



CITY OF MORRO BAY PLANNING COMMISSION AGENDA

*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, May 16, 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

- A-1 Approval of minutes from Planning Commission meeting of May 2, 2012
Staff Recommendation: Approve minutes as submitted.

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.:** Amendment to Special Use Permit #SUP 31-80# and Coastal Development Permit #CDP 56-89

Site Location: 590 Morro Avenue, Twin Dolphin Motel

Proposal: The applicant is seeking an amendment to the existing Use Permit/Coastal Development Permit at 590 Morro Ave to allow modifications to the existing 31 room motel with a manager's unit. The project proposes to eliminate the manager's unit and the manager's garage and remodel these areas to other motel functions.

CEQA Determination: Categorically Exempt, Class 32.

Staff Recommendation: Conditionally approve with conditions.

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

- B-2 **Case No.:** Conditional Use Permit #UP0-284 (Precise Plan)

Site Location: 1001 Front Street, water lease sites 105.1W and 105.2W adjacent to 1001 Front Street.

Applicant/Project Sponsor: Giovanni DeGarimore / Cathy Novak

Request: The applicant seeks Precise Plan approval for the reconfiguring and expansion of the existing dock system. The proposal includes expanding the head-float and installation of four new finger floating docks approximately 50 feet by 4 feet 4 inches wide. The project would include the construction of a new accessible landing and gangway. The project also includes the addition of a windscreen and retractable awning over the existing general public outdoor dining area located on the wharf, this portion of the project is zoned Waterfront (WF). Parking will be accommodated within a parking lot adjacent to Front Street.

- B-3 **Case No.:** Conditional Use Permit #UP0-348 & Coastal Development Permit #CP0-372

Site Location: 281 Main Street

Proposal: The applicant is seeking approval of a Use Permit and Coastal Development Permit to allow the construction of an approximately 2,828 square foot single-family residence.

CEQA Determination: Categorically Exempt, Class 3.

Staff Recommendation: Conditionally Approve.

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

B-4 Case No.: Zoning Text Amendment #A00-015 (continued from May 2, 2012 meeting)

Site Location: Citywide

Proposal: The City of Morro Bay is proposing a Municipal Code Amendment modifying Section 17.68 “Signs”. Recommendations from the previous sign workshops, sign survey results, previous work for the 2004 Planning Commission report and direction from City Council (2012) will be presented at the May 2, 2012 meeting. The Planning Commission will review these items, take public testimony and provide direction to staff.

CEQA Determination: To be determined.

Staff Recommendation: Review documentation, take public testimony and provide direction to staff.

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, June 6, 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 or you can subscribe to Notify Me for email notification when the Agenda is posted on the City’s website. To subscribe, go to www.morro-bay.ca.us/notifyme and follow the instructions.

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 ITEM: A-1

DATE: May 16, 2012

ACTION: _____

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MAY 2, 2012
VETERANS MEMORIAL HALL – 6:00 P.M.

Chairperson Grantham called the meeting to order at 6:00 p.m.

PRESENT:	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	Paul Nagy	Commissioner
	Jessica Napier	Commissioner
	John Fennacy	Commissioner
STAFF:	Rob Livick	Public Services Director
	Kathleen Wold	Planning and Building Manager
	Sierra Davis	Assistant Planner

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

PUBLIC COMMENT

Chairperson Grantham opened Public Comment period.

John Barta, resident of Morro Bay, addressed the issue of granny units that was discussed at the Candidate's Forum. He stated granny units are not a special interest. Granny units cannot exceed the size of a single family house existing on the property and stated this is a good opportunity for more housing in the community.

Chairperson Grantham closed Public Comment period.

PRESENTATIONS – None.

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

A. CONSENT CALENDAR

A-1 Approval of minutes from Planning Commission meeting of April 4, 2012
Staff Recommendation: Approve minutes as submitted.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MAY 2, 2012

A-2 Approval of minutes from Planning Commission meeting of April 18, 2012
Staff Recommendation: Approve minutes as submitted.

MOTION: Chairperson Grantham moved to approve the minutes of the April 4, 2012 and April 18, 2012 Planning Commission meetings. Commissioner Nagy seconded the motion.

Commissioner Napier requested a change in the April 18, 2012 minutes on page 3, paragraph 3. She stated her comments were that she said that the carport probably does not meet Code and requested it be changed.

Livick stated staff would review the audio and make the change to accurately reflect what Napier said.

Chairperson Grantham accepted the correction after staff review and amendment as part of the motion.

Motion passed unanimously. (5-0).

B. PUBLIC HEARINGS

B-1 **CONTINUED FROM THE APRIL 18, 2012 MEETING**

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

Davis presented the staff report noting the two issues that were brought up at the last meeting. The first issue was not wanting to devalue the property by making the applicant convert the illegally converted carport back to a carport thereby removing the habitable space. The second issue was that if other carports or garages have been illegally converted without proper permits, that they would be reviewed on a case by case basis.

Chairperson Grantham opened Public Comment period.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MAY 2, 2012

John Barta, resident of Morro Bay, spoke stating this is a street to street lot. If they have been paying taxes on that, then the County was notified and therefore may be a possibility that a permit was issued at one point in time which speaks in favor of the Applicant's position.

Chairperson Grantham closed Public Comment period.

Commissioner Nagy stated if what we have to approve today is the parking in the back yard then we can discuss that.

Commissioner Solu stated support for approval of the Applicant's request.

Chairperson Grantham stated he was not in support of the Applicant's request.

No other comments from Commissioners.

MOTION: Commissioner Nagy moved to approve Conditional Use permit #UP0-346 and Parking Exception #AD0-070 with the findings in the way that it's been applied for.

The motion was seconded by Commissioner Fennacy and carried with Chairperson Grantham voting no. (4-1)

B-2 **Case No.:** Zoning Text Amendment #A00-015

Site Location: Citywide

Proposal: The City of Morro Bay is proposing a Municipal Code Amendment modifying Section 17.68 "Signs". Recommendations from the previous sign workshops, sign survey results, previous work for the 2004 Planning Commission report and direction from City Council (2012) will be presented at the May 2, 2012 meeting. The Planning Commission will review these items, take public testimony and provide direction to staff.

CEQA Determination: To be determined.

Staff Recommendation: Review documentation, take public testimony and provide direction to staff.

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

Wold presented the staff report.

Chairperson Grantham opened Public Comment period.

Joe Yukich, resident of Morro Bay, spoke regarding the need for a discussion of districts in Morro Bay such as north Morro Bay, Old Town and the Embarcadero. He asked the Commission to look at the issue of districts which would be good for Morro Bay businesses.

John Barta, resident of Morro Bay, spoke regarding the need for signage. The goal is to find a balance point between community aesthetics and the businesses' need for effective signage. Barta noted that different types of businesses require different types of signage. He urged the Commission to do two things, direct that the model described in attachment 1 including the sign manual be a model for staff efforts. Secondly, set a timeline for regularly updating those efforts so that regular progress will eventually add to a finished project when done.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MAY 2, 2012

Susan Stewart, business owner in Morro Bay, agreed with John Barta. She stressed to keep it simple noting the importance of having regulations that are easy to understand, are practicable and to consider the different parts of town.

Bill Suchuck, business owner in Morro Bay, questioned the discrepancy between the number of signs on some Embarcadero-area businesses versus his requirement of only a 2x2 pub sign on his Embarcadero business. He stressed the need to make sign regulations fair and disagreed with the logic behind grandfathering. He wants to know what he can and cannot do.

Vicky, business owner next to Bill, agreed with Bill.

Amber, owner of Nibble Nook in Morro Bay addressed the issue of A-frame signs. She questioned the selective enforcement of the A-frame sign regulations and noted that the City Attorney physically removed one of her business signs. She stated her business has limited visibility so signage is important for her business. She questioned enforcement of corporate signs and also the numerous “enjoy” signs located on the Embarcadero. She stated a need for fairness among sign regulations and enforcement.

Chairperson Grantham closed Public Comment period.

Commissioners discussed need for having different sign districts or zones:

Commissioner Fennacy stated support for the concept of having sign districts noting that what might work for North Morro Bay may not be what works for the Embarcadero area and also agreed with the need for fairness.

Commissioner Solu stated support for Council’s decision to remove A-frame signs and the need to identify different signs for different districts. In addition, he likes the idea of having a matrix determining different businesses in different districts. Solu recommended a timeline be developed and/or come up with a subcommittee to work on this.

Chairperson Grantham asked Wold to make her presentation regarding the sign ordinance. Wold reviewed the presentation information with Commissioners. Wold asked for staff direction from Planning Commission regarding the sign ordinance and how the procedure process should work.

Commissioner Nagy stated support for businesses and a clean community. He stated there should be room for exceptions for certain circumstances to prevent being overly rigid. Nagy supports no more A-frame signs and also supports the concept of four different zones. He also stated support for giving a sign handbook to businesses when they apply for business licenses.

Commissioner Napier supports four different districts, consistent enforcement and also to keep it simple.

Commissioners agreed to discuss the sign ordinance as four separate zones. After some discussion regarding the differing sign needs of shopping centers, Commissioners agreed in general that the four separate areas would be North Morro Bay, Old Town, Quintana area south of Main Street and the Embarcadero area.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MAY 2, 2012

Solu said he would prefer getting more input from the public because different districts in town would want different sign information.

Wold discussed with Commissioners the four different zones which may have subsets, such as motels and shopping centers which is not a zone, it is a use.

Commissioners had continued discussion with staff regarding:

- Whether to dissect the ordinance all tonight or rather break it up in sections to be discussed at separate Planning Commission meetings;
- How to simplify the process for reviewing unique sign needs of different districts since what may work in North Morro Bay may not be the same as the Embarcadero businesses;
- A-frame signs; and
- Directing staff to bring back maps of the four different districts with sign definitions at the next Planning Commission meeting.

Wold stated it is important to remember that since Morro Bay is in the coastal zone, the sign ordinance will need to be certified by the Coastal Commission.

Wold recommended that the Planning Commission authorize staff to use the basic sign definitions and procedures and graphics and then put it in a format similar to the Local Coastal Plan (LCP) and not to use the 2005 zoning ordinance.

Livick clarified that the Commission can act on consensus and a motion is not required.

Planning Commissioners unanimously agreed to direct staff to do as Wold recommended.

Commissioners directed staff to bring back four different zone maps and one overall map to see all the commercial areas. In addition, a basic outline of the zoning ordinance with headings only and definitions and graphics. Additionally this information should be put on the City website for people to make comments.

Planning Commissioners unanimously agreed to continue the hearing to the May 16, 2012 Planning Commission meeting.

UNFINISHED BUSINESS

- C-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.

Wold reviewed the Work Program with Commissioners.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MAY 2, 2012

NEW BUSINESS

DECLARATION OF FUTURE AGENDA ITEMS - None.

ADJOURNMENT

The meeting adjourned at 7:45 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, May 16, 2012 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA NO: B-1
MEETING DATE: May 16, 2012

Staff Report

TO: Planning Commissioners **DATE:** May 10, 2012
FROM: Kathleen Wold, Planning and Building Manager
SUBJECT: Amendment to Special Use Permit and Coastal Development Permit at 590 Morro Avenue to allow modifications to the existing motel including conversion of the existing Manager's garage into a new 1st floor lobby.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by making the following motion:

- A. Adopt the Findings included as Exhibit "A";
- B. Conditionally Approve the amendment to Special Use Permit #SUP 31-84 and Coastal Development Permit # CDP-56-84 subject to the Conditions included as Exhibit "B" and the site development plans dated May 1, 2012.

APPLICANT/AGENT: Hemant Patel, 590 Morro Ave, Morro Bay

LEGAL DESCRIPTION/APN (ADDRESS): 066-133-001

PROJECT DESCRIPTION: The applicant is requesting to amend their existing Special Use Permit and Coastal Development Permit to allow the renovation of an existing 31 unit motel with Manager's Unit. The renovations will include the following:

1. Removal of the Manager's Unit.
2. Conversion of the Manager's Unit garage into reception, office and lobby.
3. Conversion of the existing reception area into laundry room.
4. Conversion of the existing Manager's quarters into a food preparation area and exercise room.
- 5 Adding a new ADA compliant restroom.
6. Demolition of a spa.
7. Remodel of the Manager's quarters on the 3rd floor into offices for staff and a new staff lounge.
8. Install new entry canopies at the Morro and Marina entrances.

Prepared By: <u><i>KW</i></u>	Dept Review: <u><i>KE</i></u>
City Manager Review: <u>—</u>	
City Attorney Review: <u>—</u>	

9. Enclose 30 square feet at the Morro Ave entrance to accommodate a new ADA compliant entry.
10. Install new paving at entries.

PROJECT SETTING:

<u>Adjacent Zoning/Land Use</u>			
North:	Central Business District (C-1)/ R-4 (S.4)	South:	Duplex Residential R-2 (PD/S.4),
East:	Central Business District (C-1)/ R-4 (S.4)	West:	Duplex Residential R-2 (PD/S.4),

<u>Site Characteristics</u>	
Site Area	15,982 square feet
Existing Use	31 unit Motel with onsite Manager's Unit
Terrain	Graded, flat site/gently sloping
Vegetation/Wildlife	Vegetation in parking lot
Archaeological Resources	Property not located within 300 feet of an archeologist site
Access	Morro Avenue and Marina Street

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Moderate Density
Base Zone District	R-2 (Duplex Residential)
Zoning Overlay District	PD
Special Treatment Area	S.4
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Yes, not located in the original or appeals jurisdiction.

PROJECT ANALYSIS:

Regulations

The existing motel was permitted in accordance with the Special Use Permit regulations contained in Section 17.30.030.

All uses listed as requiring a Special Use Permit are declared to be Special Uses possessing characteristics of such unique and special form as to make impractical their inclusion in any class of use set forth in the various districts defined in this Title and, therefore, the authority

for a location of the operation of any of the uses designated herein shall be subject to the issuance of a Special Use Permit in accordance with the provisions of this Chapter. In making the findings required for Use Permits the Planning Commission shall, in addition to other relevant data, explicitly consider the following factors to determine that the characteristics of the listed uses will not be unreasonably incompatible with the uses permitted in surrounding areas:

- damage or nuisance from noise, smoke, odor, dust or vibration;
- hazard, or nuisance from explosion, contamination, or fire;
- hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles; or
- height of structure. Except for necessary pipelines, transmission lines and roadway crossings, Special Use Permits shall not be applicable in the ESH or OA-1 zones. The uses referred to herein are as follows:

The modifications proposed by the applicant are minor in nature and will not negatively affect the surrounding properties which would include the above factors.

Environmental Determination

Pursuant to the California Environmental Quality Act the project as proposed is Categorically Exempt Section 15301, Class 1. Class 1 provides for (e) Additions to existing structures provided that the addition will not result in an increase of more than:

- 1) 50 percent of the floor area of the structure before the addition, or 2,500 square feet whichever is less; or
- 2) 10,000 square feet is:
 - a. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
 - b. The area in which the project is located is not environmentally sensitive.

The project as proposed is an addition of 30 square feet to an existing motel, which meets Class 1, subsection e1, for an addition of less than 2,500 square feet.

Parking

Pursuant to Section 17.44.020.C.1.j. the motel is required to provide one space for each room plus one space for each ten rooms. After the remodel which eliminates the Manager's Unit the motel will be required to provide 34 parking spaces. The site plan submitted indicates that they will provide 34 parking stalls. The dimension of these stalls are nonconforming to today's standards but they are compliant with the standards at the time the motel was developed and therefore are allowed to remain as legal nonconforming stalls.

Exterior Changes

The applicant proposes only minor changes to the outside exterior of the building and parking

lot. The exterior will be modified with the addition of a new window and awnings. In addition there will be new pavement at the entries.

Interior Changes The interior changes proposed include relocating the lobby to the 1st floor. The conversion of the Manager's garage into motel use is a minor intensification of the use but does not result in any increase in the demand for parking. Staff has evaluated the proposed interior changes and finds that the changes are consistent with the previous approved motel.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Tribune newspaper on May 4, 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 amendment as proposed is minor in nature and is consistent with the use and development as it exists today therefore staff recommends approval of the project as conditioned.

ATTACHMENTS:

1. Findings, Exhibit A
2. Conditions, Exhibit B
3. Graphics/Plan Reductions, Exhibit C

EXHIBIT A

FINDINGS

Site: 590 Morro

Special Use Permit #SUP 31-84 and Coastal Development Permit # CDP-56-84.

California Environmental Quality Act (CEQA)

- A. Pursuant to the California Environmental Quality Act the project as proposed is Categorically Exempt Section 15301, Class 1. Class 1 provides for (e) Additions to existing structures provided that the addition will not result in an increase of more than:
- 1) 50 percent of the floor area of the structure before the addition, or 2,500 square feet whichever is less; or
 - 2) 10,000 square feet is:
 - a. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
 - b. The area in which the project is located is not environmentally sensitive.

The project as proposed is an addition of 30 square feet to an existing motel, which meets Class 1, subsection e1, for an addition of less than 2,500 square feet.

Coastal Development Permit Findings

- B. In order to approve any coastal development permit the findings of the planning commission shall be that the approved or conditionally approved project is consistent with the applicable provisions of the certified Local Coastal Program. For every development between the nearest public road and the sea or the shoreline or any body of water, the planning commission shall make a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The proposed project is consistent with all provision of Title 17 and the Local Coastal Plan. The project is not located between the nearest public road and the sea or the shoreline or any body of water therefore specific findings are not required for consistency with Chapter 3 of the California Coastal Act.

Conditional Use Permit Findings

- C. The Planning Commission shall determine whether or not the establishment, maintenance, or operation of the use applied for will, 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 such proposed use, or whether it will be injurious or detrimental to property and improvement in the neighborhood or the general welfare of the City.

Staff can recommend approval of the amendment to the Special Use Permit because the modifications to the existing motel use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood. The modifications will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City because the modifications are minor and consistent with the existing development and use onsite.

EXHIBIT B

CONDITIONS OF APPROVAL

Site: 590 Morro

Special Use Permit #SUP 31-80 and Coastal Development Permit # CDP-56-89.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated May 10, 2012, for the project depicted on plans dated May 1, 2012 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.

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: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) 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, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant

understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.
8. 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.

PLANNING CONDITIONS

1. All conditions from Special Use Permit #31-84 and Coastal Development Permit #56-84 shall remain in force.

FIRE CONDITIONS

1. The project shall be required to meet all fire code standards.

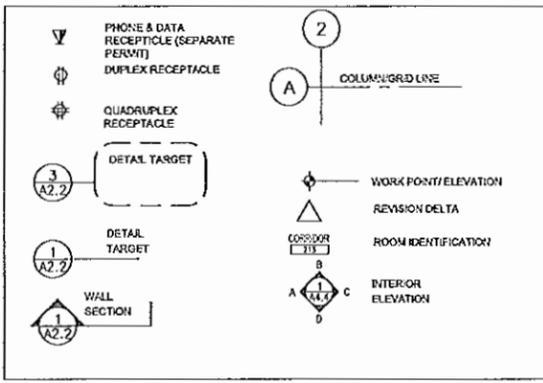
BUILDING CONDITIONS

1. Prior to construction, the applicant shall submit complete building plans and obtain a building permit

ABBREVIATIONS

L	ANGLE	H3	HOSE BIB	SHR	SHOWER
C	CENTERLINE	HC	HANDICAPPED	SHT	SHEET
#	FOUND OR NUMBER	HDR	HEADER	SHTG	SHEATHING
AB	ANCHOR BOLT	HWD	HARDWOOD	SIM	SIMILAR
AC	AIR CONDITIONING	HWE	HARDWARE	SLR	SEALER
ACT	ACOUSTICAL CEILING TILE	HT	HEIGHT	SND	SANITARY NAPKIN DISPENSER
AF	ABOVE FINISH FLOOR	HM	HOLLOW METAL	SNR	SANITARY NAPKIN RECEPTACLE
AL	ALUMINUM	HCW	HOLLOW CORE WOOD	SOG	SLAB ON GRADE
ANCH	ANCHOR	HORIZ	HORIZONTAL	SPEC	SPECIFICATION
ANOD	ANODIZED	HR	HOUR	SPKR	SPEAKER
APPROX	APPROXIMATE	H.R.	HANDRAIL	SQ	SQUARE
ARCH	ARCHITECTURAL	HVAC	HEATING/VENTILATING/AIR CONDITIONING	SS	STAINLESS STEEL
ASPH	ASPHALT	HW	HOT WATER	STD	STANDARD
BO	BOARD	HWT	HOT WATER TANK	STL	STEEL
BTUM	BITUMINOUS	ID	INSIDE DIAMETER	STOR	STORAGE
BLDG	BUILDING	INCL	INCLUDE	STRUC	STRUCTURAL
BLCK	BLOCK	INT	INTERIOR	SUSP	SUSPENDED
BLKG	BLOCKING	INT	INTERIOR	SV	SHEET VINYL
BM	BEAM	JAN	JANITOR	SYM	SYMMETRICAL
BOT	BOTTOM	JST	JOIST	T	TOILET
BRG	BEARING	JT	JOINT	T&G	TONGUE & GROOVE
BSMT	BASEMENT	L&P	LATH & PLASTER	TB	TOWEL BAR
BUR	BUILT-UP ROOFING	LAM	LAMINATE	TC	TOP OF CURB/TOP OF
CB	CATCH BASIN	LAV	LAVATORY	TD	TOILET DISPENSER
CO	CELLULOSE DIFFUSER	LAG	LAG BOLT	TDW	TOWEL DISPENSER & WASTE
CER	CERAMIC	LF	LINERAL FOOT	TEL	TELEPHONE
CAB	CABINET	LKR	LOCKER	TEL	TELEPHONE
CI	CAST IRON	LT	LIGHT	TEMP	TEMPERED
CIP	CAST IN PLACE	LTL	LIGHT	TER	TERRAZZO
CJT	CONSTRUCTION JOINT	LVR	LOUVER	THRES	THRESHOLD
CLB	CEILING	MAT	MASONRY	TOC	TOP OF CURB
CLJ	CONTROL JOINT	MAS	MASONRY	TOP	TOP OF PLATE
CLR	CLEAR	MAT	MASONRY	TOS	TOP OF STEEL
CMU	CONCRETE MASONRY UNIT	MAX	MAXIMUM	TOW	TOP OF WALL
CHTR	COUNTER	MC	MEDICINE CABINET	TP	TOP OF PAVEMENT
CO	CLEAN OUT	MECH	MECHANICAL	TPD	TOILET PAPER DISPENSER
COL	COLUMN	MEZZ	MEZZANINE	TPART	TOILET PARTITION
CONC	CONCRETE	MFD	METAL FLOOR DECK	T	TREAD
CON	CONNECTION	MFR	MANUFACTURER	TYP	TYPICAL
CONSTR	CONSTRUCTION	MH	MANSIOLD	UNO	UNLESS NOTED
CONT	CONTINUOUS	MJN	MANSIOLD	UR	URNAL
CORR	CORRIDOR	MNR	MIRROR	UTL	UTILITY
CPT	CARPET	MSC	MISCELLANEOUS	V	VANIL
CRVR	CORNER	MOLD	MOULDING	VAP	VAPOR BARRIER/VANIL BASE
CT	CERAMIC TILE	MW	MILLWORK	VCT	VINYL COMPOSITION TILE
CTR	CENTER	MWO	MASONRY OPENING	VD	VOLUME DAMPER
CSK	COUNTERSUNK	MOH	MOUNTING	VENT	VENTILATION
CW	COLD WATER	MOR	MOUNTING	VERT	VERTICAL
DBL	DOUBLE	MS	MACHINE SCREW	VEST	VESTIBULE
DEPT	DEPARTMENT	MTD	MOUNTED	VIB	VERTICAL DRAIN
DET	DETAIL	MUL	MULLION	VF	VERIFY IN FIELD
DF	DRINKING FOUNTAIN	MUL	MULLION	VP	VENEER PLASTER
DA	DIAMETER	OC	ON CENTER	W	WEST
DIFF	DIFFUSER	OD	OUTSIDE DIAMETER	W	WITH
DIR	DIRECTION	OFF	OFFICE	WAN	WANSOOT
DISP	DISPENSER	OH	OVERHEAD	WC	WATER CLOSET
DSP	DOWNSPOUT	OPP	OPPOSITE	WD	WOOD
DT	DRAIN TILE	POT	PORCELAIN TILE	WG	WIRE GLASS
DWD	DRAWING	PEP	PEDESTAL/PEDESTAL	WPT	WORK POINT
DWR	DRAWER	PERF	PERFORATED	WO	WITHOUT
E	EAST	PL	PLATE	WP	WATERPROOF
(E)XIST	EXISTING	PLAM	PLASTIC LAMINATE	WR	WATER RESISTANT/WASTE
EA	EACH	PNL	PANEL	WSC	WANSOOT
EB	EXPANSION BOLT	PNTD	PANIED	WT	WEIGHT
EJ	EXPANSION JOINT	PART	PARTITION	WWF	WOVEN WIRE FABRIC
EL	ELEVATION	PLYWD	PLYWOOD		
ELEC	ELECTRICAL	PR	PAR		
ELEV	ELEVATOR/ELEVATION	PREFAB	PREFABRICATED		
EMER	EMERGENCY	PROP	PROPERTY		
ENCL	ENCLOSURE	PT	POINT		
EQ	EQUAL	PTD	PAPER TOWEL DISPENSER		
EQUIP	EQUIPMENT	PTDR	PAPER TOWEL DISPENSER		
EXT	EXTERIOR				
FA	FIRE ALARM				
FD	FLOOR DRAIN/FIRE DAMPER				
FND	FOUNDATION				
FE	FIRE EXTINGUISHER				
FEC	FIRE EXTINGUISHER CABINET				
FF	FACTORY FINISH				
FH	FIRE HYDRANT				
FHC	FIRE HOSE CABINET				
FIN	FINISH				
FXT	FIXTURE				
FLASH	FLASHING				
FLR	FLOOR				
FLUOR	FLUORESCENT				
FOC	FACE OF CONCRETE				
FOF	FACE OF FINISH				
FOM	FACE OF MASONRY				
FOS	FACE OF STUDS				
FRP	FIBERGLASS REINFORCED PLASTIC				
FS	FULL SIZE FLOOR SINK				
FT	FOOT/FEET				
FTD	FOOTING				
FUR	FURRING				
GA	GAUGE				
GALV	GALVANIZED				
GC	GENERAL CONTRACTOR				
GB	GRAB BAR				
GL	GLASS				
GND	GROUND				
GT	GLAZED TILE				
GWB	GYP/SUM WALLBOARD				
GYP	GYP/SUM				

DRAWING SYMBOLS



GENERAL CONDITIONS AND SPECIFICATIONS PROJECT DATA

1. THE CONTRACTOR SHALL PERFORM ALL OF THIS CONTRACT IN STRICT ACCORDANCE WITH THE LATEST EDITION OF THE UNIFORM BUILDING CODE AND ALL OTHER LOCAL, STATE AND NATIONAL CODES OR REGULATIONS HAVING JURISDICTION.

