts to recreation; therefore no mitigation measures are required.

**Monitoring:** None.

16 TRANSPORTATION/CIRCULATION  Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, street, highway and freeways, pedestrian and bicycle path, and mass transit?			x	
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the country congestion management agency for designated roads or highways?			x	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				x
d. Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?			x	
e. Result in inadequate emergency access?			x	
f. Conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities?			x	

**Impact Discussion:**

a., b., c., d., e. and f. This amendment does not propose any changes which would conflict with any adopted policies concerning transportation or circulation, create hazardous conditions or in any way affect public transit, bicycle or pedestrian facilities.

**Mitigation and Residual Impact:** The proposed project would not result in any impacts to transportation/circulation.

**Monitoring:** None.

INITIAL STUDY AND CHECKLIST – Zoning Text Amendment--Section 17.44.020.1

CASE NO.: A00-014

DATE: March 9, 2012

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

Impact Discussion: a., b., c., d., e., f. and g. This amendment does not propose any changes which would affect utilities. There are no changes which would affect solid waste, wastewater, water or drainage.

Mitigation and Residual Impact: The proposed project would not result in any impacts to utilities.

Monitoring: None.

**IV. INFORMATION SOURCES:**

**A. City / County / Federal Departments Consulted :**

City of Morro Bay Public Services Department

**B. General Plan**

x	Land Use Element	x	Conservation Element
x	Circulation Element	x	Noise Element
x	Seismic Safety/Safety Element	x	Local Coastal Plan and Maps
x	Zoning Ordinance		

**C. Other Sources of Information**

	Field Work / Site Visit	x	Flood Control Maps
	Calculations	x	Zoning Maps
x	Project Plans / Description	x	Soils Maps / Reports
	Traffic Study		Plant Maps
x	Records	x	Archeological Maps
	Grading Plans	x	Other: County of San Luis Obispo Air Pollution Control District, CEQA Air Quality Handbook, adopted December 2009
	Elevations /Architectural Renderings		
x	Published Geological Maps		
	Topographic Maps		
x	AG Preserve Maps		

**D. References**

California Department of Conservation, Division of Land Resource Protection. 2008. *Farmland Monitoring and Mapping Program – San Luis Obispo County Important Farmland Map 2008.*

California Natural Diversity Data Base (CNDDDB). 2011. Morro Bay North and Morro Bay South USGS 7.5- minute quadrangle overlays. California Department of Fish and Game. Sacramento, California.

City of Morro Bay. 1982. *Proposed Land Use Plan of the Local Coastal Program.*

City of Morro Bay. 1988. *City of Morro Bay General Plan – Visual Resource and Scenic Highway Element.*

City of Morro Bay. 1988. *Circulation Element.*

City of Morro Bay. 2009. *Housing Element.*

**V. MANDATORY FINDINGS OF SIGNIFICANCE (Section 15065)**

A project may have a significant effect on the environment and thereby require a focused or full environmental impact report to be prepared for the project where any of the following conditions occur (CEQA Sec. 15065):

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Potential to degrade:</i> 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 population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			x	
<i>Cumulative:</i> Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			x	
<i>Substantial adverse:</i> Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			x	

**Impact Discussion:**

*Potential to Degrade.* The proposed project would not substantially degrade or threaten the quality of the environment, habitat or populations of any fish or wildlife species, or important examples of California history or prehistory.

*Cumulative.* Project-specific impacts, when considered along with, or in combination with, other impacts, do not rise to a level of significance. Project impacts are limited and no substantial cumulative impacts resulting from other projects were identified.

*Substantial Adverse.* The project does not have environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly. Project impacts are limited and standard mitigation measures would be incorporated that would reduce any potential impacts to a less than significant level.

**VI. DETERMINATION**

On the basis of this initial evaluation:

The Public Services Director has found that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

The Public Services Director has found 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.

The Public Services Director has found that the proposed project **MAY** have limited and specific significant effect on the environment, and a **FOCUSED ENVIRONMENTAL IMPACT REPORT** is required.

The Public Services Director has found that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

With Public Hearing

Without Public Hearing

Previous Document : \_\_\_\_\_

Project Evaluator : \_\_\_\_\_

Kathleen Useld  
Signature

3-14-2012  
Initial Study Date

Kathleen Useld  
Printed Name

On behalf of Rob Livick, Public Services Director

City of Morro Bay  
Lead Agency

**VII Attachments**  
none

# EXHIBIT D



AGENDA NO: D-2

MEETING DATE: June 8, 2011

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** June 8, 2011  
**FROM:** Kathleen Wold, Planning Manager  
**SUBJECT:** North Main Street Commercial Parking Area Map and Draft Ordinance change.

**RECOMMENDATION:**

Review the draft boundary map and the draft ordinance change and give direction to staff.

**FISCAL IMPACT:**

Completing the proposed parking amendment will require additional staff time and funds to complete the necessary reports and filing fees. The fees associated with the environmental filings will be a minimum \$2,094.00 paid to State Department of Fish and Game and the San Luis Obispo County Recorder and there will be another \$660.00 in fees for the required advertising in the newspaper paid to the Tribune and postage for the required mailings.

**BACKGROUND:**

At the December 13, 2010 City Council meeting Councilmember Borchard requested that staff provide a report on the status of parking in the North Main Street area to include options for modifications or amendments to City requirements which would address buildings where the number of stalls is nonconforming to today standards. At the February 8, 2011 meeting staff presented a report which contained various options for the Council to consider and then direction to staff. City Council's direction to staff was to prepare a boundary map and an exemption for Section 17.44.020.A.1

**DISCUSSION:**

Staff has prepared a draft boundary map for your consideration and has included in your packet as Attachment A. The following is staff's draft exemption:

Prepared by: \_\_\_\_\_ Dept. Review: \_\_\_\_\_  
City Manager Review: \_\_\_\_\_  
City Attorney's Review: \_\_\_\_\_

**17.44.020                      PARKING FACILITIES**

**A.    Off-Street Parking — General Requirements**

**1.    Facilities Required**

For every structure erected or enlarged, and for all land devoted to a new use, and for any structure or land changed to a more intensive use that would require the provision of more parking spaces over what already exists, off-street parking spaces shall be provided in accordance with the requirements and standards of this chapter, a change, expansion or intensification of land use which would increase the number of parking spaces required as provided in this title shall be based only upon the number of spaces required for the change or expansion. **Except in the North Main Street Commercial Park Area where all changes in uses including more intense uses will not be required to provide additional onsite parking.**

**CONCLUSION:**

The Council should review the draft map and the draft exemption and provide additional direction to staff.

**ATTACHMENTS**

Attachment A. -Draft Boundary Map for the North Main Street Commercial Parking Area.

Attachment B.-Minutes from the December 13, 2010 City Council meeting

Attachment C- Minutes from the February 8, 2011 City Council meeting

Attachment D- Staff report from the February 8, 2011 City Council



MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – JUNE 14, 2011

D-2 NORTH MAIN STREET COMMERCIAL PARKING AREA MAP AND  
DRAFT ORDINANCE CHANGE; (PUBLIC SERVICES)

Planning Manager Kathleen Wold stated at the December 13, 2010 City Council meeting, Councilmember Borchard requested that staff provide a report on the status of parking in the North Main Street area to include options for modifications or amendments to City requirements which would address buildings where the number of stalls is nonconforming to present day standards. At the February 8, 2011 meeting, staff presented a report which contained various options for Council to consider, and directed staff to prepare a boundary map and an exemption for Morro Bay Municipal Code Section 17.44.020(A).1 which was presented to Council during this presentation. Ms. Wold recommended the City Council review the boundary map and draft ordinance change, and direct staff accordingly.

MOTION: Councilmember Borchard moved the City Council approve the exemption to Morro Bay Municipal Code Section 17.44.020(A).1 for Parking Facilities for North Main Street to read as per the staff report with the additional language: “to not include new construction or new additions.” The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

D-3 RECOMMENDATION ON THE ALIGNMENT OF THE MORRO  
BAY/CAYUCOS BIKE PATH CONNECTOR; (RECREATION & PARKS)

Recreation & Parks Director Joe Woods introduced Elizabeth Kavanaugh, Parks Planner for San Luis Obispo County Parks. Ms. Kavanaugh stated the Morro Bay to Cayucos Connector project is a multi-use trail that connects coastal communities of Morro Bay and Cayucos along Highway 1. This is a San Luis Obispo County Parks’ project and County Parks requests the City Council review the Eastern and Western alignments of the Connector, and recommend one of the alignments to the County. The Morro Bay Parks and Recreation Commission reviewed these alignments on March 17, 2011 and recommends the Western alignment. Ms. Kavanaugh recommended the City Council discuss the Eastern and Western alignments of the Morro Bay/Cayucos Bike Path Connector, and make a recommendation to the San Luis Obispo County Parks.