2. THE CONTRACTOR SHALL OBTAIN AND BEAR THE COST OF ALL REQUIRED PERMITS, LICENSES AND APPROVALS INCLUDING A BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY.

3. ALL THE WORK OF THIS CONTRACT SHALL BE COMPLETED IN STRICT ACCORDANCE WITH THE ATTACHED DRAWING DOCUMENTS.

4. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT OF ANY DISCREPANCIES BETWEEN THE ACTUAL CONDITIONS AND THE DRAWING DOCUMENTS. DRAWINGS SHALL NOT BE SCALED.

5. AT THE TIME OF EACH INCREMENTAL CONSTRUCTION PAYMENT RECEIVED, THE CONTRACTOR SHALL PROVIDE A LIEN WAIVER IN THAT AMOUNT TO THE OWNER. ADDITIONAL PROGRESS PAYMENTS WILL BE SUBJECT TO THE RECEIPT OF SAID DOCUMENT. AT THE COMPLETION OF THE WORK A LIEN WAIVER FOR THE ENTIRE AMOUNT SHALL BE PROVIDED PRIOR TO FINAL PAYMENT. ALL LIEN WAIVER DOCUMENTS SHALL BE IN COMPLETE CONFORMANCE WITH ALL LOCAL AND GOVERNMENTAL AGENCIES AND SHALL BE BINDING LEGAL INSTRUMENTS.

6. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN TELEPHONE CONTACT TO THE SITE FOR THE DURATION OF THE CONSTRUCTION.

7. THE CONTRACTOR SHALL PROTECT ALL WORK, MATERIALS, FIXTURES, ETC. IN THE DEMISED PREMISES FROM LOSS OR DAMAGE FROM ANY CAUSE AND SHALL REPLACE OR REPAIR DAMAGED WORK AT NO COST TO OWNER INCLUDING OWNER SUPPLIED ITEMS UNDER HIS JURISDICTION.

8. ELECTRICAL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE AND BY DULY LICENSED ELECTRICIANS.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TEMPORARY UTILITY CONNECTIONS AND PAYMENT OF UTILITY CHARGES PRIOR TO FINAL ACCEPTANCE OF THE WORK BY THE OWNER.

10. THE CONTRACTOR SHALL PROVIDE NON-COMBUSTIBLE "IN CEILING" AND "IN WALL" FRAMING AND BLOCKING AS REQUIRED TO SUPPORT ALL SHELVES, FASCIA AND SOFFITS.

11. ALL WOOD FRAMING AND BLOCKING SHALL BEAR A STAMP STATING IT IS NON-COMBUSTIBLE.

12. THE CONTRACTOR SHALL HAVE A FOREMAN IN CHARGE OF THE WORK WHO SHALL BE ON THE JOB EACH DAY TO PLAN THE SEQUENCE AND PROGRESS OF THE WORK, LAYOUT AND DIRECT THE WORK, AND CALL FOR ALL REQUIRED INSPECTIONS. HE SHALL ALSO REPORT ON THE PROGRESS OF THE WORK AND MAINTAIN THE CONSTRUCTION SCHEDULE.

13. ALL DOORS NOT LOCATED BY DIMENSIONS ON PLANS OR DETAILS SHALL BE 4 INCHES FROM FACE OF FINISH AT ADJACENT RIGHT ANGLE WALL TO EDGE OF DOOR OPENING.

14. COORDINATE WITH MECHANICAL CONTRACTOR FOR EXACT LOCATIONS OF ACCESS PANELS REQUIRED. PROVIDE ACCESS DOORS FOR ALL CONCEALED CATCHES, VALVES, DAMPER CONTROLS, AND FIRE DAMPER LEVERAGES. OBTAIN THE ARCHITECT'S APPROVAL IN LOCATION AND TYPE OF ALL ACCESS DOORS.

15. ALL RECESSED ELECTRICAL PANELS, FIRE EXTINGUISHER CABINETS, AND ALL OTHER RECESSED EQUIPMENT OR CABINETS, SHALL BE BACKED WITH GYP. WALLBOARD TO MAINTAIN THE FIRE-RESISTIVE RATING OF THE PARTITION IN WHICH THE UNIT IS INSTALLED.

16. PROVIDE CLOSURE AND SEALANT, MEETING THE REQUIREMENTS OF THE GOVERNING FIRE AUTHORITIES, BETWEEN ALL FIRE-RATED BUILDING PARTITIONS AND/OR PENETRATING DUCTS, PIPES, CONDUITS, MECHANICAL, ELECTRICAL, AND OTHER EQUIPMENT.

17. ALL FIRE-RATED WALLS, INCLUDING SHAFT ENCLOSURES AND PARTITIONS FORMING EXITS AND EXIT WAY ENCLOSURES, SHALL BE CONTINUOUS FROM FLOOR TO UNDERSIDE OF STRUCTURE ABOVE, WITH FIRE SEALANT AND AND BLOCKING, UNLESS NOTED OTHERWISE.

GENERAL DRAWING NOTES:

1. DO NOT SCALE DRAWINGS; DIMENSIONS SHALL GOVERN. DETAILS SHALL GOVERN OVER PLANS AND ELEVATIONS. LARGE SCALE DETAILS SHALL GOVERN OVER SMALL SCALE DETAILS. WRITTEN SPECIFICATIONS & NOTES SHALL GOVERN OVER ALL. IN CASE OF CONFLICT, THE MOST RESTRICTIVE SHALL GOVERN. CONTACT ARCHITECT PRIOR TO CONSTRUCTION FOR CLARIFICATION.

2. IN GENERAL, THE PLAN DIMENSIONS SHOWN ARE:

a. TO THE FACE OF FINISH AT STUD PARTITIONS, FURRING, & OPENINGS.

b. TO THE FACE OF MASONRY OR CONCRETE WALLS.

c. TO THE COLUMN GRID LINES.

d. TO THE FACE OF EXISTING WALLS.

e. AS SHOWN.

PROJECT DATA

ALL WORK TO CONFORM TO APPLICABLE BUILDING CODES INCLUDING BUT NOT LIMITED TO:

A. 2010 CALIFORNIA BUILDING CODE
 B. 2010 CALIFORNIA MECHANICAL CODE
 C. 2010 CALIFORNIA PLUMBING CODE
 D. 2010 CALIFORNIA ELECTRICAL CODE
 E. 2008 CALIFORNIA TITLE 24: CA STATE ENERGY STANDARDS

SITE INFO:
 APR: 066-133-001
 SITE SF: 17,412 SF
 BLDG NO SF: 10,592 SF
 ZONE: R-2
 CONSTRUCTION TYPE: VB SPRINKLERED OVER I/A

OCCUPANCY GROUP:
 R-1 RESIDENTIAL / HOTEL, TRANSIENT
 S-2 ENCLOSED PARKING GARAGE

PARKING CALCULATIONS:
 HOTELS, HOTELS: ONE SPACE FOR EACH ROOM OR GROUP OF ROOMS INTENDED TO BE OCCUPIED AS A UNIT, PLUS ONE SPACE FOR EACH TEN ROOMS, PLUS TWO SPACES FOR EACH RESIDENT MANAGER'S QUARTERS
 31 UNITS = 31 SPACES
 31/10 = 3 SPACES
 (0) MANAGER'S QUARTERS
 34 RECESSED SPACES
 34 SPACES PROVIDED

PROJECT TEAM

OWNER
 HEMANT PATEL
 500 MORRO AVE.
 MORRO BAY, CA 93942
 PHONE: 805.627.1874

ARCHITECT
 CARON DESIGN INC.
 1939 SANTA BARBARA ST
 SAN LUIS OBISPO, CALIFORNIA 93401
 PHONE: 805.627.1875
 FAX: 805.627.1876
 CONTACT: JOEL SNYDER

PROJECT DESCRIPTION

RENOVATION TO EXISTING 32 UNIT MOTEL (PROJECT REDUCES UNIT COUNT TO 31)
 RENOVATION OF (E) MANAGERS UNIT AND MANAGERS GARAGE TO THE FOLLOWING USES:

FIRST FLOOR: CONVERSION OF (E) MANAGERS GARAGE TO RECEPTION / OFFICE / LOBBY.

SECOND FLOOR: CONVERSION OF EXISTING RECEPTION AREA INTO LAUNDRY ROOM. CONVERSION OF EXISTING MANAGERS QUARTERS INTO FOOD PREP (ONLY PREPARED FOODS, NO FOOD COOKED IN ROOM) & EXERCISE ROOM. NEW ADA RESTROOM. DEMOLITION OF SPA.

THIRD FLOOR: REMODEL OF EXISTING MANAGERS QUARTERS TO STAFF OFFICE, STAFF LOUNGE.

EXTERIOR: NEW ENTRY CANOPY AT MORRO AND MARINA ENTRANCES. ENCLOSE (E) 30 SF COVERED ENTRY AT MORRO AVE. TO ACCOMMODATE A NEW ADA COMPLIANT ENTRY. NEW PAVING AT ENTRIES.

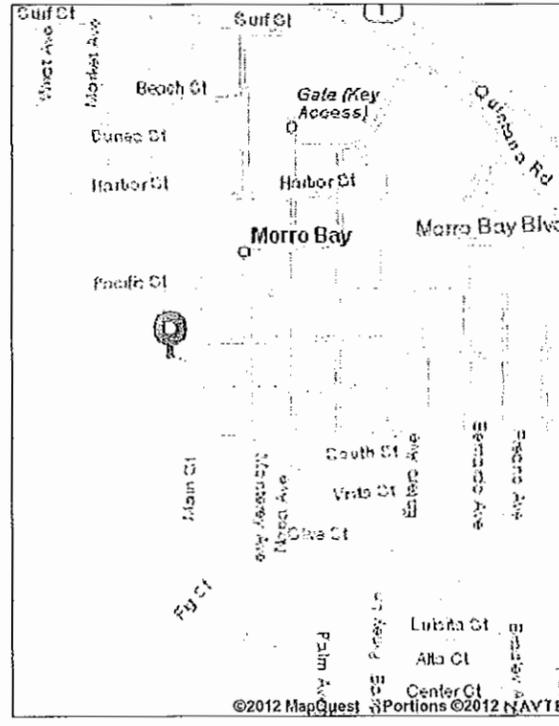
DRAWING INDEX

ARCHITECTURAL:

A-0.1	COVER SHEET
A-1.0	SITE PLAN AND GARAGE PLAN
A-2.0	ENLARGED LOBBY (GARAGE PLAN)
A-2.1	ENLARGED SECOND FLOOR PLAN
A-2.2	ENLARGED THIRD FLOOR PLAN
A-3.0	WEST & NORTH ELEVATIONS
A-3.1	ENLARGED ELEVATIONS

SEE ATTACHED EXISTING BUILDING DRAWING SET

VICINITY MAP



TWIN DOLPHIN MOTEL
 570 MORRO AVE.
 MORRO BAY, CA 93942

RECEIVED
 MAY 08 2012
 City of Morro Bay
 Public Services Department

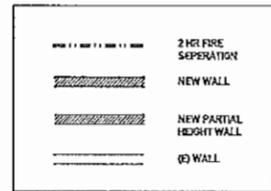
SECTION	DATE
PLANNING PERMIT SUGGEST	05.01.12
OWNER APPROVAL	
DATE	
STAMP	
PROJECT NUMBER	2012.03
DESIGNED BY	R.B. EGAN
CHECKED BY	J.S.
SHEET TITLE	COVER SHEET
SHEET NUMBER	A-0.1

PLUMBING FIXTURE SCHEDULE	
FIXTURE	DESCRIPTION
WATER CLOSET - "WC"	AMERICAN STANDARD 2216.143, 17" HIGH FOR HANDICAPPED WITH TANK LINER AND CHURCH 8500 OPEN FRONT ELONGATED WHITE SEAT LESS LID. FLUSHING MECHANISM SHALL BE LOCATED ON THE "WIDE SIDE" OF EACH WATER CLOSET.
LAVATORY - "L-1"	NEW PORCELAIN HANDSINK WITH INTEGRAL SPLASH GUARDS. PROVIDE PERMANENTLY INSTALLED SOAP DISPENSER AND SINGLE SERVICE HAND TOWEL DISPENSER.
THREE COMPARTMENT SINK - "3CS"	STAINLESS STEEL W/3- SINKS AND DOUBLE DRAIN BOARDS. SS3-18
FLOOR SINK - "FS"	ZURU MODEL Z-1900-3, INSTALLED FLUSH WITH FINISH FLOOR SURFACE

PLUMBING NOTES:

1. ALL FIXTURES ARE NEW UNLESS DESIGNATED WITH A '(E)' ON PLANS FOR EXISTING TO REMAIN!

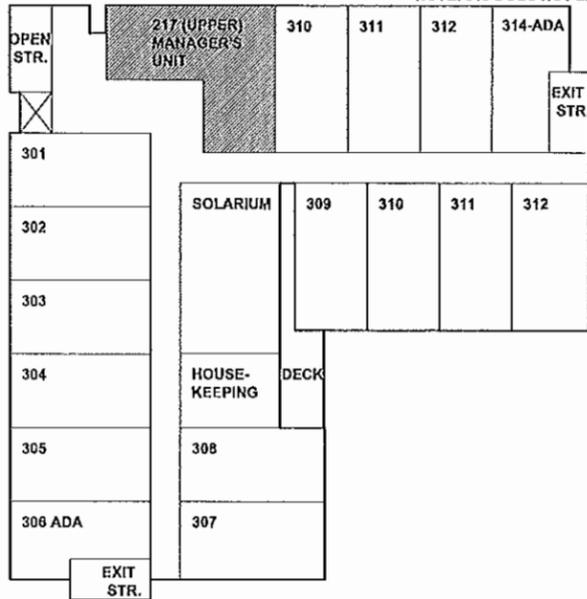
WALL LEGEND



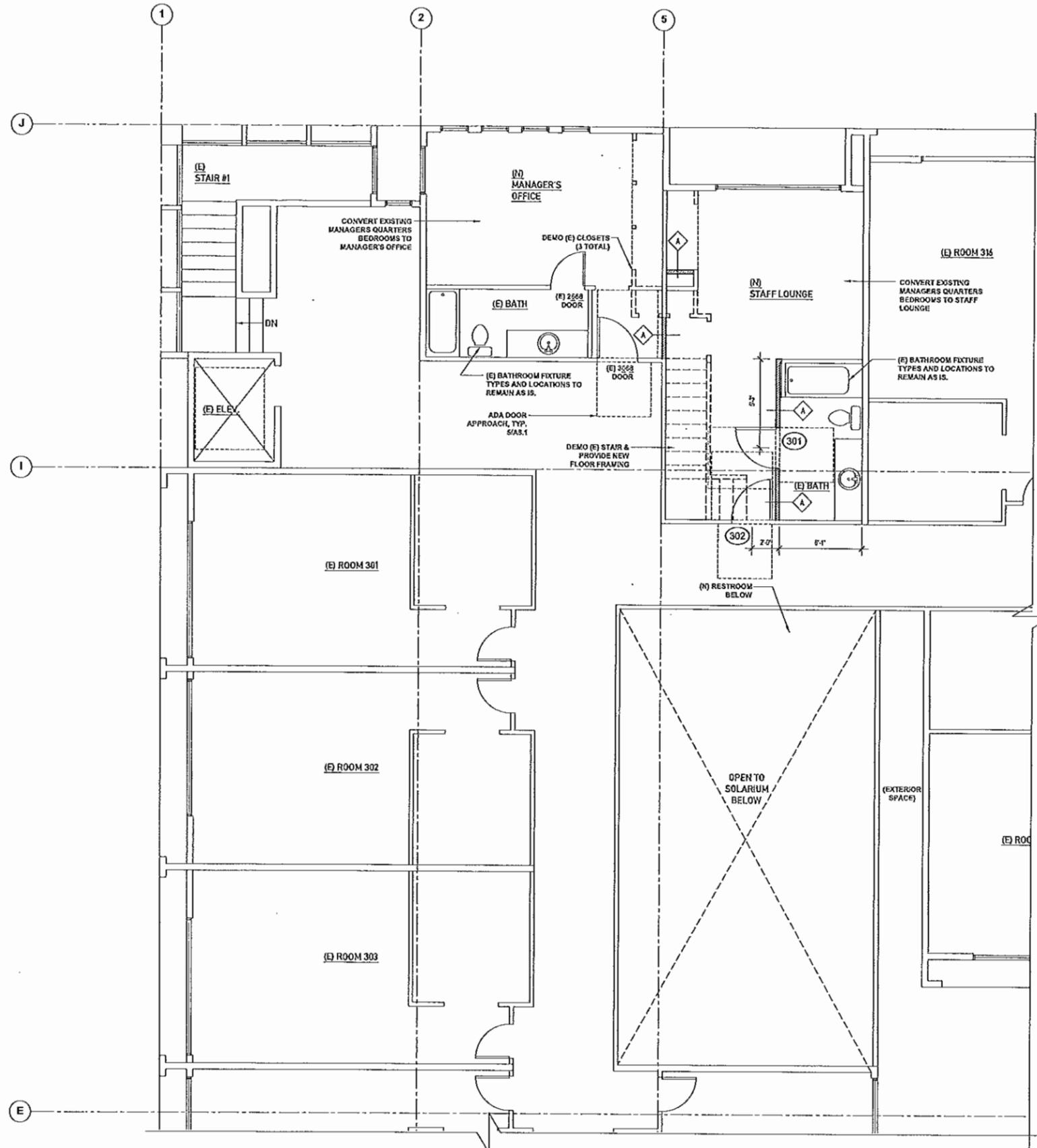
HATCH = AREA OF WORK

NOTE: KEY PLAN SHOWS EXISTING USES.

*NOTE: 313 DOES NOT EXIST



2 KEY PLAN- THIRD FLOOR PLAN
 1/16" = 1'-0"

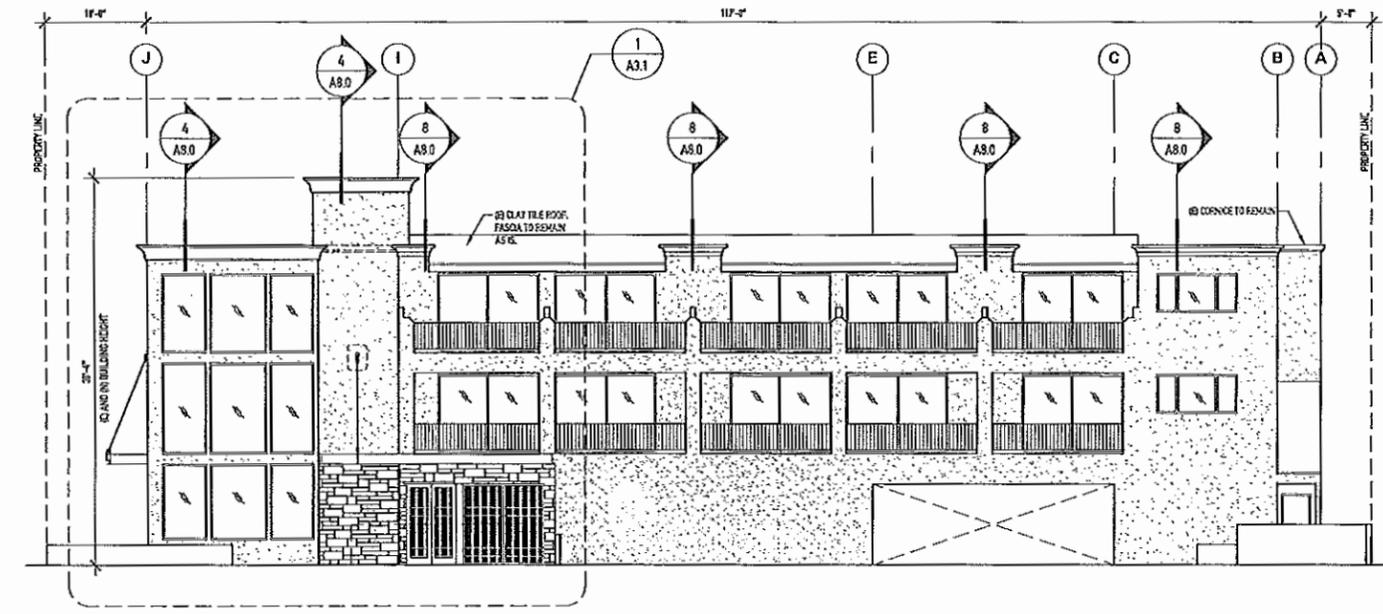


1 ENLARGED THIRD FLOOR PLAN
 1/4" = 1'-0"

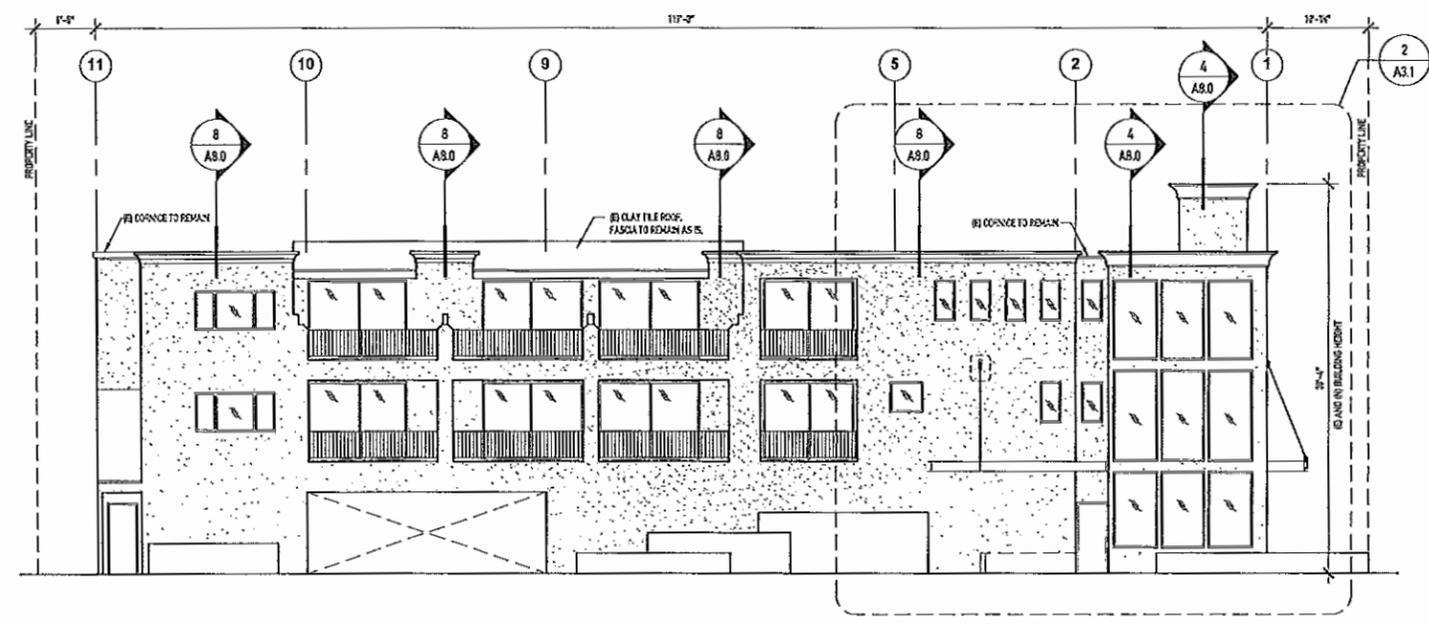
TWIN DOLPHIN MOTEL

570 MORRO AVE
 MORRO BAY, CA 93442

REGION PERMIT SUBMIT	DATE 05.01.12
OVERSEEN BY	
DATE	
STAMP	
PROJECT NUMBER	2012.03
PROJECT IN CHARGE	RADHA BLAZER, AIA
PROJECT TEAM	J.S.
REVISION	R.A.
DATE	J.S.
SHEET TITLE	ENLARGED THIRD FLOOR PLAN



1 WEST ELEVATION
 1/8" = 1'-0"



2 NORTH ELEVATION
 1/8" = 1'-0"

GENERAL NOTES

1. ALL EXTERIOR WORK PER THIS PERMIT IS ON THE NORTH AND EAST ELEVATIONS INCLUDING REVISIONS AT CORNICES. ALL CORNICE NOT SHOWN ARE TO REMAIN AS IS.
2. EXISTING BUILDING EXTERIOR MATERIAL - STUCCO THROUGHOUT.
3. ALL EXISTING WINDOWS TO REMAIN. ONE NEW ADDED AT MAIN ENTRANCE ON EAST ELEVATION.