MOTION: Mayor Yates moved the City Council recommend the Western Alignment of the Morro Bay/Cayucos Bike Path Connector to the San Luis Obispo County Parks. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

MINUTES - MORRO BAY CITY COUNCIL  
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MOTION: Mayor Yates moved the City Council deny funding the transit fund an additional \$21,500. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

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MOTION: Councilmember Borchard moved the City Council adopt Resolution No. 13-11 approving all the additional changes to the mid-year budget as stated in the staff report. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

D-4 DISCUSS OPTIONS FOR AMENDING PARKING REQUIREMENTS FOR NORTH MORRO BAY; (PUBLIC SERVICES)

Planning Manager Kathleen Wold stated recently there have been a few instances where vacant buildings located in the North Main Street area have had difficulty establishing new business. One issue when establishing a new business has been the requirement to provide additional parking if the new use is more intense and therefore requires additional parking. At the December 13, 2010 City Council meeting, Councilmember Borchard requested staff provide a report on the status of parking in the North Main Street area to include options for modifications or amendments to City requirements which would

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address buildings where the number of stalls is nonconforming to today standards. This report gives a broad overview of the situation occurring in the North Main Street area and a few of the possible solutions to the problem. Ms. Wold recommended the City Council consider the issue and direct staff accordingly.

MOTION: Councilmember Borchard moved the City Council direct staff to create a specific area map with boundaries in the North Morro Bay area for an exemption to Section 17.44.020 of the Morro Bay Municipal Code. The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

Mayor Yates called for a break at 8:34 p.m.; the meeting resumed at 8:44 p.m.

D-5 DISCUSSION ON THE PREPARATION OF A BIG BOX ORDINANCE WHICH WOULD REGULATE THE SIZE AND APPEARANCE OF BIG BOX STORES; (PUBLIC SERVICES)

City Attorney Robert Schultz stated the City Council directed staff to bring back a report on a “big-box ordinance.” A big-box ordinance basically regulates the size and appearance of big-box stores and the amount of nontaxable (grocery) items the store is permitted to sell. While the development of big-box businesses may provide an economical and timesaving convenience to shoppers and increased tax revenues to cities, if they are not regulated, big-box businesses may have potential negative community impacts such as: urban blight, lower employee wages, the reduction of smaller local businesses and changes to the aesthetics of neighborhoods. This issue was once reviewed by City Council in 1998; however, no further action was taken.

The City Council requested this item be placed on the City Council Agenda Tracking List as a “pending” item.

No further action was taken on this item.

D-6 DISCUSSION OF TOPICS TO BE DISCUSSED AT THE JOINT CITY COUNCIL/PLANNING COMMISSION MEETING, FEBRUARY 22, 2011; (PUBLIC SERVICES)

Public Services Director Rob Livick stated in anticipation of the joint City Council/ Planning Commission meeting on February 22, 2011, the Planning Commission discussed potential topics at their February 7, 2011 meeting, which he presented to the City Council. Mr. Livick recommended the City Council also consider and discuss potential topics for the joint meeting.



AGENDA NO: D-4

MEETING DATE: 02/08/11

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** February 1, 2011  
**FROM:** Kathleen Wold, Planning Manager  
**SUBJECT:** Discuss Options for Amending Parking Requirements for North Morro Bay

**RECOMMENDATION:**

Review options and give direction to staff.

**FISCAL IMPACT:**

A minimal amount of staff time has been spent on preparing this report, however if staff were to be directed to prepare an amendment to the Zoning Ordinance/Local Coastal Plan there would be fees for noticing, filing fees for environmental determinations and costs associated with staff time.

**BACKGROUND:**

Recently there have been a few instances where vacant buildings located in the North Main Street area have had difficulty establishing new business. One issue when establishing a new business has been the requirement to provide additional parking if the new use is more intense and therefore requires additional parking. At the December 13, 2010 City Council meeting Councilmember Borchard requested that staff provide a report on the status of parking in the North Main Street area to include options for modifications or amendments to City requirements which would address buildings where the number of stalls is nonconforming to today standards.

**DISCUSSION:**

The purpose of the parking regulations contained within the Zoning Ordinance is to minimize street congestion and traffic hazards; and to provide safe and convenient access to land uses. With this goal in mind the Zoning Ordinance contains policies which regulate when parking is required, how much parking is required and how the parking is provided. Section 17.44.020.A.1 states: For every structure erected or enlarged, and for all land devoted to a new use, and for any structure or land changed to a more intensive use that would require the provision of more parking spaces over what already exists, off-street parking spaces shall be provided in accordance with the requirements and standards of this chapter, a change, expansion or intensification of land use which would increase the number of parking spaces required as provided in this title shall be based only upon the number of spaces required for the change or expansion.