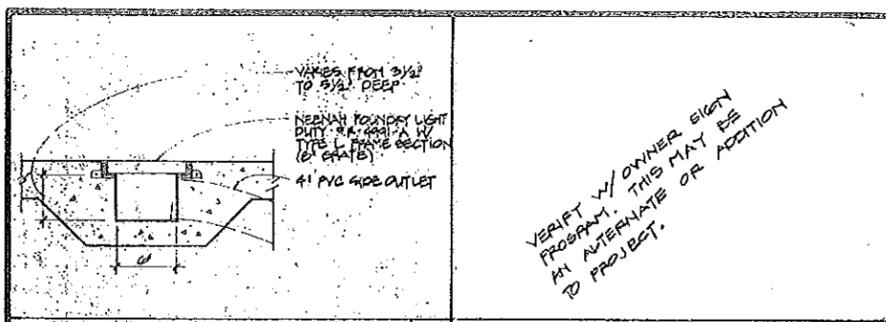
TWIN DOLPHIN MOTEL

570 MORRO AVE
 MORRO BAY, CA 93442

REVISION PERMIT SUBMIT	DATE 05.01.12
APPROVAL BY	
DATE	
STAMP 	
PROJECT NUMBER 2012.03	
DESIGNED BY RADDI BLAZEK, AIA PROJECT TEAM J.S.	
CHECKED BY R.B. DRAWN BY J.S.	
SHEET TITLE ELEVATIONS	

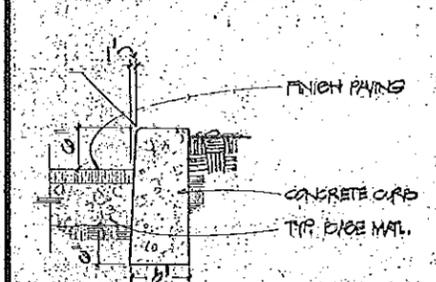
SVET NUMBER
A-3.0

MARINA STREET



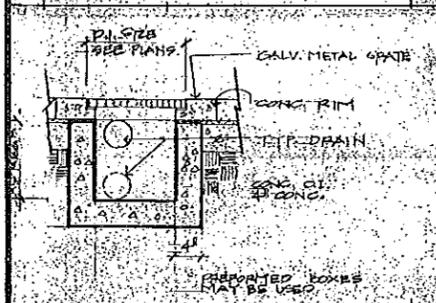
DRAINAGE GRATE

2



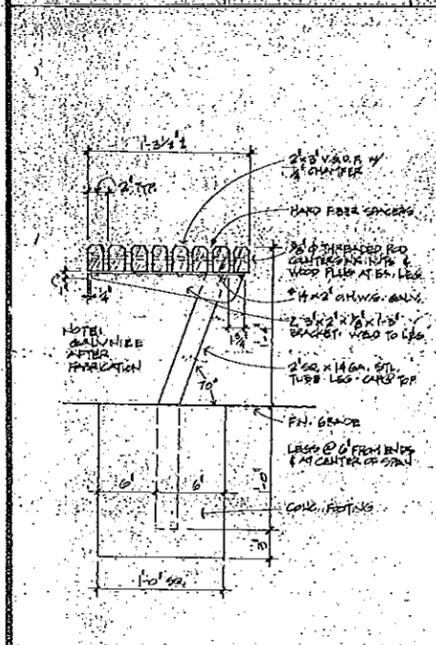
CURB DETAIL

3



TYPICAL DROP INLET

4



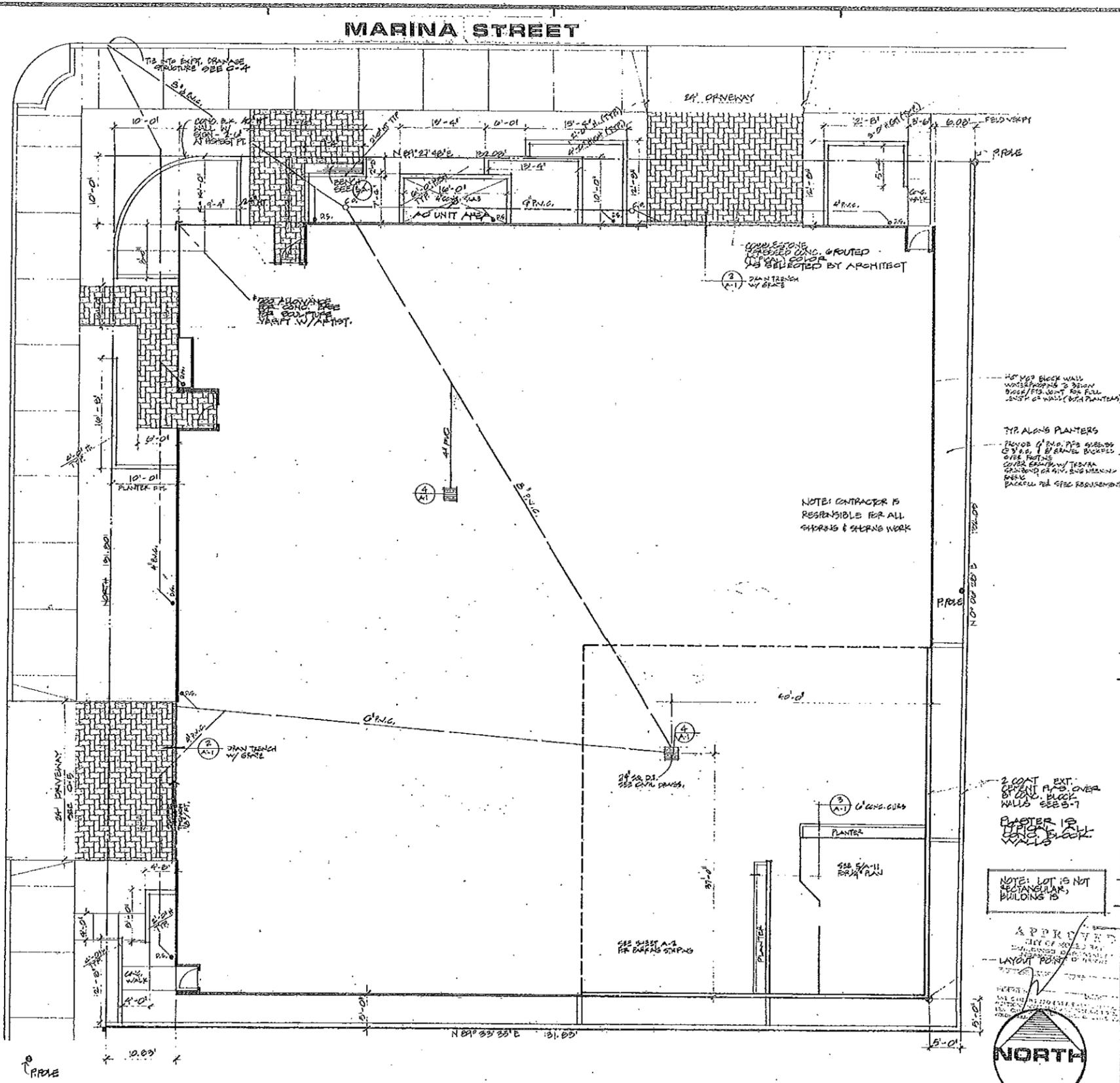
BENCH DETAIL

5

NOTES:
 1. PROVIDE STOP DESIGN SIGN.
 2. SIGNS ARE METAL CAN BACK-LITE.
 3. 3 LOCATIONS A WALL:
 • MARINA ELEV. (W/ SIGN)
 • CURVED WALL
 • @ ENTRY GARAGE

SIGN DETAILS (NOTES)

MORRO AVENUE



NOTE: CONTRACTOR IS RESPONSIBLE FOR ALL SHORING & SHARP WORK

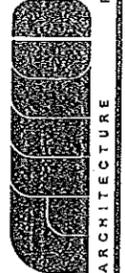
2 COAT EXT. PLASTER OVER 2\"/>

NOTE: LOT IS NOT RECTANGULAR, BUILDING IS

APPROVED
 JEFFREY L. BROWN
 ARCHITECT

TWIN DOLPHIN MOTEL
 MORRO AVE. & MARINA ST.
 MORRO BAY, CA.

RMO ARCHITECTS AIA
 member of the American Institute of Architects
 1125 MARINO AVE. ARCHITECT
 SPOKANE, IDAHO 83402
 (208) 481-8166
 INTERIORS
 PLANNING
 GRAPHICS



DATE
 1.19.85
 PRINTED
 MAY 7 1985
 PROJECT NO
 441
 DRAWN BY
 J.F.L.B.
 CHECKED BY

DRAWING
 9
 OF 92

1/8" = 1'-0"

SHEET TITLE:
 SITE PLAN
 DETAILS

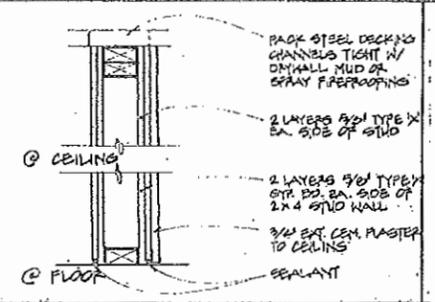
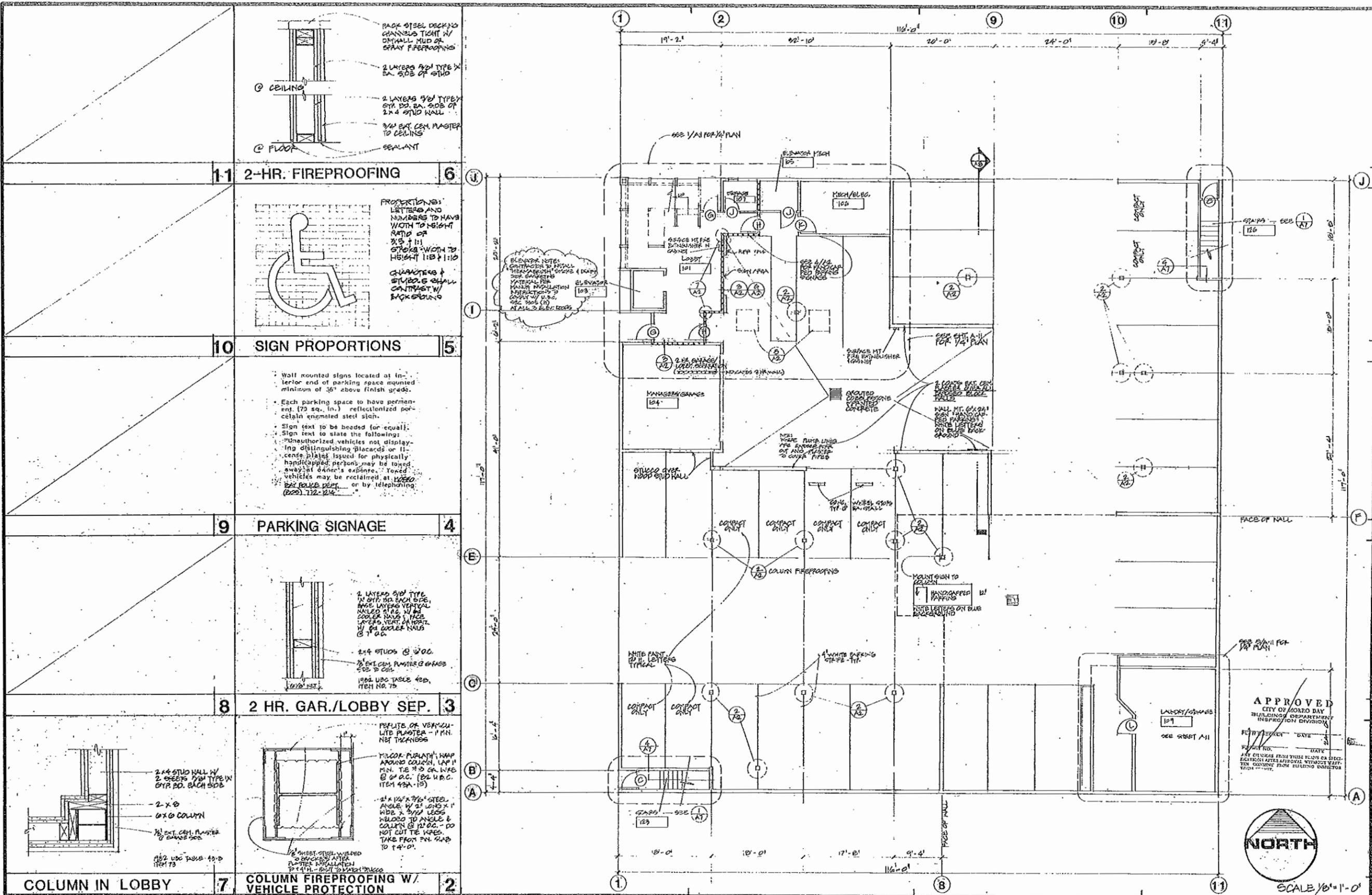


SHEET
 A1
 OF 14

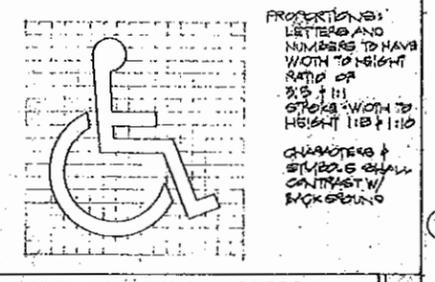
rev no	date	by	revision

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CONTRACTOR'S NOTICE
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1-1 2-HR. FIREPROOFING 6

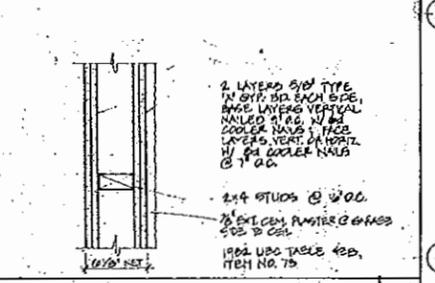


10 SIGN PROPORTIONS 5

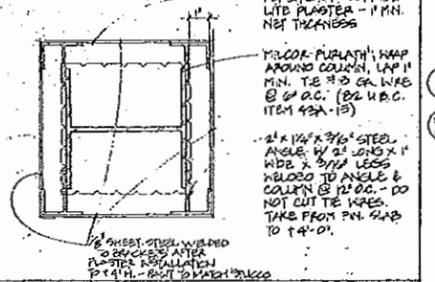
Wall mounted signs located at interior end of parking space mounted minimum of 36" above finish grade.

- Each parking space to have permanent (72 sq. in.) reflectized porcelain enameled steel sign.
- Sign text to be beaded for equal.
- Sign text to state the following:
 - "Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at 10:00 P.M. unless notified or by telephoning (222) 712-2124."

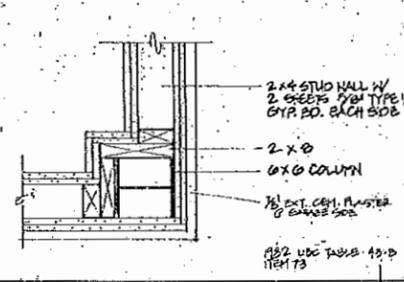
9 PARKING SIGNAGE 4



8 2 HR. GAR./LOBBY SEP. 3



7 COLUMN FIREPROOFING W/ VEHICLE PROTECTION 2



COLUMN IN LOBBY 7

<p>These drawings and specifications are instruments of service and are the property of RMO ARCHITECTS AIA. All designs and information on these drawings are for the use on the project from which they were prepared and shall not be used for any other project without the express written permission of RMO ARCHITECTS AIA.</p>		<p>COPYRIGHT NOTICE</p>		<p>CONTRACTOR'S NOTICE</p>	
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SHEET TITLE:			SHEET		
GARAGE FLOOR PLAN DETAILS			10 OF 12		

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 member of the American Institute of Architects
 Anthony James Orficio, AIA Architect
 1235 GRAND AVE
 GROVER CITY, CALIFORNIA 93433
 (505) 481-8166
 INTERIORS GRAPHICS PLANNING ARCHITECTURE

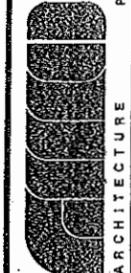
TWIN DOLPHIN MOTEL
 MORRO AVE. & MARINA ST.
 MORRO BAY, CA.

DATE: 1-15-85
 PRINTED: MAY 7 1985
 PROJECT NO: 441
 DRAWN BY: J.F./L.B.
 CHECKED BY:
 DRAWING: 10 OF 12
 SHEET: 10 OF 12

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CONTRACTOR

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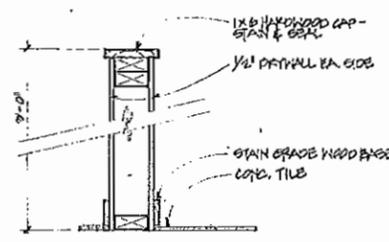
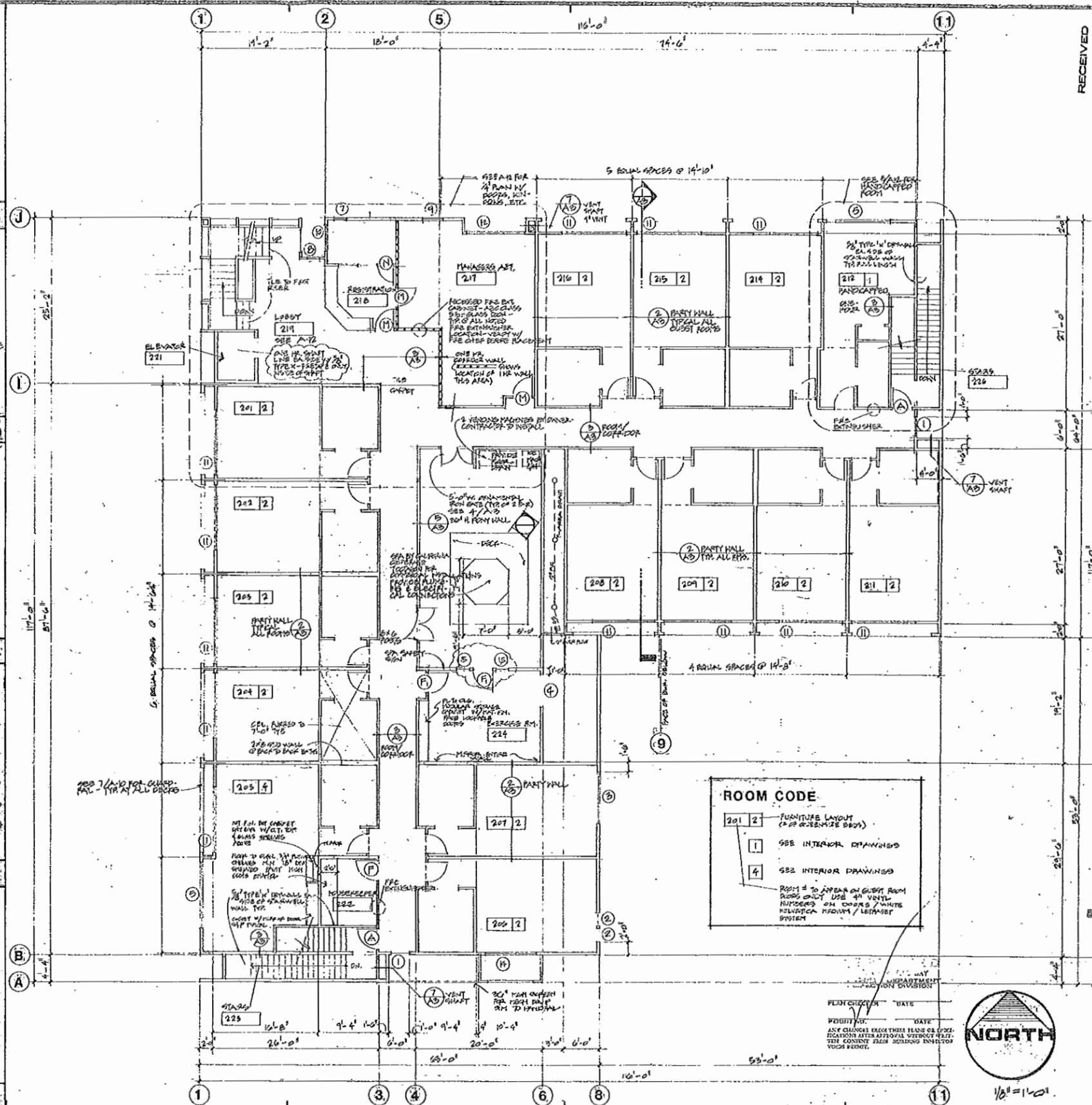
RMO ARCHITECTS AIA
number of the American Institute of Architects
Architect
1005 481-8165
SAN DIEGO, CALIFORNIA 92143



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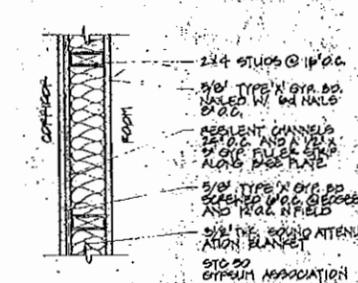
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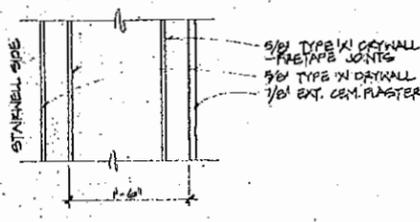
10 LOW WALL @ SOLARIUM

The San Luis Obispo County Health Department shall be notified if any changes or alterations are made in these plans after approval. The stamping of this plan and specifications shall be held to authorize violation of any provisions of any State Law, County or City Ordinance.