Prepared by: \_\_\_\_\_ Dept. Review: \_\_\_\_\_  
City Manager Review: \_\_\_\_\_  
City Attorney's Review: \_\_\_\_\_

This means that when a business applies to occupy a building that the proposed use is reviewed pursuant to the previously approved uses at the location to determine if the new use is more intensive and therefore would require additional parking. When it is determined that additional parking is required that business owner is notified and given all options available to satisfy the requirement.

Currently the code allows for the following:

- Meet the increase parking demand on site.
- Meet the increase parking demand on site other than the site where the use is located provided that the site is located within 600 hundred feet of the use to be served and an adequate recorded indenture is provided.
- Pay a Parking In-Lieu fee if the subject site is within the Parking Management Plan area and it is determined that the reasonable and practical development of the property precludes the provision of required parking on site.
- Creation of a Parking Assessment District.

Other cities provide exemptions for older buildings deficient in parking to facilitate conversion from one business use to another. Sometimes these exemptions are based within a specific geographical area, a defined base limit for intensification such as intensification of 10% or 20% allowed then additional parking will be required or a complete exemption for any change in use but not structural additions. The following is a list of options to consider:

- Create a specific area (a map with boundaries) in the North Morro Bay area for an exemption to section 17.44.020 or allow the exemption city wide.
- Define a framework for the exemption. For instance all existing buildings built before the current code was adopted (1988) would be exempt from Section 17.44.020 if the change in use did not result in an increase in parking demand of more than 20 percent. The framework must take into consideration the overall purpose of the regulations which is minimize street congestion and traffic hazards while providing adequate safe and convenient access to land uses. As such a blanket exemption would not be favored but rather exemptions with adequate safe guards to ensure compliance with the stated overall purpose of the chapter.
- Create a Parking Assessment District to provide parking in the area. A Parking Assessment District while effective would be a difficult option to get buy-in from the property owners in the area. While owners of commercial property in the area want relief from the burden of providing parking in order make their property more marketable to businesses, most would probably not find themselves agreeable to incurring an additional assessment to support parking facilities in this current economy.
- Amend the Parking Management Plan and establish a new parking in-lieu district area and associated fee. The two districts (the Downtown area and the

Embarcadero area) currently established within the city have been viable options for businesses to pursue when parking could not be accommodated on site. The advantage to pursuing this option is that the procedures already exist and utilizing a procedure already in use in other areas of the city would not have the potential create inequitable circumstances as it relates to parking within the city.

### **CONCLUSION:**

This report gives a broad overview of the situation occurring in the North Main Street area and a few of the possible solutions to the problem, the Council should consider the issue and give direction to staff.

### **ATTACHMENTS**

ATTACHMENT C

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – FEBRUARY 8, 2011

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City of Morro Bay  
Public Services/Planning Division  
Current Project Tracking Sheet

This tracking sheet shows the status of the work being processed by the Planning Division  
New items or items which have been recently updated are italicized. Approved projects are deleted on next version of log.

Agenda No: <u>C-1</u>
Meeting Date: <u>4/18/2012</u>

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
<b>Hearing or Action Ready</b>									
1	Olson	2740 Dogwood	2/17/12	UP0-346 & AD0-070	Applicant requesting a parking exception to the standard requirement of 2 enclosed parking spaces and an addition to a nonconforming structure	<i>SD-Letter sent 2/7/2012 deeming the project incomplete for processing</i>	building comments received 2/29/12	comments 3/19/12	No Comments to date
2	City of Morro Bay	North Main Street	12/13/10	A00-014	<i>City of Morro Bay is amending Municipal Code Section 17.44.020.1 providing specific regulations as to when additional onsite parking will be required for existing commercial buildings converting from one use to another without new construction or additions for specific North Main street commercial areas.</i>	Environmental--Initial Study a State Clearinghouse for review. Complete on 4/16/2012.			
3	Taylor	3128 Beachcomber	11/9/11	CP0-366	<i>2 Car Garage and Addition to a SFR.</i>	SD--Phase 1 Arch report and environmental document required, letter 1/18/12. Project determined to be exempt from CEQA. Processing admin CDP. Noticed on April 4, 2012 for action on the 14th.	Building comments-1/30/11 , Fire comments -3/28/12	comments received 3/21/12	No Comments to date
<b>30 -Day Review, Incomplete or Additional Submittal Review</b>									
4	Frantz	499 Nevis	9/27/2010, resubmittal date of 1/3/12	CP0-337	<i>New SFR. Applicant has indicated that he is redesigning project-project, placed on hold. Applicant resubmitted building permit plans but has not completed the submittal for the Coastal Development Permit 11/14/11. Payment received 1/3/12. Plans received 1/3/12.</i>	SD--Incomplete Letter 10/7/10. Meeting with applicant's representative on 11/16/2010. Incomplete letter, applicant needs to submit for CDP and pay associated fees 12/13/11. Comment letter sent 2/6/2012. Applicant indicated to staff no longer using Agent Novak	No Comments to date	Comments submitted 1/18/2011	No Comments to date
5	Chevron Pipeline	4600 Hwy1	7/11/11	S00-110	<i>Certificate of Compliance.</i>	KW-- Waiting on applicant to submit property owner authorization. Received authorization 3/22/12	Not applicable	No Comments to date	Not applicable

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6	Held	901-915 Embarcadero	7/21/11	UP0-342	<b>Application for improvements to existing building.</b> Proposes new unit, bathroom and water improvements. Project routed for initial review.	SD--Met with applicant on September 2011 and again in November 2011. Letter sent to applicant with corrections.	Building comments 3/7/12-disapproved. Fire comments 3/12/12 conditional approval	Comments submitted 3/8/12	No Comments to date
7	Perry	3202 Beachcomber	9/8/11	AD0-067	<b>Variance.</b> Demo/Reconstruct. New home with basement in S2.A overlay.	KW--Planning requested status of CDP for house and LLA for parcels	Fire comments 10/24/2011, Building 12/23/11	BR--Public Works requested flood study.	No Comments to date
8	Vallely	460 Olive	10/24/11	CP0-363	<b>Demo/Rebuild.</b> Resubmittal 11/11/11.	<i>KW-- Incomplete letter 1/18/11. Need Phase 1 Arch Report.</i>	No Comments to date	comments submitted 11/22/11	No Comments to date
9	Loomis	660 Bay	10/27/11	UP0-340 & AD0-069	<b>Remodel and Addition with a Parking Exception.</b>	SD--Incomplete letter 11/23/11. 3/28/2012 still incomplete for processing	Fire-11/23/11 conditional approval	conditional approval 11/29/11	No Comments to date
10	McDonalds	780 Quintana	10/31/11	CP0-364 & UP0-341	<b>Remodel and Addition.</b>	SD--Incomplete letter 1/19/12. still incomplete	Fire comments-11/8/11. Building comments 11/21/11	comments received 11/29/11	No Comments to date
11	LaPlante	3093 Beachcomber	11/3/11	CP0-365	<b>New SFR.</b> Resubmittal and Phase 1 Arch report 2/6/12.	SD-- Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Environmental in process. Letter sent 4/11/2012 requesting environmental study.	No Comments to date	comments submitted 1/18/2012	No Comments to date
12	City of Morro Bay	Nutmeg	1/18/12	UP0-344	<b>Environmental.</b> Permit number for tracking purposes only County issuing permit. Demo existing and replace with two larger reservoirs. City handling environmental review	KW--Environmental contracted out to SWCA estimated to be complete on 4/27/2012	Not applicable	Not applicable	Not applicable
13	Morro Mist	2400 Main Street	1/0/2012		Applicant requested compliance check to conditions of approval. Minor Amendment Required.	<i>KW--Project modified beyond conditions of approval</i>	Deemed in substantial conformance to original approvals. Fire indicated insufficient number of hydrants	indicated submittal was OK	No Comments to date
14	Sequoia Court Estates	670 Sequoia	4/3/12	UP0-349 & S00-112	<b>Tract Map and Use Permit for 5 Lot Subdivision.</b>				
<b>Projects in Process</b>									
15	City of Morro Bay	Citywide	5/1/2010	AD0-047	<b>Text Amendment Modifying Section 17.68 "Signs".</b> Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs. 5/17/2010. Planning Commission made recommendations and forwarded to Council. Anticipate a City Council public hearing on the draft ordinance on May 2011. Scheduled for 5/10/11 CC meeting, item was continued. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs.  955 Shasta Avenue Morro Bay Ca 93442 805-772-6270	KW--A report on the status of this project brought to PC on 2/7/2011. The item shall be brought back to City Council first meeting in November. Workshops scheduled September 29, 2011 and October 6, 2011. Workshop results going to City Council December 13, 2011. Continued to 1/10/12 CC meeting. Staff Report to PC.	Not applicable	Not applicable	Not applicable