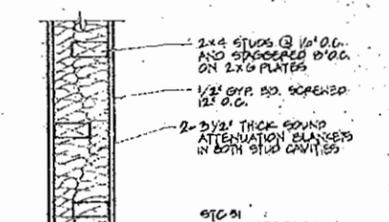
SAN LUIS OBISPO COUNTY Health Department
The Proposed Construction is Approved:
 As Presented
 Upon Compliance with Corrections Listed Below.
Date: 6-24-85
By: Thomas H. Schickels



8 ROOM/CORRIDOR SEP.



7 VENT SHAFT



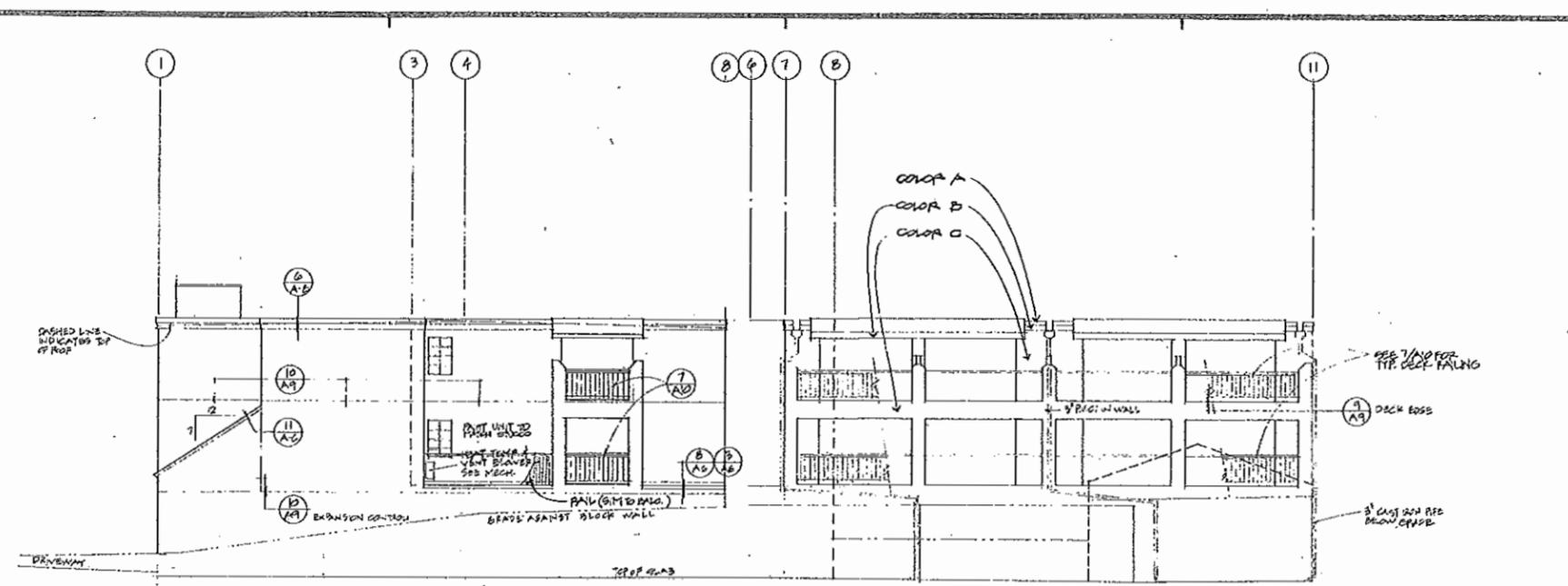
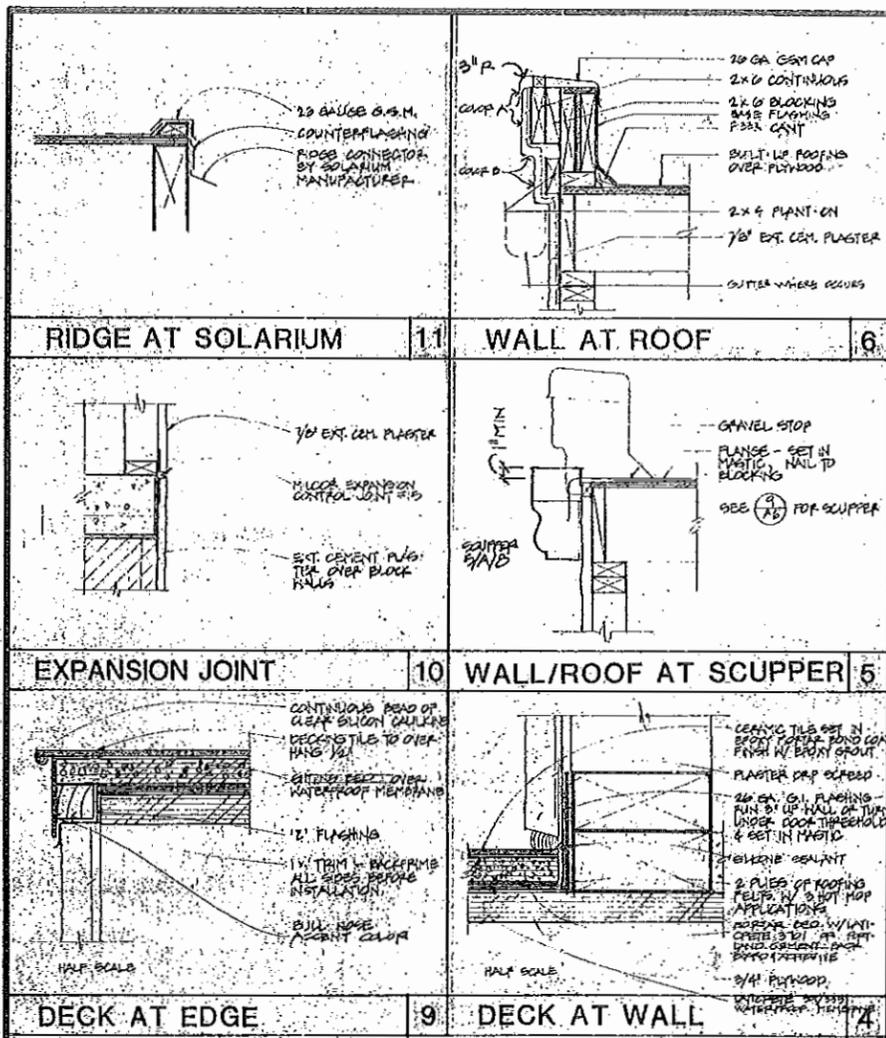
2 TYPICAL PARTY WALL

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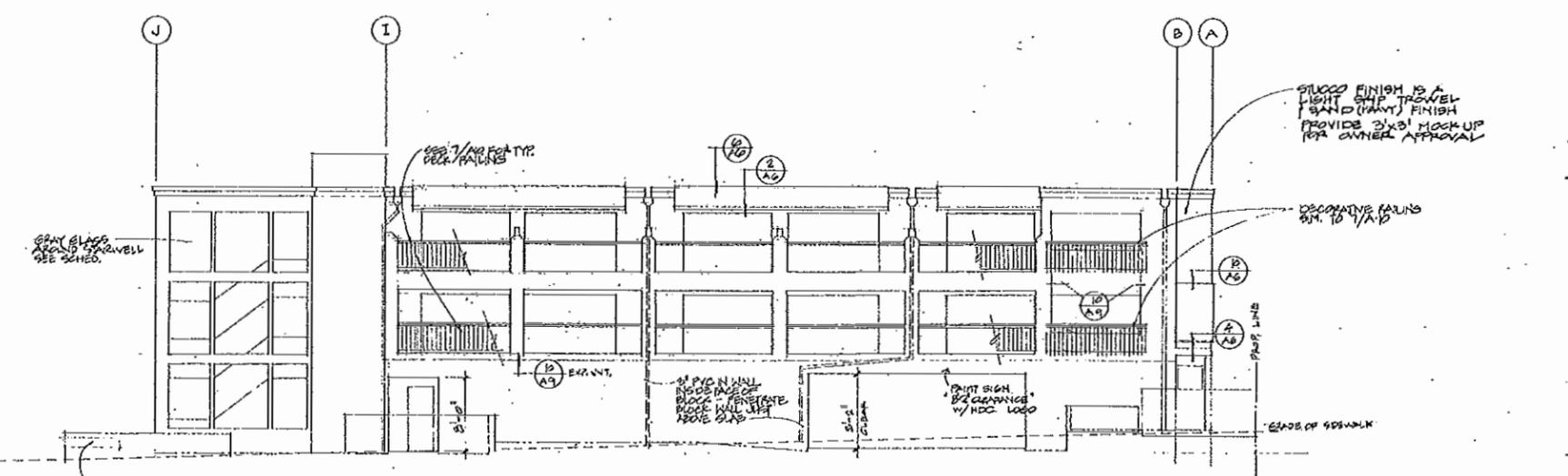
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SECOND FLOOR PLAN
DETAILS



STATE OF CALIFORNIA
ARCHITECT
J.P. SCHICKELS
No. 4413



SOUTH ELEVATION



WEST ELEVATION

EXTERIOR ELEVATIONS

DESCRIPTION	SCALE	NO.
EXPANSION JOINT	10	10
DECK AT EDGE	9	9
DECK AT WALL	4	4
WALL/ROOF AT SCUPPER	5	5
WALL AT ROOF	6	6

REV NO	DATE	BY	REVISION

TWIN DOLPHIN MOTEL
MORRO AVE. & MARINA ST.
MORRO BAY, CA.

RMO ARCHITECTS AIA
 member of the American Institute of Architects
 1500 GRAND AVENUE, SUITE 200
 GROVER CITY, CALIFORNIA 93439
 (805) 481-8165
 INTERIORS GRAPHICS PLANNING

ARCHITECTURE

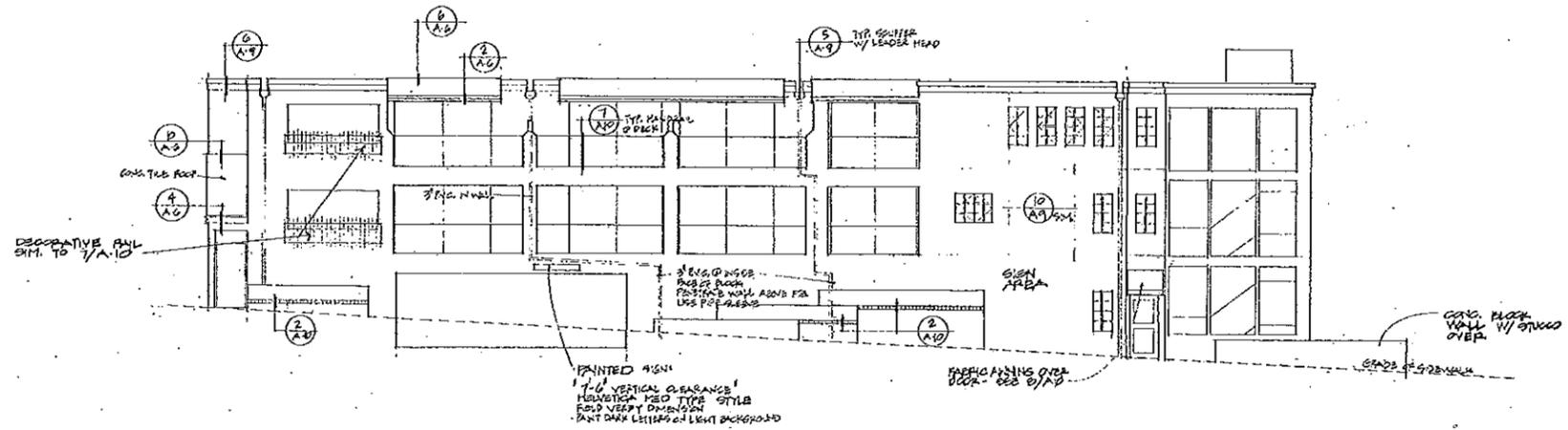
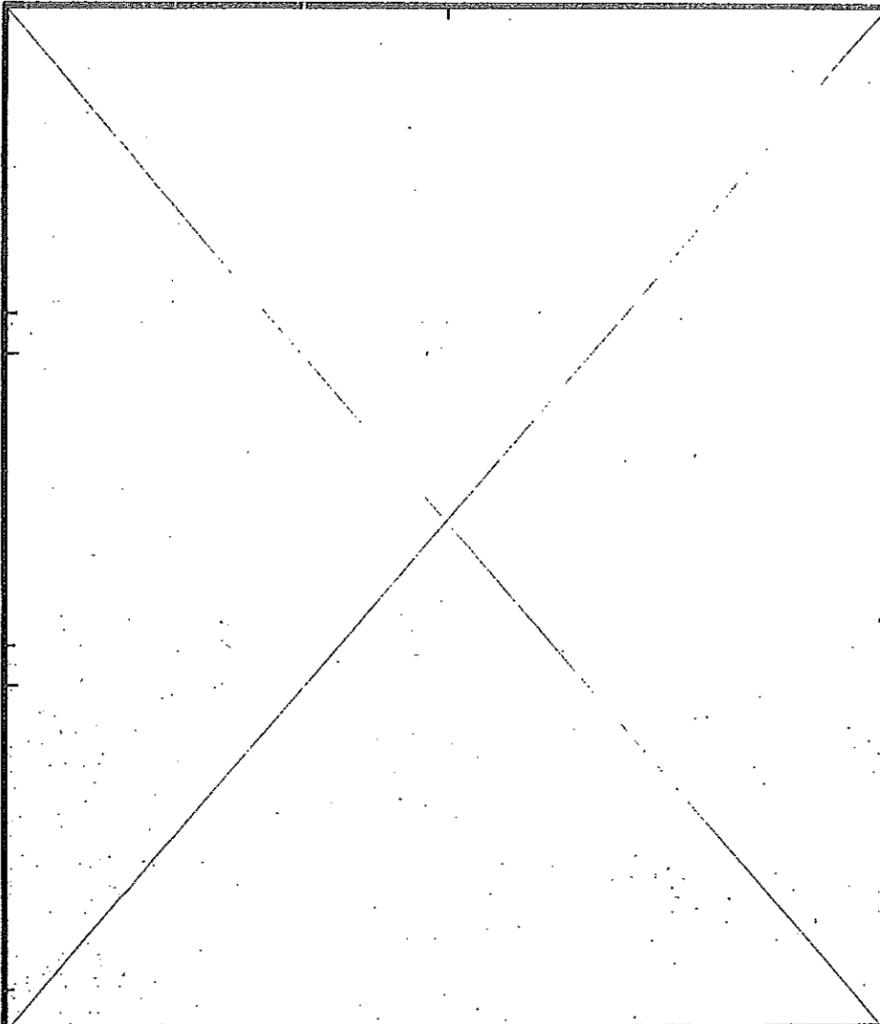
DATE: 1-19-85
 PRINTED: MAY 2 1985
 PROJECT NO: 441
 DRAWN BY: J.E./L.B.
 CHECKED BY:
 DRAWING: 17 OF 52
 SHEET: A9 OF 4

APPROVED
 CITY OF MORRO BAY
 BUILDINGS DEPARTMENT
 INSPECTION DIVISION
 PLANNING DIVISION

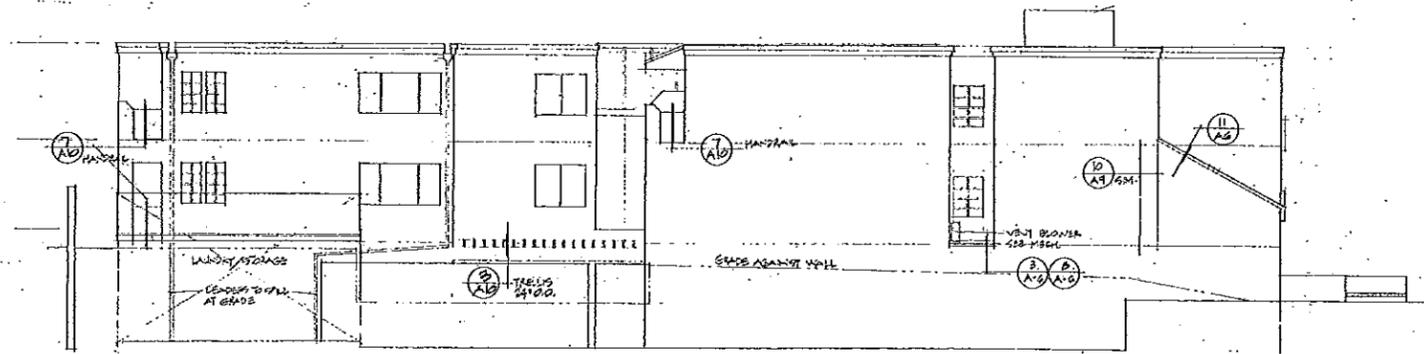
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SHEET TITLE: EXTERIOR ELEVATIONS DETAILS

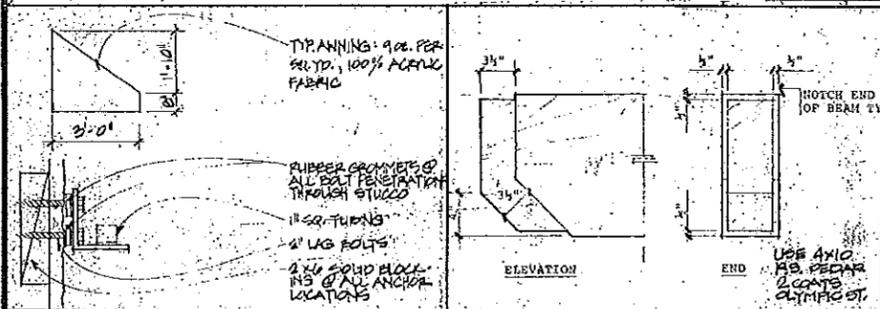
STATE OF CALIFORNIA
 ARCHITECT



NORTH ELEVATION
(PAGE 01)

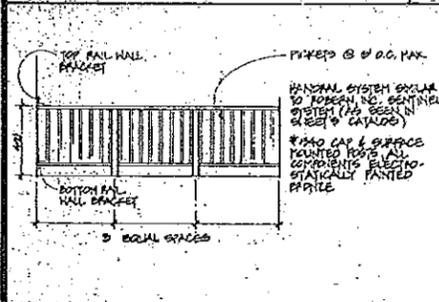


EAST ELEVATION

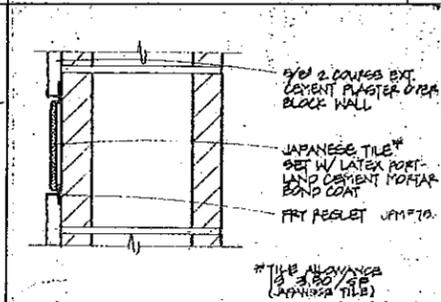


TYP. AWNING NO SCALE 8

TRELLIS 3



TYP. DECK RAILING 7



TILE BAND 2

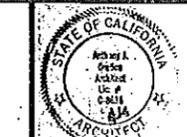
EXTERIOR ELEVATIONS

These drawings and specifications are instruments of service and are the property of RMO ARCHITECTS AIA. ARCHITECTS and it is understood that no part of these drawings or information shall be used for any other project without the express written consent of RMO ARCHITECTS. Shop details shall be submitted to this office for approval before proceeding with fabrication.

REV NO	DATE	BY	REVISION

SCALE 1/8" = 1'-0"

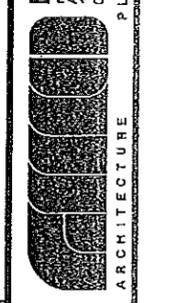
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EXTERIOR ELEVATIONS
DETAILS



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OF 14

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RMO ARCHITECTS AIA
member of the American Institute of Architects
11500 JEFFERSON AVE., AIA ARCHITECT
GROVER CITY, CALIFORNIA 93143
(805)481-8166
INTERIORS



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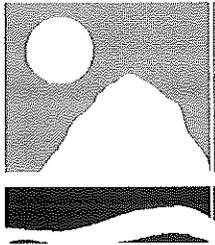
18
OF 52

APPROVED
CITY OF MORRO BAY
BUILDING DEPARTMENT
INSPECTION DIVISION

REVIEWER'S DATE

DATE

ANY ERRORS FROM THESE PLANS OR SPECIFICATIONS AFTER APPROVAL WITHOUT RETURNING CORRECTED PLANS TO THE INSPECTOR WILL BE AT THE CLIENT'S RISK.



AGENDA NO: *B-2*
MEETING DATE: May 16, 2012

Staff Report

TO: Planning Commissioners **DATE:** May 9, 2012
FROM: Sierra Davis, Assistant Planner
SUBJECT: Conditional Use Permit #UP0-284 for a Precise Plan at 1001 Front Street for New Docks, Gangway, Landing, Awning, and Parking Lot.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by adopting a motion including the following action(s):

- A. Adopt the Findings included as Exhibit "A";
- B. Approve the Conditional Use Permit #UP0-284, subject to the Conditions included as Exhibit "B" and the site development plans dated April 27, 2012.

APPLICANT/AGENT: Giovanni DeGarimore / Cathy Novak

LEGAL DESCRIPTION/APN:

066-033-004, 066-033-003, 066-033-002
Lease sites 105.1W and 105.2W adjacent to 1001 Front Street

PROJECT DESCRIPTION:

The project is located on lease sites 105.1W and 105.2W adjacent to 1001 Front Street and is zoned Harbor and governed by the Waterfront Master Plan. The upland portion of the project site is located within the Waterfront/Planned Development (WF/PD) Zoning District, with an S.4 overlay (design overlay), and is governed by the Waterfront Master Plan. The existing building includes Giovanni's Fish Market and take out window, a restaurant, and a clothing store. No improvements to the existing building are proposed with this project.

The concept plan was approved for expansion of the existing head float by 74 linear feet and adding four finger docks, seating area improvements and parking lot improvements.

Prior to submitting for the Coastal Development Permit the applicant added the relocation of

Prepared By: _____

Dept Review: _____

Virg's sport fishing business to the project scope. Virg's sport fishing was added to the project description so change in use of the docks would be addressed under these current permits. The addition of a commercial fishing use to the proposed docks changed the number of parking stalls required pursuant to Section 17.44.020.C.3.m

PROJECT SETTING:

Adjacent Zoning/Land Use			
North:	Waterfront (WF/PD/S.4)/Commercial Retail	South:	Waterfront (WF/PD/S.4)/Commercial Retail
East:	Commercial Visitor Serving (C-VS/PD/S.4/S.6) / Residences	West:	Harbor (H)/ Harbor

Site Characteristics	
Site Area	
Existing Use	Commercial, docks, and parking lot
Terrain	Urbanized
Vegetation/Wildlife	Harbor located to the west of the property, property is urban/developed
Archaeological Resources	Not applicable, site is located on fill.
Access	Embarcadero and harbor

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Waterfront/Harbor
Base Zone District	Water Front (WF)/ Harbor
Zoning Overlay District	Design Overlay (S.4)
Special Treatment Area	Planned Development (PD)
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Original Coastal Commission Jurisdiction.

PROJECT ANALYSIS:

Background

The project is located in the Planned Development overlay area and is located on public lands therefore pursuant to the Municipal Code a concept plan and precise plan is required. The concept plan was heard before the Planning Commission on March 16, 2011 and the City Council on April 12, 2012 and was approved. The staff reports and minutes have been provided from the two meetings are included in Exhibit E. The staff report before the Planning Commission contains additional information and analysis that is not contained in the previous

Planning Commission or City Council staff reports.

The Coastal Commission heard the project as a consent calendar item on April 12, 2012 and approved the project with conditions. The Coastal Development Permit application and addendum has been attached for your review in Exhibit F.

Now that the project has an "Intent to Issue" permit from the California Coastal Commission, the proposed project is before the Planning Commission for review and approval for the precise plan. The Precise Plans are more developed and detailed than the concept plans and include conditions of approval from the Coastal Commission. Once the precise plans are approved by the Planning Commission the project will be ready to be submitted for a building permit.

Environmental Determination

The project qualifies for a CEQA Mitigated Negative Declaration was posted on February 4, 2011. The applicant has agreed to implement the mitigation measures proposed in the Negative Declaration. Thus there are no significant impacts with the implementation of those mitigation measures. Staff will monitor the mitigation measures to ensure compliance.

Project Specifics

The proposed project is substantially consistent with the approved concept plan as the project includes expanded dock facilities, improved public seating facilities and improved parking. The plan before the Planning Commission has been revised but there are still issues that will be addressed when the building permit application is submitted. Some of the Conditions of Approval that were placed on the Concept Plan have not been addressed because they are required to be addressed prior to the issuance of building permit and have been deferred until that time. These same conditions have been applied to the Precise Plan approval for consistency. . The following subheadings are issues that Coastal Commission has discussed and are addressed in the revised plans.

California Coastal Commission

The Coastal Act requires public access to the shoreline to be maximized and includes strong protections for the visual and biological resources present at this location. In addition, the Coastal Act protects and encourages the development of commercial fishing and recreational boating facilities. The proposed project would enhance public access and recreation at the site by expanding the docks, adding a gangway for pedestrians (to replace an existing ladder access), providing an awning over the public seating patio, and relocating a visitor-serving sport fishing business.

The California Coastal Commission states that the project as proposed does not adequately protect public parking access, lateral access, view access, dock access, and patio access at the site. It also does not adequately protect against inappropriate lighting, and raises other habitat and water quality concerns, including in relation to construction over the Bay. The Commission has

added special conditions of approval to the proposed project to conformance with the Coastal Act.

Public Access

Currently, the northern half of the project site is a missing link in the lateral access way that is envisioned to extend through the City's visitor-serving Embarcadero area. The LCP, and the Commission, in numerous previous actions, has ensured it is provided in new development and redevelopment projects, consistent with LCP and Coastal Act requirements for these public trust lands. The applicant has added a 5 foot lateral access that connects the existing lateral access to the north. The 5 foot lateral access is located in an area that is currently used for commercial fishing facilities and access may be intermittently interrupted for commercial fishing activities. The lateral access way is depicted on the plans dated April 27, 2012.

The existing wharf includes a lateral access way, public seating area and view deck. The existing patio is proposed to be covered with an awning, which the Coastal Commission feel will create a sense of private commercial space. The applicant has been required to post the entrances, tables and bathroom for public use.

Virg's Sport Fishing and Parking

During the Concept Plan review process the applicant was granted a credit of 5 parking spaces and was required to provide 6 parking spaces for the new dock use. The calculation was based on a parking ratio of 1 parking space for each 35 linear feet of docks. The calculation was based on the finger dock length on each side that a boat could be docked. The calculation did not take into account that a passenger for hire business would be located at this location. The sport fishing business was proposed after the Concept Plan was approved and the Coastal Commission reviewed the parking for consistency with the Local Coastal Plan. The California Coastal Commission approved the business relocation at this site; however the applicant is required to address the parking necessary for the business.

The applicant proposed three passenger for hire vessels at the 1001 Front Street docks including: the Admiral (84 feet long and holds 75 passengers); the Princess (58 feet long and holds 49 passengers); and the Fiesta (49 feet long and holds 40 passengers). Pursuant to the addendum to the California Coastal Commission staff report the Admiral is not longer licensed to carry passengers and will not be a part of the sport fishing business.

The Local Coastal Plan (LCP) and Municipal Code require passenger for hire vessels to provide one parking space for each six and a half feet of boat length. The two vessels have a total combined length of 107 feet and require 16 parking spaces. The applicant has an adequate number of parking spaces to provide the parking on-site with the proposed reconfigured parking lot.

The applicant has not provided parking for the public facilities on site and was not

conditioned by the Coastal Commission to provide additional parking for these general public areas. The sport fishing business will utilize 16 of the 22 onsite parking spaces. One space is utilized for the business located to the north of the parking lot. The applicant has proposed utilizing the three parking spaces on the north side of the parking lot for intermittent use for temporary commercial fishing storage area. The parking spaces are not required for any proposed or existing use, however at such time the applicant proposes additional uses that require additional parking the temporary fishing facilities shall be removed from the parking spaces.

Stormwater Management

The City of Morro Bay did not call for on-site infiltration of stormwater in areas directly adjacent to the Embarcadero, as required by the staff recommendation, because the proximity to the bay and the presence of artificial fill beneath the Embarcadero render on-site bio-infiltration ineffective in this case.

Although on-site infiltration is not practical on this site because of its location on fill soil, mechanical filtration is required. When mechanical filtration is combined with other types of water quality BMPs (such as reducing hydraulic connectivity, etc.) the site can achieve the same kinds of water quality improvements, consistent with the already stated requirements and the objective overall of the water quality condition in the original staff recommendation, and is appropriate in this case.

The applicant has proposed a mechanical filtration system on site.

Lighting

The lighting proposed with the Concept Plan was approved by the Planning Commission and City Council, however Coastal Commission stated that the lighting “appears to be excessive.” The pedestal lights are extremely bright and the flood lights would not effectively direct light to dock area.

The California Coastal Commission placed Special Condition 1(b) that requires a revised lighting plan that will minimize dock lighting as much as possible, including by reducing the brightness of the lights as much as possible, ensuring lighting is downward facing and/or dock level and focused to the dock (and not the water) and illuminates only those areas that are necessary, and restricting the hours that such lighting can be in operation.

The applicant has not proposed a revised lighting plan to conform with the Coastal Commission condition therefore it cannot be reviewed at this time. The Coastal Commission will required a revised lighting plan to be submitted. After the lighting plan is approved by the Coastal Commission the plan will be submitted to the City of Morro Bay. Pursuant to the Concept Plan Conditions of Approval a photometric plan is required to be submitted prior to building permit issuance. The photometric is required to analyze the affect the light will have

on the surrounding lease sites and harbor (water).

Temporary Dock Connection to City Docks

The head float at 1001 Front Street is currently connected to the City docks on the adjacent water lease to the south. The connection was meant to be a temporary connection to the City dock. City Council approved the sublease for Lost Isle Adventures in 2010 (Resolution 30-10), paragraph 9 specifically says:

"While *tenant* completes installation of a new gangway on said Lease Site, SUBTENANT may board passengers from the City gangway adjacent to the dockage area until June 1, 2011. No extension for use of the City gangway shall be granted without approval by the City Council."

Further, the Staff Report states:

"The tenants are in the process of upgrading and repairing the dock facilities on the site and plan to install a new gangway within the year. To accommodate access to Lost Isle Adventure during this time, the Consent to Sublease provides temporary access to the dock area from the City owned gangway just south of the site. This access is temporary in nature and terminates effective June 1, 2011."

Therefore it is clear that the tie across from their dock to the City dock was meant to be *temporary*, and it is clear that that temporary use was specific to the Lost Isle passenger-for-hire operation. The City of Morro Bay is allowing the connection because it would be difficult, for such an operation to board the dock via ladders going down to the wharf to the dock below, and allowing the temporary use until the new gangway at 1001 Front was in place was a good compromise to help DeGarimore accommodate the new use until his dock project was finished.

The Harbor Department has indicated that once the 1001 Front Street project was completed that it was the department's position that if any connection were to remain, it would be as an emergency access use only, and not be allowed as a matter of course for access to their new docks. This was based on the following reasons:

- a) Allowing increased access would create conflicts with existing City slip holders.
- b) It would create more wear and tear on the gangway and dock.
- c) There would be liability issues with 1001 Front Street dock tenants and/or slip holders using City slips with no direct agreement between the tenant and the City for that facility.

Therefore it is the City's position that there are two non-Council options available for the project right now for the project to continue being processed:

- a) Continue to allow the temporary use of the connection for Lost Isle, although Lost Isle has been sold and is under new ownership, then cut the tie altogether once 1001 Front

Street gangway project has been completed and operational. Although the temporary use was specific to Lost Isle and their sublease the City would accept a similar operation under the same terms.

- b) Once the new gangway is operational, the temporary connection can remain but is modified to some manner of emergency-only and gate-controlled access. The City understands there is a benefit to both 1001 Front Street docks and the City in that it allows a second non-wharf emergency exit for his slip tenants, and vise-versa for City personnel (FD, PD, HD), in emergencies.

Should the applicant wish for there to remain a permanent, open-access connection for his tenants across the City dock then Council would have to review the request as the original Council-approved agreement was a sublease for Lost Isle-only and has since expired. A condition stated the above language has been placed on the Precise Plan approval.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Tribune newspaper on May 4, 2012, 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: The project as proposed and conditioned is in compliance with the approved Concept Plan as modified by the California Coastal Commission and therefore should be approved as conditioned.

ATTACHMENTS:

Exhibit A – Findings

Exhibit B – Conditions of Approval

Exhibit C – Graphics/Plan Reductions

Exhibit D – Planning Commission Staff Report and Minutes, March 16, 2011

Exhibit E– City Council Staff Report and Minutes, April 12, 2012

Exhibit F – California Coastal Commission Permit Application and Addendum April 12, 2012

EXHIBIT A

FINDINGS

CONDITIONAL USE PERMIT #UP0-284

Site Location: 1001 Front Street and Water Lease Sites 105.1 & 105.2

PROJECT DESCRIPTION: New dock system consisting of 134 foot head float and 4 finger docks, gangway and landing will be installed for access from the existing wharf, retractable awning system over the existing public seating area, and permitting of an existing parking lot.

California Environmental Quality Act (CEQA)

- A. The project qualifies for a CEQA Mitigated Negative Declaration was posted on February 4, 2011. The applicant has agreed to implement the mitigation measures proposed in the Negative Declaration. Thus there are no significant impacts with the implementation of those mitigation measures.

Concept Plan Findings

- A. Modification of standards shall only be approved upon finding that greater than normal public benefits may be achieved by such deviations. Such benefits may include, but are not limited to improved or innovative site and architectural design, greater public or private usable open space and provision of housing for the elderly or low/moderate income families, provision or extraordinary public access, provision for protection environmentally sensitive habitat (ESH) area, but in all cases these provisions shall meet the coastal land use policies. The project as designed and conditioned provides greater than normal public benefits as it provides enhanced public access to the harbor and waterfront which upholds the city policies set forth within the General Plan, Local Coastal Plan and Waterfront Master Plan.

Use Permit Findings

- A. That the project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on the analysis and discussion in the attached staff memorandum; and
- B. The establishment, maintenance, or operation of the use applied for will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the project will be

consistent with all applicable zoning and plan requirements as indicated in the attached staff memorandum; and

- C. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be constructed and developed consistent with all applicable City regulations, as indicated in the attached staff memorandum.

EXHIBIT B

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT #UP0-284

**Site Location: 1001 Front Street and Water Lease Sites 105.1 & 105.2
Revised by City Council on April 12, 2011**

PROJECT DESCRIPTION: New dock system consisting of 134 foot head float and 4 finger docks, gangway and landing will be installed for access from the existing wharf, retractable awning system over the existing public seating area, and permitting of an existing parking lot.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated May 16, 2012 for the project depicted on plans dated April 30, 2012, on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

Site development, including all buildings and other features, shall be located and designed substantially as shown on the aforementioned exhibit, unless otherwise specified herein.

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 Director of Public Services, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Director of Public Services. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.

4. Compliance with the Law: (a) 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 (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director of Public Services and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Acceptance of Conditions: Prior to obtaining a building permit the applicant shall file with the Director of Public Services written acceptance of the conditions stated herein.

PLANNING CONDITIONS

1. State and County Compliance: Prior to the issuance of a building permit applicant shall demonstrate compliance with all State and County regulations and provide documentation to the Public Services Department.
2. Construction Hours: Pursuant to MBMC Section 9.28.030 (1), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. on weekdays and eight a.m. to 7 p.m. on weekends, unless an exception is granted by the Director of Public Services pursuant to the terms of this regulation.
3. Parking Agreement: The parking lot to be utilized for on-site parking is located on an adjacent site. The applicant shall provide a parking agreement between all properties

owners on which parking lot is located. This agreement shall be submitted and recorded prior to the issuance of any building permit.

4. Live Aboards: Live aboard marine vessels shall not be allowed unless a modification to this permit is obtained and there has not been permitting provided for such use.
5. Parking Circulation: The parking lot shall be restriped to meet all circulation minimum requirements for drive aisle and parking space dimensions. The parking spaces shall be a maximum of 45 degree angled parking and shall only have one way drive aisle.
6. Parking Space Labels: At no time shall equipment, delivery trucks, or marine storage tanks, nor the like be permanently placed in the parking spaces.
7. Exit and Entrance Directional Arrows: Exit and entrance direction arrows shall be marked on the pavement where one-way driveways are used. Pavement signing shall be marked and maintained as required by the city engineer. Entrance signing may be required by the City Engineer whenever conditions warrant. Code requirement.
8. Accessible Parking Space: The van accessible parking space shall meet State and Federal requirements.
9. Curb Stops: Curb stops shall be provided for each parking space that head into a wall, fence, building, or the side of another parking space.
10. Docks: Docks cross water lease lines and an agreement from the City and lease holders shall be secured.
11. Photometric Plan: A photometric plan shall be submitted to the Planning Division prior to issuance of any building permit detailing that the lighting will meet a minimum of 5 foot candle for all dock areas.

FIRE CONDITIONS

1. Standpipe Systems. Marinas and boatyards shall be equipped throughout with Standpipe Systems in accordance with NFPA 303. (CFC 905.3.7) Please submit plans and detail of all required Standpipe System and Hose Cabinets at Building Plan submittal.
2. Water supply for fire protection of piers and wharves shall be in accordance with NFPA 307 (Chapter 7).

3. Fuel Dispensing. Marina Fuel dispensing units for transferring fuels from storage tanks shall be in accordance with NFPA 30-A. (NFPA 303-8.3.10 & CFC 2210.1)
4. Construction and fire protection of marine terminals, piers, and wharves shall be in accordance with NFPA 307 (Chapter 4 Piers and Wharves).
5. Construction of Marine Docks and Gangways shall be in accordance with Morro Bay Municipal Code, Chapter 14.52.
6. Portable Fire Extinguishers. Placement of portable fire extinguishers on piers, bulkheads, and fuel dispensing areas, shall be in accordance with NFPA 10 (Chapter 5). (NFPA 303-6.2.1.1.1 & 6.2.1.1.2.1)
7. Awning Plan. Please provide details of the Awning Plan at Building Plan submittal.
8. Flame propagation performance treatment. Before a permit is granted, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory certifying that the proposed canopy is composed of materials meeting the flame propagation performance criteria of NFPA 701, or treated with a flame retardant in an approved manner. (CFC 2404.2)
9. Label. Membrane structures, tents, or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type. (CFC 2404.3)
10. Certification. An affidavit or affirmation shall be submitted to the fire code official and a copy retained on the premises. The affidavit shall attest to the flame propagation performance criteria of the fabric.
11. Anchorage. Tents, canopies or membrane structures and their appurtenances shall be adequately roped, braced, and anchored to withstand the elements of weather and prevent against collapsing. Documentation of structural stability shall be furnished to the fire code official. (CFC 2403.9)
12. Open or exposed flame. Open flame or other devices emitting flame, fire, or heat or any flammable or combustible liquids, gas, charcoal, or other cooking device or any other unapproved device shall not be permitted inside or located within 20 feet of the tent, canopy or membrane structures while open to the public unless approved by the fire code official (CFC 2404.7)
13. LP-Gas. The storage, handling and use of LP-gas and LP-gas equipment shall be located outside canopy structures, with safety release valves pointed away. (CFC 2404.16)

14. Fuel-Fired Appliances. The installation of non-portable fuel gas appliance and systems shall comply with California Mechanical Code. All installation shall be made in accordance with the manufacturer's instructions and applicable federal, state, and local rules and regulations. (CFC 603.1)
15. Means of Egress. At least two exits shall be provided in this A-2 occupancy. (CFC 1019)
16. Posting of Occupant Load. Every room or space that is assembly occupancy shall have the occupant load posted in a conspicuous place, near the main exit or exit access doorway from the room or space. (CFC 1004.3)

ENGINEERING CONDITIONS

1. At which time there is a comprehensive redevelopment of the site, the installation of the upgrade of the sidewalk to a minimum of 8 feet in width shall be required. The deferral shall be recorded as an indenture against the property and shall run with the land. (MBMC 17.40 and 14.40). The applicant or successors in interest shall be responsible for all cost and construction of public improvements. All public improvements shall be installed accordance with City standards for the full length of the street frontage(s) of the subject properties.

ENVIRONMENTAL CONDITIONS

Aesthetics

1. The awning system shall be freestanding and shall only be attached at the base of the awning system to the wharf. The awning shall not be attached to the existing windscreen, structures on site nor be attached in a way that would enclose the area in any fashion.
2. The awning system shall maintain a minimum 6 inch height clearance above the top of the windscreen to maintain that the awning system does not enclose the public view area.

Air Quality

The project is subject to standard construction practices, including dust control measures required by the Municipal Code and the Air Pollution Control District to address short-term air quality impacts related to construction.

The standard mitigation measures for reducing nitrogen oxide (NOx), reactive organic gases (ROG), and diesel particulate matter (Diesel PM) emissions from construction equipment are listed below:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off road heavy-duty diesel engines, and comply with the State off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel. With the implementation of the mitigation measures, potential impacts to air quality resulting from the project would be reduced to less than significant levels.

Biological Resources

1. Federal and state permits applicable to the proposed project shall be secured and evidence of permits shall be on file with the Public Services Department prior to the issuance of building permits.
2. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts and all construction shall occur within the project footprint.
3. To avoid impacts, all work that disturbs the ocean floor (i.e. installation of pilings) shall be overseen and monitored by the project biologist (Tenera Environmental or equivalent professional biologist approved by the Director of Public Services). The

biologist shall be under contract prior to issuance of a building permit. Prior to the final building inspection the biologist shall submit a monitoring report to the Director of Public Services.

4. A pre- and post-construction Eelgrass survey shall be performed and submitted to the Director of Public Services and if necessary, an Eelgrass restoration plan shall be prepared in accordance with the Southern California Eelgrass Mitigation Policy. This Eelgrass restoration plan shall be submitted and approved by the Public Services Department prior to issuance of certificates of occupancy.
5. Prior to the issuance of a building permit, an approved "otter watcher" shall be under contract or otherwise committed to being on the job site at all times during which the pile driver is in operation. The contract or other written agreement between the applicant and the "otter watcher" shall specifically encourage or empower the "otter watcher" to stop work immediately in the event that a sea otter is detected in the project area. The contract, agreement, work scope or similar document shall further specify that no work shall be resumed until after the marine mammal has left them area. With this mitigation, the project would not have a significant impact of animals, or require a state or federal take permit. The results shall be reported to the Director of Public Services.
6. A Marine Wildlife Contingency Plan should be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan should describe specific methods that will be used to reduce pile driving noise and describe on-site marine wildlife monitoring and reporting requirements.
7. Power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced.
8. If an impact hammer is used the installation of a "pad" between the pile and the pile drive hammer should be investigated and, if feasible, used to reduce impact hammer noise.

Geology/Soils

Applicant shall submit a soil/geological report prior to the issuance of building permits.

Hazards/Hazardous Materials

1. Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution

Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations should be followed during demolition activities. Any loose or peeling lead based paint should be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations.

2. The following precautions shall be taken when handling creosote-treated wood:
 - a. Dispose of treated wood by ordinary trash collection or burial.
 - b. Do not burn wood in open fires or in stoves, fireplaces, or residential boilers because toxic chemicals may be produced as part of the smoke and ashes.
 - c. Avoid frequent or prolonged inhalation of sawdust from treated wood.
 - d. Avoid frequent or prolonged skin contact with creosote-treated wood
 - e. When handling the wood, wear long-sleeve shirts and long pants and use gloves impervious to the chemicals.
 - f. When power-sawing and machining, wear goggles to protect eyes from flying particles.
 - g. Wash clothes worn while working with creosote-treated materials separately from other household clothing.
3. At minimum one oil only absorbent spill kit for a capacity of 21 gallons or greater shall be provided on the head float dock in case of accidental release of a hazardous material or liquid into the bay.
4. Signs shall be provided on all finger docks stating the location and hours of operation for all pump out facilities in the Morro Bay Harbor. With the implementation of these mitigation measures the potential impacts of hazardous or hazardous materials that could result from the project would be reduced to less than significant levels.

Hydrology/Water Quality

1. The proposed project shall be incorporated into the City of Morro Bay's existing tsunami warning and evacuation system. Local authorities should be able to evacuate people safely from the proposed project site in the event of a tsunami.
2. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts.
3. To reduce the potential of petroleum leakage/spills from equipment used in conjunction with the project the following practices shall be followed:
 - a. A project-specific Oil Spill Response and Recovery Plan that includes methods and procedures for reporting and responding to spills, available onsite equipment and contracted services, and personnel responsibilities

- should be completed and approved prior to the initiation of construction activities.
- b. Refueling of onshore equipment should be accomplished within a designated area of the parking lot. The site shall be covered with impervious material, be located away from drains, and have spill recovery material within the immediate vicinity. The area shall be surrounded with a waddle of sorbent material.
 - c. A minimal volume of petroleum product shall be stored onsite and spill containment and recovery equipment should be sufficient to respond to the worse case spill volume.
4. Netting or fencing around and underneath the dock shall be installed to catch and remove debris released during and after de-construction.

Noise

1. Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday and all large construction equipment will be equipped with “critical” grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up “beepers” will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 70 dBA. Construction timing shall be noted on the grading and construction plans.
2. Power generating and other noise generating machinery used for construction shall be partially or completely surrounded by temporary acoustical shelters if within 300 feet of a sensitive receptor.
3. Refer to section 4, Biology Resources mitigations 6, 7, and 8.

Utilities and Service Systems

Please refer to Hazards/Hazardous Materials section mitigation measure number 4.

CITY COUNCIL AMDENMENTS TO CONCEPT PLAN PROJECT AND CONDITIONS:

1. The City Council grants a credit of 5 parking spaces based on historical data.

HARBOR CONDITIONS

1. Dock Facilities: The applicant shall revise the plans to depict that the head float complies with the southerly lease line or the applicant shall amend the City lease with the Harbor Department to include an alternative access.

EXHIBIT C



Storm Drain Filter:

The drain inlet filtration will meet or exceed the state and local requirements. The attached is an example of the type of system that will be provided at the time of building permit construction plans.

RECEIVED

APR 30 2012

City of Morro Bay
Public Services Department



Services Available:

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Fossil Filters Inserts

Storm Drain Insert Installation and Service

Why Fossil Filters?

The fossil filter term was coined about 20 years ago by the founders of Kristar Enterprises and has become generic term for catch basin. A fossil filter a static water filtration system that uses eco-friendly filtering materials to remove oil, hydrocarbons and toxins from the water. It is installed in any size or shape, under the grate openings of new or existing drainage. As storm water enters the drain inlet, the water passes through a replaceable filter material that captures petroleum-based hydrocarbons. Fossil filters should not inhibit water flow during high volume flows when drain capacity is critical. Fossil Filter inserts seemingly are cheapest way to meet water quality standards. Filter will need to be replaced every so often to ensure the filtration system is working correctly. Drains must be clear and working before installation. Many cities and counties in California are requiring fossil filter installation into storm drains to catch harmful solid waste, oil, metals and hydrocarbons while protecting the environment.

Storm Drains or Catch Basins

Storm drains for streets, sidewalks, roads and parking lots are common in every city in the USA. Storm drains direct water run off from the ground surface and channels the water flow into underground drainage systems located throughout the our cities big and small.

Most storm drainage systems eventually empty into lakes, rivers, streams, collectors, oceans or other bodies of water including processing plants. Solid waste is usually tainted/contaminated toxic materials collected on the surface, such as soap, metals, hydrocarbons, oil sheen, oil, fuel, and antifreeze are carried with the drainage water to the percolation/sanitation water cleaning plants or storage.

Enacted Federal and State environmental laws, local agencies (cities, counties and states) are required to apply for storm water permits. These local government agencies must demonstrate that they have a Storm Water Pollution Prevention Plan (SWPPP) incorporating the Best Available Technology (BAT) and Best Management Practices (BMPs), outlined by the Federal EPA Water Quality Standards, to prevent water pollution caused by urban runoff.

Many cities and counties are implementing water strategies that include inspection, citation and required installation of equipment into storm drains to catch harmful solid waste, oil, metals and hydrocarbons through water filtration systems called Fossil Filters and more appropriately catch basin filter inserts.

More

Complete catch basin packages built by John Commercial Services include:

- Site Inspection and consultation (local)
- Custom fit and design
- Stainless Steel Fossil Filter Insert Frame
- Expanded Stainless Steel debris catch
- Filtration Media designed for effectiveness
- Certificate of Compliance
- Installation and Service

What does a Fossil Filter Look Like? Fossil filters come in many designs but the typical storm drain insert might look like this made by Kristar:



Custom catch basin inserts must fit properly if they are to function as required. Why purchase a custom fit catch basin insert? The major reason is fit, water flow and filtration. Most concrete storm drain openings are old or not accurately formed and simply out of square at many levels of the drain itself. Many older storm drains are not uniform, so the off shelf fossil frame must be altered or retro fitted to fit: costing you much more money.

John Commercial Services catch basin filters take up to 7-10 days to fabricate. As you might expect correct measurements of your drain opening are critical.

Adsorption/Sorbent Material? Why is this important?

Adsorption, the binding of molecules or particles to a surface, must be distinguished from *absorption*, the filling of pores in a solid. Adsorption holds back particles in the media.

EPA approved sorbent filter media only used.

Spilled hydrocarbons are adsorbed upon contact, and does not re-release when it is retrieved. The solidification process is non-chemical in nature allowing the US EPA to classify products like Rubberizer® as an approved sorbent.

John Commercial Services Sells OEM Replacement Fossil Filters - Call 714.401.7742

EXAMPLE

Filtration Media

The primary objective is to clean the contaminated water as best as possible before discharging it to a filtration plant or the ocean. This requires at least one filter media and usually more depending on the discharge levels.

John Commercial Services offers several types of SORBENT Filtration media:

A combination of media is often recommended to maximize pollutant removal.



Perlite is naturally occurring puffed volcanic ash. Its porous, multi-cellular structure and rough edges make it effective for removing TSS, oil and grease.

Zeolite is a naturally occurring mineral used in a variety of water filtration applications. It is used to remove soluble metals, ammonium, and some organics.