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Environmental Review									
16	Larry Newland	Embarcadero	11/21/05	UP0-092 & CP0-139	<b>Embarcadero-Maritime Museum (Larry Newland)</b> . Submitted 11/21/05. Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Resubmitted 5/25/07. Applicant resubmitted additional material on 9/30/2009. Applicant working with City Staff regarding an lease for the subject site. Applicants enter into an agreement with City Council on project. Applicant to provide revised site plan. Staff is processing a "Summary Vacation (abandonment)" for a portion of Surf Street. Staff waiting on applicant's resubmittal. Meeting held with applicant on 2/23/2011. Staff met with applicant on January 27, 2011 and reviewed new drawings, left meeting with the applicant indicating they would be resubmitting new plans based on our discussions.	KW--Incomplete 12/15/05. Incomplete 3/7/07. 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. Met with applicants on 2/19/2010. Environmental documents being prepared. Meeting held with city staff and applicants on 2/3/2011.	Not applicable	An abandonment of Front street necessary. To be scheduled for CC mtg.	Not applicable
17	Chevron	3072 Main (West of Del Mar Park)	12/31/08	CP0-301	<b>Remove Underground Pipes</b> . 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 Information submitted 2/9/11. Submitted requested documents 2/9/11. Applicant returned comments 12/7/11. Staff will address comments. Document to applicant for review 1/19/12. Agent said Chevron is working on how to address alternative fuel mitigation measures, 2/22/12. They will follow up with the City.	SD--Requested additional documentation 4/29/10. Contacted consulting firm to process environmental document. Consulting firm responded in the process of putting together proposal 6/20/11. Accepted proposal 6/29/11. Staff mail request letter for fees 7/19/11. Received Environmental Document and is under review 9/16/11. Sent document back for comments and corrections 10/14/11. Consulting firm making final changes and corrections 10/24/11. APCD submitted comments 11/1/2011. Sent to applicant for review 11/7/11. Comments sent to consultant 1/10/12. Document returned to staff 1/12/12. Applicant challenging the environmental mitigations.	Not applicable	Not applicable	Not applicable

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Project requiring coordination with another jurisdiction									
18	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	EIR	<i>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. City Council Meeting on January 11, 2011. Project heard before CCC on March 11, 2011, and additional studies and materials are required. City working with consultant to provide information. Workshops held on 6/27/2011 and 6/28/2011 to receive comments on the proposed Wastewater Treatment Plant (WWTP) Upgrade Project alternatives analysis process, candidate evaluation criteria, and preliminary site identification. Adm. draft of fine screen analysis completed. Staff and consultants currently working with CCC staff for De Novo hearing tentatively scheduled for May/June 2012</i>	Planning portion of project complete	Not applicable	No Comments to date	No Comments to date
19	City of Morro Bay	N/A	2/1/12	Grant	<i>Sustainable Communities Grant. The City of Morro Bay is applying for a Sustainable Communities Grant to help fund the General Plan/LCP update.</i>	KW-Grant application submitted to state	Not applicable	Not applicable	Not applicable
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive									
20	Nicki Fazio	360 Cerrito	08/15/07	CP0-246	<i>Appeal of Demo/Rebuild SFR and 2 trees removal. Planning Commission continued to a date uncertain. Project folder given to Rob S.</i>				

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
21	Burt Caldwell, (Embarcadero 801 LLC)	801 Embarcadero	5/15/08	UP0-212	Conference Center.	KW--Submitted 5/15/08. 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. Applicant has requested a second one year extension which is scheduled for action at the 12/7/2011 P.C. meeting. Planning Commission approved time extension, will expire on December 11, 2012.			
22	Ron McIntosh	190 Olive	8/26/08	UP0-232 &CPO-288	<b>New SFR.</b> Submitted 8/26/08. Resubmitted 12/10/08. Applicant resubmitted on 2/06/09. Environmental under review. Applicant and City agree to continuance. Applicant put project on hold.	KW--Inc. Letter 9/24/08. 1/9/09 request for more information.			
23	Pina Noran	2176 Main	10/3/08	CUP-35-99 & CDP-66- 99R	<b>Convert commercial space to residential use.</b> Submitted 10/03/08. Resubmitted 2/5/09. Applicant is considering a redesign of the project.	KW--Incomplete Letter 10/22/08. Project still missing vital information for processing 11/30/09. Called applicant 3/22/10 and requested information.			
24	James Maul	530, 532, Morro Ave 534	3/12/10	SP0-323 & UP0-282	<b>Parcel Map.</b> CDP & CUP for 3 townhomes. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter.	KW-Incomplete letter sent 4/20/10. Met with applicant 5/25/10.			
25	Hamrick Associates	1129 Market	6/10/10	UP0-291	<b>Remodel and Addition.</b> Submitted additional information 6/30/10. Submitted additional information 7/7/10. Applicant will resubmit addressing fire/building comments.	SD--Incomplete letter 6/23/10. Building Comments. 7/9/10. Met with agent 7/15/10.			
26	Hoover/Hough	301 Main	7/6/11	S00-108	<b>Lot Line Adjustment.</b> Received letter from agent requesting to place project on hold.	KW--Letter sent indicating project can not be supported as submittal advised to redesign 9/21/11.			
27	Randell	300 Piney	7/20/11	S00-111	<b>Tentative Parcel Map.</b> 4 lot subdivision.	SD--SRB. Incomplete letter 10/4/11.			