CSF Leaf Media and MetalRx are created from deciduous leaves processed into granular, organic media. CSF is most effective for removing soluble metals, TSS, oil and grease, and neutralizing acid rain. MetalRx, a finer gradation, is used for higher levels of metal removal.

GAC (Granular Activated Carbon) has a micro-porous structure with an extensive surface area to provide high levels of adsorption. It is primarily used to remove oil and grease and organics such as herbicides and pesticides.

Fossil Rock – Rubberizer® Product Line transforms spilled hydrocarbons into a rubber-like solid on contact, and does not re-release when it is retrieved. The solidification process is non-chemical in nature allowing the US EPA to classify Rubberizer® as a sorbent.

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EXHIBIT D



AGENDA NO: VII-B
MEETING DATE: March 16, 2011

Staff Report

TO: Planning Commissioners **DATE:** March 7, 2011
FROM: Sierra Davis, Assistant Planner
SUBJECT: Conditional Use Permit #UP0-284, 1001 Front Street, Dock, Gangway, Landing, Awning, and Parking Lot.

RECOMMENDATION:

Staff recommends the Planning Commission approve Conditional Use Permit #UP0-284 for the construction of a new dock, gangway, landing, awning and parking lot at 1001 Front Street with the attached findings and conditions as seen in Attachment 1 and 2.

SUMMARY:

The project is located on lease sites 105.1W and 105.2W adjacent to 1001 Front Street and is zoned Harbor and governed by the Waterfront Master Plan. The upland portion of the project site is located within the Waterfront/Planned Development (WF/PD) Zoning District, with an S.4 overlay (design overlay), and is governed by the Waterfront Master Plan. The existing building includes Giovanni's Fish Market and take out window, a restaurant, and a clothing store. No improvements to the existing building are proposed with this project.

The proposed project consists of the installation of a new head float, the addition of four finger docks, landing and gangway and the installation of an awning system over the public outdoor dining area.

BACKGROUND:

The project was initiated without the benefit of permits. Upon the City establishing that the project was done without benefit of a Coastal Development Permit or Conditional Use Permit the applicant was required to remove the finger docks and apply for a Conditional Use Permit. The Coastal Development Permit shall be pursued through the California Coastal Commission because it is located in the Original Jurisdiction. The project has evolved throughout the process to include a new awning system over the public seating area, and a new landing and gangway.

Prepared By: SD Dept Review: JK
City Manager Review: H/A
City Attorney Review: H/A

The project requires additional parking spaces because of the new dock configuration which includes additional moorage thus increasing parking demand. The parking lot adjacent to the 1001 Front Street was constructed without benefit of a permit and therefore was added to the project proposal in order to make the parking lot legal and therefore allow it to be utilized as the on-site parking for the project.

REGULATIONS:

The proposed project is location in a Planned Development overlay district therefore the project shall be presented as a concept plan to Planning Commission and City Council. The applicant will then have to apply to the California Coastal Commission for their Coastal Development Permit. Once they receive entitlements from the California Coastal Commission documentation will be provided to the Public Services Department and the applicant can submit precise plan. The precise plans will be in substantial conformance with the concept plan, and will incorporate Coastal Commission conditions. The precise plans will then be presented to the Planning Commission requesting final approval.

<u>Adjacent/Zoning/Land Use</u>			
North:	Waterfront/Commercial	South	Waterfront/Commercial
East:	Commercial Visitor Serving	West:	Harbor

<u>Site Characteristics</u>	
Existing Use	Commercial, docks, and parking lot
Terrain:	Flat
Vegetation/Wildlife	Harbor located to the west of the property, property is urban/developed
Archaeological Resources	Not applicable, site is located on fill.
Access	Embarcadero

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Waterfront/Harbor
Base Zone District	Waterfront (WF)/Harbor
Zoning Overlay District	Design Overlay (S.4)
Special Treatment Area	Planned Development (PD)
Combining District	N/A

Specific Plan Area	N/A
Coastal Zone	Original Coastal Commission Jurisdiction

DISCUSSION:

Landing, Gangway and Docks

The project includes the construction of a new accessible landing and gangway which would replace the current access from the head float dock via a ladder up to the wharf as well as temporary access through the City's gangway to the south of the project site. The new finger docks will eliminate the current method of side tie docking to the head float and will replace it with boats docking at the four finger docks and accessing land via the head-float and newly proposed landing and gangway.

The proposed landing area at the top of the gangway is a six foot by six foot area that will be cantilevered from the existing wharf. A portion of the existing guardrail will be removed and the landing will cantilever over a small portion of the water and head float. The small portion of water covered by the new landing will not adversely affect marine life in the harbor since an eel grass study was conducted and no sensitive species are located in the area under the wharf, head float, proposed docks nor surrounding harbor area.

The proposed gangway will be connected to the proposed landing and will be 35 feet in length from the top of the landing to the head float. The gangway and landing shall not be considered a replacement based on documentation submitted by the applicant's agent, depicting the gangway and docks on the adjacent site also owned by the applicant, therefore the gangway attached to the proposed landing are considered new construction.

Prior to the applicant applying for the permits the previous 60 foot by 8 foot head float was demolished and removed without benefit of a permit. The head-float dock currently on site was increased in length by approximately 74 linear feet, for a new head float length of 134 linear feet over the most recent configuration of 60 linear feet. The proposed docks will be constructed with a light brown colored Trex decking. Attached to the expanded head-float, currently in the water, four new floating finger docks will be installed and will be approximately 50 feet by 4 feet 4 inches wide. One of the finger docks will be 5 feet wide in order to provide a dock that meets accessibility requirements. The head-float will not require additional pilings, however each new finger will need 3 new piles to secure the end of the dock, for a total of 12 new pilings.

Lighting

The project proposes new light sources on both the head float and at the ends of the finger docks, because the existing light on site is not adequate. The project will include 4 power and light pedestals that will provide a minimum five foot candle level for all passenger loading areas, pursuant to the building code. On the ends of the docks 4 solar 'protector' flood lights with motion sensors are proposed.

The project is required by the building code to provide lights on the existing head float and the

new finger docks. The design of the light source directs the light down towards the ground for safety purposes. Because of the configuration there will be limited light pollution into the day or nighttime sky. The lights are for directional and safety purposes and will not adversely affect the scenic views at any time of the day.

Awning System

The project also includes the addition of a windscreen and retractable awning over the existing general public outdoor dining area located on the wharf. The existing outdoor dining area is approximately 1,425 square feet with approximately 16 tables with umbrellas approximately 8 feet in diameter and enclosed within the existing windscreen. The awnings will be constructed in four individual sections centered over the patio area and supported by a center beam spanning approximately 50 feet between two vertical supports at a height of 12 feet. The northern end of the awning will additionally have a 7 foot high windscreen located perpendicular to the existing windscreen, which will be consistent with the existing windscreen height. The windscreen will be constructed of glass (approximately 60%) on top and wood (approximately 40%) on the bottom to match the existing screen. Currently there are umbrellas covering the existing dining area and are each approximately 8 foot diameter and cover most of the dining area. The canvas color of the new awning system will be the same as the existing canvas awnings used around the site for consistency.

The awning has the most substantial effect on the scenic vista because the awning system is taller and covers a larger area than the existing umbrellas. The proposed awning is a freestanding mechanical system that can retract the awnings as weather permits. The awnings are connected to the support system and are not attached to the existing windscreen or structure, and will maintain a minimum of 6 inch gap between the top of the windscreen and top of the roof. The configuration will create an area that is substantially enclosed. The existing umbrellas are not connected, therefore it does not create continuous coverage over the southern portion of the deck. The existing configuration of the umbrellas allows for views over the top of the windscreen and is partially open to the sky. The proposed awning system would not allow for views over the windscreen and to the sky when the awning is closed. When the awning system is retracted the area will be exposed to the elements and will have more of a view shed than what currently exists on site.

Parking

The applicant proposes to utilize an existing unpermitted parking lot to provide the required on-site parking spaces for the new docks. The parking lot is located on the adjacent site at 1099 Embarcadero. The applicant and staff have not located permits indicating that the parking lot was permitted by the City or the Coastal Commission, therefore the parking lot was not reviewed pursuant to the Municipal Code. City records, CityGIS and Google Earth software, staff has determined that between 1997 and 2005 the parking lot was stripped with the current parking lot configuration and circulation.

The applicant's agent indicated in a letter, dated September 2010, that the "parking lot was

constructed in approximately 2000, to create additional spaces for general use.” Pursuant to 17.44.020.D.1.a., any new parking lot or lot which is proposed to be extended in area or capacity which is not proposed as part of a larger development, an administrative Coastal Development Permit shall be obtained from the planning and building department. Since the parking lot was not previously permitted, the permit has been elevated and shall be included in the Planning Commission reviewed.

The applicant has proposed making the parking lot legal by including the parking lot in this review. The applicant has requested exceptions to the parking requirements because they are located in the Planned Development overlay. The applicant has requested the following exceptions from the City of Morro Bay Municipal parking standards; ADA parking space location, lighting, landscaping, curb stops, screening, parking space sizes, and configuration of parking spaces and drive aisles, however it has been determined that the parking spaces and aisles shall meet minimum standards.

ADA Parking Space Location

The existing parking lot was striped with 20 parking spaces with one van accessible parking space. The van accessible parking space located on the east side of the parking lot adjacent to the public right-of-way was not a requirement for any business located adjacent to the parking lot. The accessible parking space is proposed to be the accessible space for the dock project, however pedestrians have to cross the parking lot, without benefit of a path of travel delineated. In a letter dated February 3, 2011 the applicant’s agent stated that a path of travel through the parking lot would create “significant hazard due to the fact that this is still a working waterfront dock.” The agent also indicated that there is an accessible parking space on the southern side of the building, however that is to be utilized for previously approved uses, and the ADA accessible parking space in questions is strictly for use of the new docks. The City Engineer shall require that the ADA parking space be moved to the western side of the parking lot closest to the dock, landing and gangway, therefore eliminating the “significant hazard” of crossing the parking lot with trucks and machinery.

Lighting

Pursuant to section 17.44.020.D.4, Parking Lot lighting, Parking lots shall have security lighting when required by the Police Chief. All parking lot light fixtures shall be designed so that they do not direct glare into the street or into adjacent residential uses. Lighting poles shall not exceed twenty feet in height unless a greater height is approved by the Planning Commission.

The applicant requested an exception from lighting requirements, however the requirement is based on Police Chief request. The project was routed to the Police Department, and the Police Chief did not request additional lighting be provided for the parking lot, therefore an exception is not applicable.

Landscaping and Screening

The Zoning Ordinance outlines regulations for parking lot screening and landscaping

requirements for all parking lots within the City of Morro Bay. The existing parking lot is utilized by the applicant's businesses, for the docks, delivery of goods, and parking for patrons. Although the site is used for multiple uses, the zoning ordinance addresses high risk parking areas in regards to circulation and planting areas. The planting areas are incorporated into parking lots with the goal to prevent, unbroken expanses of parking area. Pursuant to section 17.44.020.D.5, the parking lot shall have a least five percent of their surface devoted to landscaping, exclusive of setbacks and street screening, arranged in an appropriate effective manner. The existing parking lot does not include any landscaping and does not have any setbacks. The applicant has requested that the landscaping requirement be waived to allow for trucks and the like to drive across the parking lot without obstacles, however all parking lots are required to have specific parking requirements, please refer to section 17.44.020.D.5, Landscaping and Screening.

In addition, the parking lot is adjoining a street shall have the street frontage and their outside perimeter screened by a three-foot-high decorative masonry wall, mature hedge, or landscaping berm, except at those points of vehicular or pedestrian access. The applicant's agent stated in a letter dated January 3, 2011, received February 3, 2011, "the installation of a solid fence to screen the lot would be visually obtrusive and prevent the pedestrian from viewing the operations and the bay." However, a solid fence at a height of three feet, mature hedge, or landscaping, would not obscure pedestrian's view of the bay from the public right-of-way.

Staff has reviewed the plans and determined that planting boxes or containers would be an acceptable form of landscaping because the applicant would not have to break ground on the parking lot. The site is also located on fill and which is not an acceptable soil to plant trees or vegetation.

Curb Stops

Pursuant to section 17.44.020.D.3.k, Curb and wheel stops shall be required where parking spaces head into a wall, fence, building, or the side of another parking space, of as determined necessary by the City Engineers wherever conditions warrant. Curb stops are a safety requirements and shall not be waived.

Parking Space Sizes and Parking Lot Configuration

The previous head float was approximately 60 linear feet which would have required 1.7 parking spaces (2 whole parking spaces), which is parked at a ratio of 1 parking space per 35 linear feet of docks. The new dock configuration shall require 9 parking spaces, and with a historic credit of 2 parking spaces, 7 parking spaces are required at this time for on-site parking requirements.

The existing parking lot has a combination of angled and perpendicular parking space configurations does not allow for a safe parking lot circulation, because minimum parking bays are not provided. The City of Morro Bay's Zoning Ordinance provides for standard sized parking spaces that are required to be 20 feet by 9 feet shall have a minimum or 14 foot back out area for parking spaces at a 45 degree angle. The existing parking lot provides approximately 15.5 feet

for back out area, however the parking spaces do not meet the minimum parking space dimension requirement.

The angled parking spaces have perpendicular parking on to the north, east, and south. The City of Morro Bay's Zoning Ordinance does not provide standards for 90 degree parking spaces with a one way drive aisle. The requirements have been engineered in the City of San Luis Obispo for a variety of different situations. The City Engineer would accept engineered standards from another city if the Morro Bay Municipal Code does not specifically address requirements. The applicant has provided a bay width of 38' on the east side of the parking lot and a 41.5' bay width on the west side of the parking lot, and a 26' bay width on the north side of the parking lot for perpendicular parking spaces. The minimum requirement for 90 degree parking space pursuant to the City of San Luis Obispo parking standards is 43.3 feet, therefore the parking lot does not meet engineered parking standards for 90 degree parking spaces. The angled parking spaces meet minimum acceptable standards, however when used in combination with perpendicular parking spaces the parking lot does not meet acceptable standards for safe circulation. The parking lot shall be re-stripped to meet minimum parking lot requirements for angled parking at a maximum 45 degree for one way traffic.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The project qualifies for a CEQA Mitigated Negative Declaration and was posted on February 4, 2011. The applicant has agreed to implement the mitigation measures proposed in the Negative Declaration. Thus there are no significant impacts with the implementation of those mitigation measures.

CONCLUSION:

The proposed project would be consistent with applicable development standards of the zoning ordinance and all applicable provisions of the General Plan and Local Coastal Plan with the incorporation of recommended conditions. The project is located with the California Coastal Commission Original Jurisdiction.

ATTACHMENTS:

- Attachment 1 – Findings
- Attachment 2 – Conditions of Approval
- Attachment 3 – Plans and Pictures
- Attachment 4 – Correspondence
- Attachment 5 – California Coastal Commission Waivers
- Attachment 6 – City of San Luis Obispo Parking Standards
- Attachment 7 – Environmental Documents

EXHIBIT D

AGENDA ITEM: VI-A

DATE: April 6, 2011

ACTION: _____

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
March 16, 2011

Chairperson Rick Grantham

Vice-Chairperson John Diodati
Commissioner Paul Nagy

Commissioner Jamie Irons
Commissioner John Solu

Rob Livick, Secretary

I. ESTABLISH QUORUM AND CALL TO ORDER

Chairperson Grantham called the meeting to order at 6:00 p.m. and noted all Commissioners are present.
Staff Present: Rob Livick, Kathleen Wold, Sierra Davis, and Rob Schultz

II. MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE

Tom Laurie led the pledge.

III. PLANNING COMMISSIONER ANNOUNCEMENTS

Commissioners expressed their appreciation for the Planners Institute training they attended recently in Pasadena and agreed it was a beneficial conference.

IV. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Rob Livick briefed the Commission on action taken by the City Council at the March 8th meeting and for the upcoming March 22nd City Council meeting.

V. PUBLIC COMMENT

Chairperson Grantham opened the Public Comment period and hearing none closed Public Comment period.

IV. CONSENT CALENDAR

Irons asked to have both minutes corrected to reflect the Vice-Chairperson as John Diodati and not Jamie Irons.

A. Approval of minutes from Joint City Council /Planning Commission meeting held on February 22, 2011.

B. Approval of minutes from Planning Commission meeting held on March 2, 2011

MOTION: Irons moved the Planning Commission approve the Consent Calendar. Nagy seconded the motion. The motion carried unanimously (5-0).

VI. PRESENTATIONS

- A. Presentation from Tom Laurie comparing the re-birth of Cannery Row to the re-birth of Morro Bay's Embarcadero

Tom Laurie gave a presentation to the Planning Commission and spoke about the future development of the power plant area and stated the LCP needs to be re-written which is important for Morro Bay to keep up with changes. Laurie noted that Cannery Row in Monterey was a former use prior to being redeveloped into a popular tourist destination.

VII. PUBLIC HEARINGS

- A. *This item has been requested to be continued to the April 6, 2011 meeting.*

Case No.: S00-048/UP0-086/CP0-130

Site Location: 2400 Main Street, Northeast corner of Main and Bonita

Applicant/Project Sponsor: Morro Mist LLC. Steve and Gayla Miller / Cathy Novak

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

Recommended CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Conditionally approve Tentative Subdivision Map S00-048,

Conditional Use Permit UP0-086 and Coastal Development Permit CP0-130.

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

MOTION: Solu moved the Planning Commission continue the hearing to the April 6, 2011 meeting. Diodati seconded the motion. The motion carried unanimously (5-0).

- B. **Case No.:** UP0-284

Site Location: 1001 Front Street

Applicant/Project sponsor: Giovanni DeGarimore / Cathy Novak

Request: The project is located on lease sites 105.1W and 105.2W adjacent to 1001 Front Street and is zoned Harbor and is governed by the Waterfront Master Plan. The project proposes to reconfigure and expand the existing dock system. The proposal includes expanding the head-float and installation of four new finger floating docks approximately 50 feet by 4 feet 4 inches wide. The project would include the construction of a new accessible landing and gangway. The project also includes the addition of a windscreen and retractable awning over the existing general public outdoor dining area located on the wharf, this portion of the project is zoned. Parking will be accommodated within a parking lot adjacent to Front Street however; the applicant has requested that the design of this lot not conform to minimum parking standards. An exception has been requested to the minimum parking aisle standard, minimum parking stall dimensions and to waive all landscaping requirements.

CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Approve Concept Plan with conditions (UPO-284)

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

Commissioner Solu recused himself from deliberation due to a potential conflict of interest.

Davis presented the staff report.

Chairperson Grantham opened the Public Comment period:

- Cathy Novak, Representative for the Applicant, presented an overview of the project explaining each component of the project and noted her disagreement with staff regarding parking and modification of the conditions.

Hearing no further comment, Chairperson Grantham closed Public Comment period.

Commissioners had discussion with Applicant's Representative regarding:

- The condition to provide landscaping in the parking lot and the Applicant's request to remove that condition due to difficulty with irrigation;
- Whether to require the Applicant to dedicate sidewalk to the City; and
- The issue of parking spaces. Livick confirmed that the new parking circulation plan is acceptable to staff.

Chairperson Grantham called for a ten minute break.

Commissioners continued discussion on:

- The parking lot and the following issues associated with it:
 - Whether to remove or modify the landscaping conditions;
 - The existing fence and landscaping on the street frontage;
 - The parking design; and
 - The ADA handicap parking spot and its location.

Diodati noted that as approved in the February 22nd joint City Council/Planning Commission minutes, City Council has directed the Planning Commission to follow the rules and principles of the City.

Livick clarified for the Commission that pursuant to Building Code, the location of the ADA parking spot must be closest to the use that it is serving. The Commission does not have discretion over the location.

Commissioners discussed with staff how to maintain the pedestrian view shed by allowing flexibility on the landscaping such as a masonry wall with landscaping on top or a 5% landscaping requirement or demonstrate that it cannot be met.

Livick clarified that if the applicant's survey shows a portion of the sidewalk is located on private property then a dedication is required. It is not an option as the public sidewalk needs to be in the public right of way. At the time of precise plan submittal, the survey info should show on the site where the right of way occurs and the dedication will be offered at that time.

MOTION: Diodati moved the Planning Commission approve Conditional Use Permit #UP0-284 for the construction of a new dock, gangway, landing, awning and parking lot at 1001 Front Street with the attached findings and conditions as seen in Attachment 1 and 2 as amended and to include the following amendment to condition #9 of attachment 2:

- That a maximum of a three foot high masonry wall with landscaping on top in lieu of a landscaping plan or a permanent fencing material consistent with zoning ordinance 17.48.100 and a landscaping plan submitted with a precise plan that covers a minimum of 5% landscaping

unless it is demonstrated that it cannot be done otherwise. Either alternative shall maintain the pedestrian view shed to the Bay.

Irons seconded the motion. The motion carried unanimously (4-0).

VIII. UNFINISHED BUSINESS

A. Current Planning Processing List/Advanced Work Program

Commissioners reviewed the work program.

IX. NEW BUSINESS

A. Consider Commissioner Diodati's request for absence from several Planning Commission meetings.

MOTION: Irons moved the Planning Commission allow Commissioner Diodati's request for absenteeism for specified dates in his letter April 6th, 20th, May 4th, 18th and June 1st.

Nagy seconded the motion. Motion carried unanimously (5-0)

X. DECLARATION OF FUTURE AGENDA ITEMS

Commissioners discussed whether to agendize moving forward on Bylaws for the Planning Commission.

MOTION: Solu moved the Planning Commission appoint Commissioner Nagy and Commissioner Irons to be on a subcommittee to work with the City Attorney to start putting together Planning Commission Bylaws for the City of Morro Bay.

Diodati seconded the motion. Motion carried unanimously (5-0).

XI. ADJOURNMENT

Chairperson Grantham adjourned the meeting at 8:15p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Wednesday, April 6th, 2011 at 6:00 p.m.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary

EXHIBIT E



AGENDA NO:

MEETING DATE: April 12, 2011

Staff Report

TO: Honorable Mayor and City Council **DATE:** April 4, 2011

FROM: Sierra Davis, Assistant Planner

SUBJECT: Request for a Use Permit to Allow Installation of a Dock System and Associated Facilities at Lease Sites 105.1W/105.2W Located at 1001 Front Street.

RECOMMENDATION:

Planning Commission forwarded a favorable recommendation from the March 16, 2011 Planning Commission Meeting for approval of Conditional Use Permit #UP0-284 and the adoption of the Mitigated Negative Declaration for the construction of a new dock, gangway, landing, awning and parking lot at 1001 Front Street with the attached findings and conditions as amended by the Planning Commission as seen in Attachment 1 and 2.

FISCAL IMPACT:

The project has the potential to create a negative fiscal impact to the City's parking in lieu fund if City Council were to grant the applicant's request for historic parking beyond that established within the Municipal Code.

SUMMARY:

The project was heard before the Planning Commission at a publicly noticed hearing on March 16, 2011. Please refer to the Planning Commission staff report for a full project description. This staff report contains additional information that is not contained in the Planning Commission staff report.

The project is located on lease sites 105.1W and 105.2W adjacent to 1001 Front Street and is zoned Harbor and governed by the Waterfront Master Plan. The upland portion of the project site is located within the Waterfront/Planned Development (WF/PD) Zoning District, with an S.4 overlay (design overlay), and is governed by the Waterfront Master Plan. The existing building includes Giovanni's Fish Market and take out window, a restaurant, and a clothing store. No

Prepared By: _____ Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

improvements to the existing building are proposed with this project.

Since the project is located in the Planned Development overlay area the Municipal Code requires a concept plan for all projects over acre in size or for projects on public land as such the use permit under consideration is for a Concept Plan (MBMC 17.40.030). This Concept Plan was heard by the Planning Commission on March 16, 2011. The Concept Plan shall be approved by the City Council prior to the applicant applying to the California Coastal Commission for a Coastal Development Permit. Should the Coastal Commission grant a Coastal Development Permit then the applicant will return with the Precise Plan.

The proposed project consists of the installation of a new head float, the addition of four finger docks, landing and gangway and the installation of an awning system over the public outdoor dining area.

BACKGROUND:

The new dock, gangway, landing, awning and parking lot project located 1001 Front Street was heard before the Planning Commission at a regularly schedule public hearing on March 16, 2011.

The Planning Commissioners reviewed the documents supplied by staff and all were invited by the applicant's agent to tour the site. All Planning Commissioners visited the site. At the meeting the Commissioners discussed the following issues:

1. The condition to provide landscaping in the parking lot and the applicant's request to remove that condition due to difficulty with irrigation;
2. Whether to require the Applicant to dedicate sidewalk to the City; and
3. The parking lot and the following issues associated with it:
 - a. Whether to remove or modify the landscaping conditions;
 - b. The existing fence and landscaping on the street frontage;
 - c. The parking design; and
 - d. The ADA handicap parking spot and its location.

Staff addressed the concerns of Planning Commissioners.

1. The applicant was given the option of providing landscape planters in lieu of cutting into the existing asphalt to provide the required tree wells and landscape buffers between every 5 parking spaces. The landscape planter would also address the concern over the difficulty with irrigating the site. The applicant could water the landscape plants will other methods besides a permanent irrigation system.
2. The Municipal Code and Waterfront Master Plan requires land owners to dedicate the public right-of-way where sidewalk is located on private property. The City maintains all sidewalks and the required dedication of land allows the City to maintain the area without conflict.
3. The parking lot plan was submitted the day of the Planning Commission meeting, however the City Engineer reviewed the plan and found the circulation portion of the plan to be acceptable.

The Planning Commission forwarded a favorable recommendation to the City Council to approve the project and adopt Mitigated Negative Declaration. The Planning Commission forwarded a favorable recommendation with the following amendments to the Conditions of Approval:

Amendment to Planning Conditions #9 of Attachment 2:

1. That a maximum of a three foot high masonry wall with landscaping on top in lieu of a landscaping plan or a permanent fencing material consistent with zoning ordinance 17.48.100 and a landscaping plan submitted with a precise plan that covers a minimum of 5% landscaping unless it is demonstrated that it cannot be done otherwise. Either alternative shall maintain the pedestrian view shed to the Bay.

DISCUSSION:

Regulations

The project is located in the California Coastal Commission's Original Jurisdiction; therefore the City of Morro Bay has Jurisdiction over the use permit entitlements for the project and the California Coastal Commission will be the agency responsible for the Coastal Development Permit. Both agencies must approve the project in order for the project to have its full entitlements and to be constructed.

The project shall be reviewed pursuant to the General Plan, Zoning Ordinance, Waterfront Master Plan, and Parking Management Plan. The applicant has asked for exceptions to the parking lot design regulations.

General Plan

The General Plan looks to the Local Coastal Plan to provide guidelines for the development of Morro Bay and has delineated fishing, boating and harbor facilities as an important resource in the city. The California Coastal Act of 1976 requires Morro Bay to protect and, where feasible upgrade commercial and recreational fishing facilities. This is in keeping with the community's policy of giving priority to commercial fishery in new harbor development (also found in the Local Coastal Plan, 148).

The objective of the General Plan in relation to fishing facilities is to pursue additional, adequate berthing spaces for both commercial and pleasure vessels as long as these spaces are compatible with the overall function of the harbor and its ecological surrounding. The proposed project would provide additional berthing facilities for both commercial and recreational boating activities and has been reviewed pursuant to the California Environmental Quality Act and therefore can be supported by staff as a project that upholds the objective of the General Plan.

The General Plan also speaks to the issues that surround the circulation and parking situation in Morro Bay including:

1. Lack of Full Parking Improvements: The parking lots shall meet City standards in order to provide the most parking spaces on a site, and improve site drainage.

2. Conflicts Created by On-Street Parking: Requiring persons to parking off-site on the street has the potential to slow traffic flow in high traffic areas, such as the Embarcadero area. On-site parking allows for persons to pull off the public right-of-way and parking in a public or private parking lot and not disrupt parking flow.
3. Poor Parking Configuration: Parking lots that were developed prior to the zoning ordinance or not reviewed for consistency with the zoning ordinance exhibit poor design, inefficiency, poor appearance, lack of landscaping resulting in a barren appearance.
4. Lack of Handicap Parking: Existing uses should provide handicap parking spaces at the time of remodel or expansion, when feasible. The handicap parking should be consistent with State criteria both in terms of design and number.

In a letter received February 3, 2011 submitted by the applicant's agent, was the request for exceptions to the City parking standards including; ADA space location, lighting, landscaping, curb stops, screening, configuration, and parking stall size. Since submitting the letter the agent has submitted a parking lot plan that addresses the parking lot configuration and is acceptable to the City Engineer. However the other requested exceptions are in conflict with the adopted General Plan and Zoning Ordinance. The Planning Commission approved the project as conditioned with modifications to these conditions that a new wall is constructed with landscaping that would provide a public benefit with a view of the working docks and view of the harbor. The Planning Commission and staff can support the project as conditioned, however there were exceptions requested by the applicant which were not supported.

Zoning Ordinance

The applicant is requesting exceptions from the Zoning Ordinance parking requirements as outlined in the March 16, 2011 Planning Commission staff Report. Staff can find the project consistent with the Zoning Ordinance with the attached conditions as amended by the Planning Commission.

Waterfront Master Plan

The Waterfront Master Plan is a specific plan for the East and West side of the Embarcadero. The applicant's property is located on the West side of the Embarcadero and is subject to the regulations. Staff has researched the plan as it applies to the project and has found that the applicant shall improve existing sidewalks to provide a minimum 8 foot wide public sidewalk. The applicant did not provide a scalable plan to staff therefore staff cannot determine where the property line is in relation to the existing sidewalk. The applicant shall dedicate the necessary right of way for a minimum 8 foot wide sidewalk to the City for a public side walk.

Parking Management Plan

The parking management plan was produced by TPG Consulting firm for the City of Morro Bay to analyze the parking capacity and demand on the Embarcadero and in the Downtown area. The project site was included in the parking analysis and referred to as "Block 3". The plan analyzed the study area on two different days, which represented weekday and weekend need on the peak tourist season and non-peak tourist season.

Parking supply is represent by the raw count of spaces within and surrounding the study blocks without differentiation between public and private spaces. The results of each of the hourly calculations by block, as well as a daily averaging were tabulated for the week and weekend.

Parking demand within the Downtown and Embarcadero Areas was determined by dividing the total “available” (empty) spaces by the total inventory of spaces in each one hour interval during the 6-hour survey period. This calculation results in a percent of available spaces, which, when subtracted from 100% is considered to be “demand” (of the reverse of availability).

A demand of below 75% is considered to be acceptable and not representative of a serious or significant parking supply shortage. A demand of between 75% and 85% is considered to be an early-warning of a potential emerging supply shortage. High demand, where a critical parking need may already exist is considered to be 85% or higher and means that only 15% of the parking spaces are open and available. A block with a demand over 100% in any hour clearly represents an immediate supply shortage for that block during the study time.

The following table represents the parking demand for Block 3, which includes that proposed project.

Weekday Average	Adequate Parking below 75% demand
Weekend Average	86% - 100% Parking Demand
Weekday Peak Hour 1:00pm to 2:00pm	75% - 85% Parking Demand
Weekend Peak Hour 1:00pm to 2:00pm	100% Parking Demand – Map excludes the proposed parking lot

Although the parking study demonstrates that the subject property is in an area that has the potential to have inadequate parking, the consultants concluded that it is not a significant problem. The “shortages” are only occurring in certain blocks during certain hours of the day during a Peak Season weekend. The north end of the Embarcadero study area blocks 2 – 9, in which the study area is included, has 2 expansive public parking lots and abundant on-street parking (providing a total of about 390 spaces, representing approximately 46% of all the parking within the Embarcadero Area, defined as Blocks 1-10. The consultants identified isolated locations during short periods of time where there existing critical parking demand. However there is an abundance of available parking nearby during the peak demand, and this maybe a result of poor parking management and not necessarily a parking problem.

Historic Parking Credits

The applicant’s agent has suggested that historic parking credits should be granted for the side tie configuration that has been utilized at the head float in the past. The applicant’s agent submitted an amended project description in June 2010, and stated that the “existing side tie dock system could accommodate up to eight boats by “rafting” together.” However, in the graphic submitted there were ten boats shown rafting. There is approximately 50 feet from the head float to the

lease limit line as such the maximum amount of boats that could be accommodated on the lease site side-tie together would be 3 assuming the width of the boats would be between 13 feet to 17 feet wide.

The current zoning ordinance does not have regulations requiring additional parking be provided for the side-tying boats and research indicates that no previous ordinance required parking for that activity either. Since there was never a requirement to provide this parking under the City's ordinances then a historic credit cannot be granted. Staff did give historic credit based on the length of the head float and the parking requirement contained in code of 1 space for every 35 feet of dock length or 1.7 spaces (2 parking spaces).

Section 17.44.020.3.C of the Zoning Ordinance provides regulation for parking marine related uses is as follows:

l.) Marinas and moorings: one space for each thirty-five lineal feet of boat tie-down area or two spaces for each thirty-five lineal feet of boat tie-down area to be used by live aboard boats. One space for each mooring location

m.) Cruise ships or other passenger for hire vessels: one space for each six and one-half lineal feet of boat length.

The table below outlines the parking requirements for docks on recent projects.

801-833 Embarcadero	17 boat slips	22 parking spaces parked at 1/35 linear feet
575-591 Embarcadero	70 linear feet of dock	2 parking spaces parked at 1/35 linear feet
845 Embarcadero	231 linear feet of dock	7 parking spaces parked at 1/35 linear feet
1205-1215 Embarcadero	Expansion of dock system. Parking credited at a rate of 1/35 linear feet even though side tie was utilized on the water lease.	3 additional parking spaces at 1/35 linear feet

All projects were credited for existing docks at a ratio of 1 parking space for each 35 linear feet of dock tie down area. At 1205-1215 Embarcadero (GAFCO Revitalization project) it was also noted that "rafting" boats together by side tying to other boats occurred, however the historic credit given to this project was also based on the 1 space per 35 linear feet and not on the number of boats side tied together. Staff was unable to locate any past project which received historic credit for side-tying. Establishing a new method of granting historic parking credits may result in a loss of parking in lieu fees being paid as more parking spaces are "credited" and a loss of parking in-lieu fees which would ultimately reduce the number of public parking stalls that the city can establish in the area.

CONCLUSION:

The proposed project would be consistent with applicable development standards of the zoning ordinance and all applicable provisions of the General Plan and Local Coastal Plan with the incorporation of recommended conditions. The project is located within the California Coastal Commission Original Jurisdiction.

ATTACHMENTS:

Attachment 1 – Findings

Attachment 2 – Conditions of Approval as amended by Planning Commission

Attachment 3 – Plans and Pictures

Attachment 4 – March 16, 2011 Planning Commission Packet

Attachment 5 – Memo to the Planning Commission at the March 16, 2011 meeting

Attachment 6 – Amended Conditions of Approval given to Planning Commissioners at the March 16, 2011 meeting

Attachment 1

FINDINGS

California Environmental Quality Act (CEQA)

- A. The project qualifies for a CEQA Mitigated Negative Declaration was posted on February 4, 2011. The applicant has agreed to implement the mitigation measures proposed in the Negative Declaration. Thus there are no significant impacts with the implementation of those mitigation measures.

Concept Plan Findings

- B. Modification of standards shall only be approved upon finding that greater than normal public benefits may be achieved by such deviations. Such benefits may include, but are not limited to improved or innovative site and architectural design, greater public or private usable open space and provision of housing for the elderly or low/moderate income families, provision or extraordinary public access, provision for protection environmentally sensitive habitat (ESH) area, but in all cases these provisions shall meet the coastal land use policies.

The project as designed and conditioned provides greater than normal public benefits as it provides enhanced public access to the harbor and waterfront which upholds the city policies set forth within the General Plan, Local Coastal Plan and Waterfront Master Plan.

Use Permit Findings

- C. That the project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on the analysis and discussion in the attached staff memorandum; and
- D. The establishment, maintenance, or operation of the use applied for will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the project will be consistent with all applicable zoning and plan requirements as indicated in the attached staff memorandum; and
- E. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be constructed and developed consistent with all applicable City regulations, as indicated in the attached staff memorandum.

Attachment 2

CONDITIONS OF APPROVAL

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated April 12, 2011 for the project depicted on the attached plans labeled "Attachment 3", dated April 5, 2011, on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

Site development, including all buildings and other features, shall be located and designed substantially as shown on the aforementioned exhibit, unless otherwise specified herein.

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 Director of Public Services, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Director of Public Services. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) 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 (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director of Public Services and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Acceptance of Conditions: Prior to obtaining a building permit the applicant shall file with the Director of Public Services written acceptance of the conditions stated herein.

PLANNING CONDITIONS

1. State and County Compliance: Prior to the issuance of a building permit applicant shall demonstrate compliance with all State and County regulations and provide documentation to the Public Services Department.
2. 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. on weekdays and eight a.m. to 7 p.m. on weekends, unless an exception is granted by the Director of Public Services pursuant to the terms of this regulation.
3. Parking Agreement: The parking lot to be utilized for on-site parking is located on an adjacent site. The applicant shall provide a parking agreement between all properties owners on which parking lot is located. This agreement shall be submitted and recorded prior to the issuance of any building permit.
4. Live Aboards: Live aboard marine vessels shall not be allowed unless a modification to this permit is obtained and there has not been permitting provided for such use.
5. Parking Circulation: The parking lot shall be restriped to meet all circulation minimum requirements for drive aisle and parking space dimensions. The parking spaces shall be a maximum of 45 degree angled parking and shall only have one way drive aisle.
6. Parking Space Labels: The parking spaces reserved for the docks shall be labeled and open and available for people using the docks. At no time shall equipment, delivery trucks, or marine storage tanks, nor the like be placed in the parking spaces.
7. Exit and Entrance Directional Arrows: Exit and entrance direction arrows shall be marked on the pavement where one-way driveways are used. Pavement signing shall be

marked and maintained as required by the city engineer. Entrance signing may be required by the City Engineer whenever conditions warrant. Code requirement.

8. Accessible Parking Space: The van accessible parking space shall be moved to the west side of the parking lot and shall be the first parking space adjacent to the landing and gangway.
9. Street Frontage: That a maximum of a three foot high masonry wall with landscaping on top in lieu of a landscaping plan or a permanent fencing material consistent with zoning ordinance 17.48.100 and a landscaping plan submitted with a precise plan that covers a minimum of 5% landscaping unless it is demonstrated that it cannot be done otherwise. Either alternative shall maintain the pedestrian view shed to the Bay.
10. Curb Stops: Curb stops shall be provided for each parking space that head into a wall, fence, building, or the side of another parking space.
11. Landscape Plan: A landscape plan shall be submitted with the precise plan depicting that the minimum 5% landscaping requirement is maintained.
12. Docks: Docks cross water lease lines and an agreement from the City and lease holders shall be secured.
13. Photometric Plan: A photometric plan shall be submitted to the Planning Division prior to issuance of any building permit detailing that the lighting will meet a minimum of 5 foot candle for all dock areas.

FIRE CONDITIONS

1. Standpipe Systems. Marinas and boatyards shall be equipped throughout with Standpipe Systems in accordance with NFPA 303. (CFC 905.3.7) Please submit plans and detail of all required Standpipe System and Hose Cabinets at Building Plan submittal.
2. Water supply for fire protection of piers and wharves shall be in accordance with NFPA 307 (Chapter 7).
3. Fuel Dispensing. Marina Fuel dispensing units for transferring fuels from storage tanks shall be in accordance with NFPA 30-A. (NFPA 303-8.3.10 & CFC 2210.1)
4. Construction and fire protection of marine terminals, piers, and wharves shall be in accordance with NFPA 307 (Chapter 4 Piers and Wharves).
5. Construction of Marine Docks and Gangways shall be in accordance with Morro Bay Municipal Code, Chapter 14.52.

6. Portable Fire Extinguishers. Placement of portable fire extinguishers on piers, bulkheads, and fuel dispensing areas, shall be in accordance with NFPA 10 (Chapter 5). (NFPA 303-6.2.1.1.1 & 6.2.1.1.2.1)
7. Awning Plan. Please provide details of the Awning Plan at Building Plan submittal.
8. Flame propagation performance treatment. Before a permit is granted, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory certifying that the proposed canopy is composed of materials meeting the flame propagation performance criteria of NFPA 701, or treated with a flame retardant in an approved manner. (CFC 2404.2)
9. Label. Membrane structures, tents, or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type. (CFC 2404.3)
10. Certification. An affidavit or affirmation shall be submitted to the fire code official and a copy retained on the premises. The affidavit shall attest to the flame propagation performance criteria of the fabric.
11. Anchorage. Tents, canopies or membrane structures and their appurtenances shall be adequately roped, braced, and anchored to withstand the elements of weather and prevent against collapsing. Documentation of structural stability shall be furnished to the fire code official. (CFC 2403.9)
12. Open or exposed flame. Open flame or other devices emitting flame, fire, or heat or any flammable or combustible liquids, gas, charcoal, or other cooking devise or any other unapproved devise shall not be permitted inside or located within 20 feet of the tent, canopy or membrane structures while open to the public unless approved by the fire code official (CFC 2404.7)
13. LP-Gas. The storage, handling and use of LP-gas and LP-gas equipment shall be located outside canopy structures, with safety release valves pointed away. (CFC 2404.16)
14. Fuel-Fired Appliances. The installation of non-portable fuel gas appliance and systems shall comply with California Mechanical Code. All installation shall be made in accordance with the manufacturer's instructions and applicable federal, state, and local rules and regulations. (CFC 603.1)
15. Means of Egress. At least two exits shall be provided in this A-2 occupancy. (CFC 1019)

16. Posting of Occupant Load. Every room or space that is assembly occupancy shall have the occupant load posted in a conspicuous place, near the main exit or exit access doorway from the room or space. (CFC 1004.3)

ENGINEERING CONDITIONS

1. Should the City Council defers the installation of the upgrade of the sidewalk to a minimum of 8 feet in width, the deferral shall be recorded as an indenture against the property and shall run with the land. (MBMC 17.40 and 14.40). At such time the City deems the public improvements necessary the applicant or successors in interest shall be responsible for all cost and construction of public improvements and shall be completed within the timeframe as set forth by the Public Services Director. All public improvements shall be installed accordance with City standards for the full length of the street frontage(s) of the subject properties.

ENVIRONMENTAL CONDITIONS

Aesthetics

1. The awning system shall be freestanding and shall only be attached at the base of the awning system to the wharf. The awning shall not be attached to the existing windscreen, structures on site nor be attached in a way that would enclose the area in any fashion.
2. The awning system shall maintain a minimum 6 inch height clearance above the top of the windscreen to maintain that the awning system does not enclose the public view area.

Air Quality

The project is subject to standard construction practices, including dust control measures required by the Municipal Code and the Air Pollution Control District to address short-term air quality impacts related to construction.

The standard mitigation measures for reducing nitrogen oxide (NOx), reactive organic gases (ROG), and diesel particulate matter (Diesel PM) emissions from construction equipment are listed below:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner offroad heavy-duty diesel engines, and comply with the State off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

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

Biological Resources

1. Federal and state permits applicable to the proposed project shall be secured and evidence of permits shall be on file with the Public Services Department prior to the issuance of building permits.
2. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts and all construction shall occur within the project footprint.
3. To avoid impacts, all work that disturbs the ocean floor (i.e. installation of pilings) shall be overseen and monitored by the project biologist (Tenera Environmental or equivalent professional biologist approved by the Director of Public Services). The biologist shall be under contract prior to issuance of a building permit. Prior to the final building inspection the biologist shall submit a monitoring report to the Director of Public Services.
4. A pre- and post-construction Eelgrass survey shall be performed and submitted to the Director of Public Services and if necessary, an Eelgrass restoration plan shall be prepared in accordance with the Southern California Eelgrass Mitigation Policy. This Eelgrass restoration plan shall be submitted and approved by the Public Services Department prior to issuance of certificates of occupancy.
5. Prior to the issuance of a building permit, an approved "otter watcher" shall be under contract or otherwise committed to being on the job site at all times during which the pile driver is in operation. The contract or other written agreement between the applicant and the "otter watcher" shall specifically encourage or empower the "otter watcher" to stop work immediately in the event that a sea otter is detected in the project area. The contract, agreement, work scope or similar document shall further specify that no work shall be resumed until after the marine mammal has left the area. With this mitigation, the project would not have a significant impact of animals, or require a state or federal take permit. The results shall be reported to the Director of Public Services.
6. A Marine Wildlife Contingency Plan should be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan should

describe specific methods that will be used to reduce pile driving noise and describe on-site marine wildlife monitoring and reporting requirements.

7. Power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced.
8. If an impact hammer is used the installation of a "pad" between the pile and the pile drive hammer should be investigated and, if feasible, used to reduce impact hammer noise.

Geology/Soils

Applicant shall submit a soil/geological report prior to the issuance of building permits.

Hazards/Hazardous Materials

1. Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations should be followed during demolition activities. Any loose or peeling lead based paint should be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations.
2. The following precautions shall be taken when handling creosote-treated wood:
 - a. Dispose of treated wood by ordinary trash collection or burial.
 - b. Do not burn wood in open fires or in stoves, fireplaces, or residential boilers because toxic chemicals may be produced as part of the smoke and ashes.
 - c. Avoid frequent or prolonged inhalation of sawdust from treated wood.
 - d. Avoid frequent or prolonged skin contact with creosote-treated wood
 - e. When handling the wood, wear long-sleeve shirts and long pants and use gloves impervious to the chemicals.
 - f. When power-sawing and machining, wear goggles to protect eyes from flying particles.
 - g. Wash clothes worn while working with creosote-treated materials separately from other household clothing.
3. At minimum one oil only absorbent spill kit for a capacity of 21 gallons or greater shall be provided on the head float dock in case of accidental release of a hazardous material or liquid into the bay.
4. Signs shall be provided on all finger docks stating the location and hours of operation for all pump out facilities in the Morro Bay Harbor.

With the implementation of these mitigation measures the potential impacts of hazardous or hazardous materials that could result from the project would be reduced to less than significant

levels.

Hydrology/Water Quality

1. The proposed project shall be incorporated into the City of Morro Bay's existing tsunami warning and evacuation system. Local authorities should be able to evacuate people safely from the proposed project site in the event of a tsunami.
2. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts.
3. To reduce the potential of petroleum leakage/spills from equipment used in conjunction with the project the following practices shall be followed:
 - a. A project-specific Oil Spill Response and Recovery Plan that includes methods and procedures for reporting and responding to spills, available on-site equipment and contracted services, and personnel responsibilities should be completed and approved prior to the initiation of construction activities.
 - b. Refueling of onshore equipment should be accomplished within a designated area of the parking lot. The site shall be covered with impervious material, be located away from drains, and have spill recovery material within the immediate vicinity. The area shall be surrounded with a waddle of sorbent material.
 - c. A minimal volume of petroleum product shall be stored onsite and spill containment and recovery equipment should be sufficient to respond to the worse case spill volume.
4. Netting or fencing around and underneath the dock shall be installed to catch and remove debris released during and after de-construction.

Noise

1. Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday and all large construction equipment will be equipped with "critical" grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up "beepers" will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 70 dBA. Construction timing shall be noted on the grading and construction plans.
2. Power generating and other noise generating machinery used for construction shall be partially or completely surrounded by temporary acoustical shelters if within 300 feet of a sensitive receptor.
3. Refer to section 4, Biology Resources mitigations 6, 7, and 8.

Utilities and Service Systems

Please refer to Hazards/Hazardous Materials section mitigation measure number 4.

EXHIBIT E

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

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

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

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

Mayor Yates read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY TRANSACTIONS. Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to one (1) parcel.

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

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

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

The meeting adjourned at 5:45 p.m.

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

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

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

STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Jamie Boucher	Deputy City Clerk
	Eric Endersby	Harbor Operations Manager
	Susan Lichtenbaum	Harbor Business Manager
	Rob Livick	Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

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

PUBLIC COMMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Yates closed the hearing for public comment.

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

A. CONSENT CALENDAR

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

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

RECOMMENDATION: Approve as submitted.

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

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

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

RECOMMENDATION: Adopt Proclamation.

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

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

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

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

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

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

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

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

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

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

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

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

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

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

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

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

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

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

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

Mayor Yates opened the hearing for public comment.

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

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

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

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

Mayor Yates closed the hearing for public comment.

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

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

MOTION: Mayor Yates moved the City Council deny the appeal of the Planning Commission's approval for the removal of eight trees (205 Surf, 214 & 225 Beach, 1129, 1149, 1169 Market and two trees at I320 Main) within the City right-of-way. Council further directed staff to develop an Urban Forest Management Plan prior to the approval of any further tree removals in the next year. The motion was seconded by Councilmember Borchard and carried with Councilmember Smukler voting no. (3-1-1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Novak suggested the following modifications to these conditions:

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

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

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

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

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

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

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

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

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

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

There was no further action taken on this item.

C. UNFINISHED BUSINESS

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D. NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. DECLARATION OF FUTURE AGENDA ITEMS

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

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ADJOURNMENT

The meeting adjourned at 10:45 p.m.