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Projects in Building Plan Check									
28	Frantz	499 Nevis	9/27/10	Building	New SFR. Resubmitted 11/14/11. Resubmitted CDP plans and paid monies.	KW--Incomplete Memo 10/7/10. Coastal Development Permit Required. Incomplete Letter sent 12/13/11 requesting CDP submittal.			
29	Rowland	2630 Maple	4/14/11	Building	Elevator. Resubmittal 5/25/11.	SD--Denied project because elevator was located in 20'x20' garage, where 2 covered and enclosed parking spaces are required, letter sent 4/18/11. Incomplete memo 6/9/11.			
30	Olson	2740 Dogwood	5/4/11	Building	SFR Remodel and Addition. Applicant submitted for a Conditional Use Permit on 2/21/2012	SD--Incomplete Memo 5/17/11. Incomplete Memo 12/12/11. Letter sent to applicant requesting action on open planning permit.			
31	Hoover	301 Main	9/13/11	Building	Single Family Addition to a non-conforming property. Lot Line adjustment in process, not shown on plans. Resubmittal 11/9/11. Multiple additions to a non-conforming property, CUP required.	SD--Incomplete memo 10/18/11. Met with the applicant and agent to discuss project 2/17/12. Needs to be redesigned.			
32	Williams	2920 Cedar	10/27/11	Building	SFR Addition. Does not conform to existing approvals/permits on file.	SD--Incomplete Memo 11/14/11.			
33	LaPlante	3093 Beachcomber	11/3/11	Building	New SFR.	SD--Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012			
34	Moscardi	2768 Alder	11/10/11	Building	New SFR. Applicant resubmitted on 2/28/2012. Submittal only included a few sheets	SD-- Incomplete memo 1/18/11. Incomplete memo 3/16/12.			
35	Burger King	781 Quintana	11/29/11	Building	Parking Lot. Resubmittal 4/5/12.	SD--Incomplete Memo 12/19/11.			
36	Swanson	690 Sequoia	12/7/11	Building	6ft Extension to an Existing Upper and Lower Deck.	SD--Requested 2 sets of the most recent plans in order to issue permit 2/21/12.			
37	Carlstrom	482 Kern	12/21/11	Building	SFR Demo/Reconstruct. Resubmittal 4/4/12.	SD--Incomplete Memo 1/23/12.			
38	Romero	291 Shasta Ave	12/29/11	Building	New single family residence. Applicant resubmitted on 12/29/2011. Ready to be noticed 2/22/12.	SD--Incomplete Letter 2/18/11.			

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
39	Mission Linen	399 Errol	2/14/12	Building	<b>Exterior Awning.</b> Need parcel merger or lot tie agreement in order to approve building permit.	SD--Incomplete memo 2/16/12.			
40	Morro Del Mar	1885 Ironwood	2/22/12	Building	Applicant submitted for grading and retaining walls. DRT meeting 4/8/12.	KW--Under review			
41	Fennacy	500 Morro Bay	3/15/12	Building	Applicant adding walk up window to existing building	SD-under review			
42	Stewart	370 Kern	4/4/12	Building	SFR Addition.	SD-under review			
<b>Aging Building Permits - No response from applicant in more than 90 days.</b>									
43	Valori	2800 Birch Ave	2/10/10	Building	<b>Remodel/Repair.</b> Sunroom, garage, and study.	SD--Comments sent 2/24/10			
44	Colhover	2800 Dogwood	3/8/10	Building	<b>New SFR.</b>	SD--Comments sent 3/25/10.			
45	Hall	2234 Emerald Circle	12/2/10	Building	<b>New SFR.</b>	SD--Incomplete Memo 12/21/10.			
46	Markowity	589 Morro Avenue	8/17/11	Building	<b>Roof Deck.</b> Resubmittal 9/20/11. A major modification shall be pursued.	SD--Plans returned to Brian, because the plans were incomplete. Incomplete memo 10/3/11.			
<b>Final Map Under Review</b>									
47	Zinngarde	1305 Teresa	5/9/11	Map	<b>Final Map.</b> Public Works review of the final map, CCR's and conditions of approval. Plans 8/5/11. Applicant resubmitted CCRS. Incomplete submittal as of 1/23/12.	KW--Comments given to applicant, held meeting on 9/27/2011 regarding comments. Biological being review by applicant to address drainage issues			
48	Medina	3390 Main	10/7/11	Map	<b>Final Map.</b> Issues with ESH restoration. Applicant placed processing of final map on hold by proposing an amendment to the approved tentative map and coastal development permit. Applicant proposed administrative amendment. Elevated to PC, approved 1/4/12. Appealed, scheduled for 2/14/12 CC Meeting. Appeal upheld by City Council, and project with denied 2/14/12.	SD--Meeting with applicant regarding ESH Area and Biological Study.			
<b>Projects &amp; Permits with Final Action</b>									
49	City of Morro Bay	Corner of Quintana/S. Bay	1/9/12	CP0-369	<b>Upgrade Lift Station 3 facilities.</b>	SD--Verbal to Dylan, need elevations and parking space 1/31/12. Elevations submitted and site plan revised 2/29/12. Project exempt CEQA.	Fire comments submitted 2/6/12	Comments submitted 2/27/12	No Comments to date
50	City of Morro Bay	975 Shasta Ave	3/5/12	CP0-371	<b>Triplex Demo.</b> Scheduled for 4/4/12 PC Meeting.	Project requires a Coastal Development permit for demolition (over 2 units)	No Comments to date	No Comments to date	No Comments to date
51	Erwin	375 Las Vegas	1/23/12	AD0-071 & UPO-345	<b>Addition to nonconforming residence.</b> Resubmittal 3/12/2012.  955 Shasta Avenue Morro Bay Ca	SD-- Incomplete letter 2/6/12. Resubmittal addressing incomplete letter submitted 93442 805-772-6270	Building comments submitted 2/6/12	No Comments to date	No Comments to date



# City of Morro Bay

Public Services/Planning Division

Advanced Planning Work Program

Work Item	Requested by	Date Requested	Comments	Estimated Staff Hours	Planning Commission	City Council
Updating the Strategic plan matrix for managing the greening process	City Council	2009	Original green matrix went to P.C. on 7/6/09 and then to C.C. on 12/14/09. Now subject to annual updates	20 to 40	Annual Updates	Annual Updates
Draft Urban Forest Management Plan	City Council	2007		200 to 300	TBD	TBD
CEQA Implementation Guidelines	City Council	2006		120 to 160	TBD	TBD
Downtown Visioning	City Council	2010		120 to 160	TBD	TBD
PD Overlay	City Council	2006		80	TBD	TBD
Annexation Proceeding for Public Facilities (Chorro Valley well sites)	City Council	2007		TBD		TBD
North Main Street Parking Plan	City Council	2011	Text amendment to be review by Planning Commission and PC to make recommendation to City Council 4/18/12 PC mtg.	100	4/18/2012	TBD
Sign Ordinance Update	City Council	2010	Workshops Scheduled for September 29 and October 6, 2011. Update on the sign workshops and sign survey results brought to Council on January 24, 2012	150 to 250 + consultant hrs	2/16/11	11/1/11
Pedestrian Plan	Planning Commission	2008	City of Morro Bay Bicycle and Pedestrian Master Plan. City hired consultant to draft the plan. Administrative Draft Plan was reviewed during a Public Workshop on August 30, 2011. The 2nd draft plan is currently on the October 21, 2011 PWAB agenda. Project is now being revised. Revised document submitted 1/10/2012 to Planning Department for review. Scheduled for February 15, 2012 P.C. meeting.	550 Hours	TBD	
Subdivision Ordinance Clean up	Planning Commission	2011	Commissioner Irons is lead. Two meeting held on identifying issues. Irons/Nagy/Wold. Commissioner Napier replaced Irons.	100-150	TBD	TBD
Updated Zoning Ordinance	CC based on CCC letter	2010		1,800	TBD	TBD
Updated General Plan/LCP	CC based on CCC letter	2010	Subcommittee formed. Meetings held are: 11/9/11 to develop plan of action ecreation Element, 12/7/11 to review Access & Recreation Element. Changes were made but not yet finalized. 1/9/12 to review Harbor Resources Element Next meeting scheduled for 1/30/12 to discuss Visual Resources	1,800	TBD	TBD