Recorded by:

Jamie Boucher
Deputy City Clerk

EXHIBIT F

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
726 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



Th15c

Prepared April 10, 2012 (for April 12, 2012 hearing)

To: Commissioners and Interested Persons

From: Madeline Cavalieri, District Manager

Subject: **STAFF REPORT ADDENDUM for Th15c**
CDP Application Number 3-11-031 (Giovanni's Fish Market and Docks)

The purpose of this addendum is to modify the staff recommendation for the above-referenced item. Specifically, in the time since the staff report was distributed, the applicant notified Staff that: (1) one of the passenger boats that was proposed to be included in the sportfishing business is no longer licensed to carry passengers and is no longer proposed to be used as part of the sportfishing business; (2) the City's stormwater regulations do not call for on-site infiltration of stormwater in areas directly adjacent to the Embarcadero, as required by the staff recommendation, because the proximity to the bay and the presence of artificial fill beneath the Embarcadero render on-site bio-infiltration ineffective in this case, and; (3) the staff recommendation incorrectly identifies the Morro Bay Harbor Department as an approving authority, where it should refer to the City of Morro Bay. Several minor corrections to the staff recommendation are needed to address these issues.

First, the proposed project includes operating Virg's sportfishing business, which had initially proposed the use of three boats: the Admiral is 84 feet long and holds 75 passengers; the Princess is 58 feet long and holds 49 passengers; and the Fiesta is 49 feet long and holds 40 passengers (for a total of 164 passengers for all three boats). However, the applicant has indicated that the Admiral is no longer licensed to carry passengers, and therefore the proposed number of passengers to be served by the proposed business has been reduced from 164 to 89. In addition, the LCP requires passenger for hire vessels to provide one parking space for each six and a half feet of boat length. Because the Admiral is no longer proposed to be included in the sportfishing business, the LCP parking requirement is reduced from 29 spaces to 16 spaces. Any future additions to the number or length of boats used by Virg's sportfishing business would require an amendment to this CDP and any necessary additional parking.

Second, the applicant has indicated that the requirement to include stormwater infiltration measures into the project, such as vegetated swales or strips, is contrary to the City's stormwater regulations. Staff confirmed this with City staff, who indicated that bio-filtration is not appropriate in this case because the nature of the Embarcadero fill at the site would make it ineffective for water treatment purposes. In the alternative, mechanical filtration combined with other types of water quality BMPs (such as reducing hydraulic connectivity, etc.) can achieve the same kinds of water quality improvements, consistent with the already stated requirements and the objective overall of the water quality condition in the original staff recommendation, and is appropriate in this case.



California Coastal Commission

3-11-031 (Giovanni's) stfrpt addendum 4.12.2012 hrg.doc

3-11-031 (Giovanni's Fish Market and Docks)

Staff Report Addendum

Page 2

Finally, the staff recommendation identifies the Morro Bay Harbor Department as an approving agency, but the Harbor Department is included within the City of Morro Bay, and Morro Bay is the entity that would be approving any necessary City permits.

To address these three items, the staff report dated prepared March 23, 2012 is modified as shown below. Specifically, the project description is revised to include two boats for Virg's sportfishing business, not three, and the parking requirement is reduced from 29 spaces to 16 spaces. In addition, references to requirements for bio-infiltration measures, such as vegetated swales and strips have been removed from the findings and the special conditions. Finally, the requirement for Harbor Department approval has been replaced with a requirement for City of Morro Bay approval, if necessary. With these changes, the applicant is in agreement with the staff report terms and conditions.

Thus, the staff report is modified as shown below (where applicable, text in underline format indicates text to be added, and text in ~~strike through~~ format indicates text to be deleted):

1. Revise the second sentence of Paragraph 2 on page 6 of the Staff Report as follows:

Virg's operates two boats: ~~the Admiral is 84 feet long and holds 75 passengers; the Princess is 58 feet long and holds 49 passengers; and the Fiesta is 49 feet long and holds 40 passengers (for a total of 164 89 passengers for all three boats).~~

2. Change the required number of parking spaces from 29 to 6 in paragraph 1 on Page 12 of the Staff Report and in Special Condition 6 on page 27 of the Staff Report.

3. Revise Paragraph 4 on Page 17 of the Staff Report as follows:

...Specifically, all development should be premised on Low Impact Development (LID) BMP strategies and techniques (e.g., limiting impervious surfacing, ~~maximizing infiltration in BMP design;~~ reducing the hydraulic connectivity of impervious surfaces, ~~directing runoff to vegetated areas, etc.~~)...

3. Revise Special Condition 1(f)(2) on Page 22 of the Staff Report as follows:

All development shall incorporate Low Impact Development (LID) BMP strategies and techniques (e.g., limiting impervious surfacing, ~~maximizing infiltration in BMP design;~~ reducing the hydraulic connectivity of impervious surfaces, ~~directing runoff to vegetated areas, etc.~~) as much as possible.

4. Delete Special Condition 1(f)(3) on Page 22 of the Staff Report, and renumber subsections that follow accordingly.

5. Replace "Morro Bay Harbor Department" with "City of Morro Bay" in Special Condition 7 on Page 27 of the Staff Report.



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 PHONE: (831) 427-4863
 FAX: (831) 427-4677
 WEB: WWW.COASTAL.CA.GOV

Th15c

Filed:	10/21/2011
180 th day:	4/18/2012
Staff report prepared:	3/23/2012
Staff report prepared by:	M.Cavalieri
Staff report approved by:	Dan Carl
Hearing date:	4/12/2012

COASTAL DEVELOPMENT PERMIT APPLICATION

Application number3-11-031, Giovanni's Fish Market and Docks

Applicant.....Giovanni DeGarimore

Project locationAlong the Morro Bay Embarcadero (lease sites 102 and 102W) at 1001 Front Street adjacent to and over Morro Bay in the City of Morro Bay, San Luis Obispo County.

Project descriptionExpand an existing boat dock, adding an additional 74' x 8' headfloat and four 50' foot long finger docks, supported by 12 new steel pilings; improve an existing outdoor public seating patio with a retractable awning and receive after-the-fact approval for an unpermitted expansion of the seating area; reconfigure an existing parking lot and receive after-the-fact approval for unpermitted paving of the parking lot; and relocate an existing sportfishing business to the project site.

Local ApprovalsConditional Use Permit UP0-284, City of Morro Bay City Council, March 12, 2011.

File documents.....City of Morro Bay Certified Local Coastal Program (LCP); Eelgrass and Caulerpa Taxifolia Survey, Tenera Environmental, March 23, 2010.

Staff Recommendation ..Approval with Conditions

A. Staff Recommendation**1. Summary of Staff Recommendation**

The proposed project is to expand an existing boat dock and enhance an existing public seating patio at an existing visitor-serving establishment at the site of Giovanni's Fish Market on the Embarcadero in the City of Morro Bay. The project includes the extension of an existing headfloat and the addition of new finger docks, the installation of an awning over and an after-the-fact approval of an unpermitted expansion of the public seating patio, and the reconfiguration of a parking lot and after-the-fact approval for paving the parking lot, as well as the relocation of an established sportfishing business to the project site. The project site is located directly adjacent to Morro Bay, in an important visitor-serving area.



Morro Bay has significant commercial fishing and water-oriented recreation resources, and the Bay contains significant biological resources, including wetlands and other habitat for sensitive species.

The Coastal Act requires public access to the shoreline to be maximized and includes strong protections for the visual and biological resources present at this location. In addition, the Coastal Act protects and encourages the development of commercial fishing and recreational boating facilities. The proposed project would enhance public access and recreation at the site by expanding the docks, adding a gangway for pedestrians (to replace an existing ladder access), providing an awning over the public seating patio, and relocating a visitor-serving sportfishing business. However, as proposed, the project does not adequately protect public parking access, lateral access, view access, dock access, and patio access at the site. It also does not adequately protect against inappropriate lighting, and raises other habitat and water quality concerns, including in relation to construction over the Bay.

Staff is recommending special conditions to address these Coastal Act inconsistencies, including conditions to account for parking, lateral access, view deck, patio area, floating dock, and overall public use parameters; conditions to address construction and overall habitat and water quality impacts, including a biological monitor; and conditions for assumption of risk, notification, and other liability. All of these conditions are consistent with the Commission's approach to such development generally along the Embarcadero.

As conditioned, staff recommends that the Commission find that the proposed project complies with the public access, visual, biological resources and water quality requirements of the Coastal Act, and that it approve a CDP with conditions for the project. The necessary motion is found directly below.

2. Staff Recommendation on Coastal Development Permit

Staff recommends that the Commission, after public hearing, approve the proposed project subject to the standard and special conditions below.

Motion: I move that the Commission approve coastal development permit number 3-11-031 pursuant to the staff recommendation. I recommend a yes vote.

Staff Recommendation of Approval: Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit: The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.



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B. Findings and Declarations

The Commission finds and declares as follows:

1. Project Background, Location, and Description

Embarcadero History

Until the mid-1940's, most of the small community of Morro Bay was built on the bluff tops above the Bay's tidal flats. Between 1942 and 1945, the north and south breakwaters at the entrance to the Morro Bay harbor, two "T"-piers, and the inner harbor bulkhead were constructed for a Navy amphibious base. A navigational channel was dredged and the spoils deposited behind the inner harbor bulkhead to create a fill area along the Bay that became known as the Embarcadero. In the late 1940's the Navy base, including all waterfront facilities, was sold to San Luis Obispo County. Buildings began to be constructed on the Embarcadero, and various docks and piers were occupied by a growing fleet of commercial fishing boats. In 1964, the City of Morro Bay incorporated and assumed jurisdiction over the County's waterfront land and facilities, including the Embarcadero. Trusteeship of state tidelands was also transferred to the City at that time.



Morro Bay and the Embarcadero in particular, are major tourist attractions and prime coastal visitor-serving destinations with an estimated 1.5 million visitors annually. The Embarcadero is now largely developed with a variety of visitor-serving (overnight units, restaurants, gift shops, etc.) and coastal-related land uses (i.e., kayak rental, commercial and recreational fishing services, etc.). Parcels on the bayside of the Embarcadero are located on state tidelands and are leased to individual lessees by the City through the City's proxy relationship to the State Lands Commission. The Coastal Commission retains permitting jurisdiction on all such tideland properties, including the fill areas along the Embarcadero, and including the property that is the subject of this permit application. As a result, the standard of review for the proposed project is the Coastal Act, although the certified Morro Bay LCP can provide non-binding guidance.

Project Location

The project site is situated along the north Morro Bay waterfront, approximately one block south of the South T-Pier, at 1001 Front Street (see Exhibit A). Although the site has a Front Street address, it is located along Embarcadero Road, the first public through road that parallels the Morro Bay estuary and the City's commercial and recreational harbor. The character of the Embarcadero in this location is strongly focused on visitor-serving development and commercial fishing.

The project site is located west of Embarcadero Road just south of Beach Street within Planning Area 3 (Embarcadero Visitor Area) of the City of Morro Bay Waterfront Master Plan (WMP), which includes the City's main visitor-serving waterfront area, located between Beach Street and South Street, between the bluff and waterfront. It covers four lease sites (102, 102W, 105.2 and 105.1W), as well as property that is owned in fee, and includes more than 250 linear feet of bay frontage. The site is zoned Waterfront/Planned Development (WF/PD) with a design overlay (S.4) in the LCP.

The land side of the project site contains a commercial building with two restaurants (Giovanni's Fish Market and Coffee Pot) and a retail store (Shirt Shop) on the southern end, and a commercial retail building (currently occupied by Stax Wine Bar) on the northern end, with a parking lot between them. The water side of the project site contains a wharf that extends through the project site, a floating dock at the southern end of the site, and a fuel dock at the northern end of the site. The southern portion of the wharf has a public seating patio on it that is directly adjacent to the take-out window of Giovanni's Fish Market. The patio has tables that are open to both restaurant patrons and the general public, and it is enclosed by a windscreen. There is a public lateral access way that wraps around the patio that ranges in width from five feet to approximately eight feet. The northern portion of the wharf contains commercial fishing facilities and activities that have occurred on the site since prior to the enactment of the Coastal Act. The area is used as an unloading area by commercial fisherman and is largely occupied by fishing equipment, including live fish tanks, a scale and a hoist. Lateral public access is not currently available across the commercial fishing area. The existing floating boat dock is approximately 60' by 8', is accessed by a ladder (as opposed to a gangway) and has generally been used by commercial fishermen in the past. See Exhibit A for a location map, Exhibit B for the proposed site plan, and Exhibit E for site photos.



Permit and Development History

The docks and various businesses at the project site have been in use since prior to the enactment of the Coastal Act and various permit authorizations have been granted by the Commission over time. The family of the current project applicant, Giovanni DeGarimore, has held a lease for the property from the City since 1985. Prior to 1985, the lease was held by Brebes Ocean House, Inc., and the property and development on it had fallen into some disrepair. When the DeGarimore family obtained the lease, the City's lease agreement required the site to be restored, including repairs to the wharf, floating dock and fuel dock. In 1995, the Commission approved a permit to demolish a portion of the existing building on the project site, remove two storage buildings, repair the wharf and replace pilings (CDP 3-95-016). In 1995, the Commission approved a CDP waiver to repair the fuel system on the northern portion of the site, including replacing the underground fuel storage tanks (CDP 3-97-090-W). In 2001, the Commission issued a waiver for the repair and replacement of the existing wharf, dock and pier structure (3-00-044-W). Finally, in 2006, the Commission issued a waiver to add approximately 350 square feet to the fish market building, as well as a restaurant takeout window, and the public seating patio enclosed by a windscreen (3-06-013-W).

Despite this history, documentation is lacking and the currently authorized configuration for the floating dock is unclear. The 2001 waiver authorized replacement of the dock, but there are no project plans to indicate the authorized configuration. Plans associated with the previous permit files indicate that a floating dock existed, but do not indicate its configuration. In addition, Commission Staff reviewed historic photos of the site in the context of this current application that don't show any dock present. However, City staff reviewed the historic photos available to them and interviewed their former harbormaster, and determined that the floating dock that existed in 2000 and later was 60' by 8'. Further, according to the Applicant, the floating dock at the project site has been repaired and replaced numerous times in the past, potentially explaining its absence in various historic photos. Given the uncertainty associated with the Commission's 2001 waiver and what dock "replacement" was authorized, and the research performed by City staff, in considering the proposed project, it is reasonable to assume that the existing 60' by 8' dock is properly permitted. On the other hand, the public seating patio that was constructed under the 2006 waiver is larger than what was approved. The unpermitted area can be seen when comparing the existing configuration shown in the proposed plans in Exhibit B with the approved patio in Exhibit C. The approved patio extends only as far as the northern limit of the restaurant building, while the existing patio extends 15 to 20 feet beyond it. In addition, the existing parking lot was paved during the time of the construction that was performed under the 2001 waiver, but this development was not authorized by the waiver or otherwise, and is therefore unpermitted.¹

Project Description

The project includes four components: dock expansion; seating area improvements; parking lot improvements; and relocation of a sportfishing business. The dock expansion includes adding 74 linear feet to the existing 60 linear foot headfloat, resulting in a 134' by 8' headfloat. The expansion also

¹ The parking lot itself appears to pre-date Coastal Act permitting requirements.



includes the addition of four new finger docks. Three of the new finger docks would be approximately 50' x 4'4" and one of the new finger docks would be slightly wider (50' x 5') for ADA accessibility. The bayward end of each new finger dock would be supported by three new steel pilings, for a total of twelve new pilings. The proposed decking material is brown Trex. The project also includes installing a new gangway for access, as well as new dock lighting. The lighting includes four pedestal lights where the finger docks meet the headfloat, as well as four flood lights on motion sensors at the seaward ends of the finger docks. In addition, the dock expansion requires the addition of five new parking spaces pursuant to LCP requirements, and the Applicant proposes to provide those spaces by restriping the existing parking lot. This parking lot was paved without coastal development permit authorization, and therefore, the current project also includes after-the-fact authorization to recognize the paving.

In addition, the project includes after-the-fact authorization for the unpermitted expansion of the public seating patio, as well as the addition of a retractable awning system over the patio. The retractable awning system will require the installation of several supports along the center of patio, as well as the extension of an interior windscreen, also for support purposes. See the site plans in Exhibit B.

Finally, the project includes relocating an existing sportfishing business, Virg's, from a dock approximately one block away to this site. Virg's operates three boats: the Admiral is 84 feet long and holds 75 passengers; the Princess is 58 feet long and holds 49 passengers; and the Fiesta is 49 feet long and holds 40 passengers (for a total of 164 passengers for all three boats). Virg's sportfishing operations and number of passengers fluctuate based on the duration and quality of the fishing season.

2. Coastal Development Permit Determination

A. Public Access and Recreation and Coastal Dependent Uses

1. Coastal Act Policies

Coastal Act Sections 30210 through 30224 require that new development maximize public recreational access, provide visitor-serving recreational facilities, protect oceanfront land for recreational use and development, encourage recreational boating facilities, and in general, establish that coastal-dependent, visitor-serving, and public recreational access developments, and especially lower cost recreational developments, have priority over other types of uses and development. Relevant policies state:

Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.



Section 30212(a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

Section 30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30224: Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

In addition, the Coastal Act includes strong protections for coastal-dependent uses, including boating facilities as well as commercial fishing operations. Section 30234 states:

Section 30234: Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Finally, the Coastal Act protects special communities that are popular visitor destinations, like Morro Bay and the Embarcadero. Coastal Act Section 30253(5) states that:

Section 30253(5). Where appropriate, protect special communities and neighborhoods, which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Although not the standard of review, the LCP's zoning standards and Waterfront Master Plan also detail specific uses and guidelines for development at this site. Applicable sections are as follows:



17.24.170 Waterfront (WF) District. Purpose. The purpose of the waterfront district is to provide for the continued mixture of visitor-serving commercial and recreational and harbor-dependent land uses in appropriate waterfront areas, as provided in this chapter.

17.24.170(B). Special WF zone standards... 9. Public Access Requirements. Public access from the nearest public roadway to the shoreline and along the bay front shall be provided in new development projects...

Waterfront Mater Plan Area 3: Embarcadero Visitor Area. This portion of the Embarcadero contains the majority of the shopping and eating establishments as well as the most intense mix of pedestrian and automotive activity. Portions of this area also have commercial fishing activities and some wharf tie-ups...

In addition, the LCP provides standards for the provision of parking in all new development. Those policies state:

Policy 1.07A. In reviewing all new development requests, provision shall be made for adequate off-street parking in order to serve the needs of the development. Once an approved parking management program for the City providing off-street parking resources has been developed and implemented as part of the LUP, new development shall be allowed to satisfy parking requirements through participation in such a program. If the program includes an in-lieu fee system, the new development shall provide an in-lieu fee of an amount equal to the purchase of land and construction of the number of spaces needed to serve the development's needs.

Policy 2.08. In reviewing visitor-serving development in the Embarcadero as defined in Policy 2.03, the City shall find that provision of off-street parking is sufficient to serve the development's peak demands as defined in Phase III of the Local Coastal Program. Parking demands shall be satisfied by the provision of off-street facilities on the development site or within 300 feet. Once a parking management program for the Embarcadero has been developed which provides off-street parking resources, and such a program is implemented, applications for development shall be allowed to satisfy their peak parking demands through participation in the program. If the program includes an in-lieu fee system, the applicant shall provide the City an in-lieu fee of an amount equal to the purchase of land and construction of the number of spaces needed to serve the development's peak needs. The City shall use the fees to provide for parking support in the Embarcadero.

The zoning ordinance of the LCP specifies the number of spaces required for different types of uses. Relevant sections state:

17.44.020(A)(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.

17.44.020(C). Off-Street Parking—Requirements by Use. When determining the parking requirements for land uses, the following standards shall be used: ... (3) Commercial Recreation Uses... (m) Cruise ships or other passenger for hire vessels: one space for each six and one-half lineal feet of boat length.

The zoning ordinance also allows for off-street parking requirements to be met either on or off-site, or by payment of an in-lieu fee. Relevant sections state:

17.44.020(A)(6)(a). Off-street parking requirements may be met partially or wholly upon a site other than the site on which the use and/or structure is located. Said site shall be located within six hundred feet of the use to be served and an adequate indenture shall be recorded designating the off-street parking facility and the use or structure to be served, providing legal description of the sites, and certifying that the parking facility shall not be used for any other purpose.

17.44.060(A)(7)(a). Where it can be demonstrated that the reasonable and practical development of commercially zoned property precludes the provision of required off-street parking on the property located within or adjacent to the parking management plan area defined in Figure 17.44.020(1) codified at the end of this chapter and on file in the office of the city clerk. The planning commission upon recommendations of the director, may permit the applicant to satisfy parking requirements by payment of an in-lieu parking fee. The planning commission will determine the total parking requirements for each individual project at the time of permit review.

17.44.060(A)(7)(b). Fees accepted under this provision will be used by the city to provide the additional required parking at another location in lieu of the applicant providing the required off-street parking. Such parking shall be provided within a reasonable distance from the contributing project or within close proximity to public transit providing access to the use. All such fees collected shall be used by the city for the planning, design, acquisition or lease of land, and development and redevelopment of public parking facilities within or adjacent to the parking management plan area and for public transit facilities providing access to said parking.

In sum, the Coastal Act requirements (and LCP guidance) applicable to the site clearly require that development at this location maximize public access and recreational opportunities, including by providing adequate parking, while also protecting commercial fishing operations. Given that it is a public property, and includes development over and into public trust resources of the Bay, this direction is only magnified, and it is clear that a significant public benefit is required of approvable projects at this location.

2. Analysis

The proposed project is located on public trust lands seaward of the first through public road and is in and adjacent to Morro Bay. In general, the proposed project will improve and enhance the existing



development that currently provides commercial fishing facilities and visitor-serving amenities. It will provide new recreational boat docking opportunities along the finger docks and it will improve pedestrian access to the docks by replacing the existing ladder with a gangway; It will establish a visitor-serving sportfishing operation at the site; And it will provide a retractable awning over the public seating area so that the public can be protected from rain and wind. However, as described below, the proposed project also has the potential to negatively impact public access and recreation at the site.

Lateral Access, Public Seating Patio and View Deck. The proposed improvements to the public seating patio fall short of the Coastal Act's requirements for maximizing public access for several reasons. First, the awning and the awning support structure will add to the sense that the patio is enclosed and not open to the general public, potentially discouraging the public from using this space at all (see visual simulation in Exhibit D). Although there is some existing signage that indicates the patio is open to the general public, and additional signage is proposed, it is not clear that it is adequate to ensure that the area is maximized for public use. The current configuration and minimal signage is inadequate in this respect, and the proposed measures likewise do not adequately ensure the public is aware that the space is available for general public use. Therefore, Special Condition 2 requires a Public Access Management Plan to clearly indicate where signs would be located and requiring signs to be located, at a minimum, along the lateral accessway and on table tops.

Further, the unpermitted expansion of the seating area encroaches into the open wharf area to the north and lateral access to the west. Although the patio is in itself a public access amenity, the Commission has generally required 10-foot wide lateral access along the bayside of the Embarcadero, and the expanded patio would encroach within that 10-foot wide area. In addition, the parking lot would be paved and re-striped adjacent to the commercial fishing facilities on the wharf at the north end of the site, but this newly developed parking area would not accommodate lateral public access through the site. Therefore, to maximize the lateral access as much as possible on these public trust lands, Special Condition 1 requires revised plans showing that all existing benches, planters and other items have been removed from the lateral access way on the southern end of the site. In addition, Special Conditions 1 and 2 require the remainder of the wharf area north of the existing patio area and up to the commercial fishing activities to be retained as a public view deck. To enhance this public view deck, the applicant has proposed, and Special Conditions 1 and 2 require, that the existing restroom be open and available to the general public, not just restaurant patrons, and that some of the benches and planters from the access way may be relocated to this area.

Finally, Special Conditions 1 and 2 require a lateral access way to be established and maintained on the northern half of the project site. Currently, the northern half of the project site is a missing link in the lateral access way that is envisioned to extend through the City's visitor-serving Embarcadero area. This lateral access way, which is a significant section of the California Coastal Trail because of its location directly adjacent to the bay in this unique visitor-serving area, is called for in the City's LCP, and the Commission, in numerous previous actions, has ensured it is provided in new development and redevelopment projects, consistent with LCP and Coastal Act requirements for these public trust lands. This segment, along the northern half of the project site, is particularly unique, due to the proximity to commercial fishing docks, and has the potential to offer the public an opportunity to experience and



appreciate commercial fishing operations. Unfortunately, this area of the wharf is constrained with existing sheds and other structures that limit the width of any potential lateral public access in several areas (see site plan in Exhibit B and site photos in Exhibit E). Nonetheless, some lateral public access across this critical link is possible and appropriate at this time.² Although there is a need at some times to block public access to the commercial fishing operations area (i.e., when unloading fishing boats, etc.), the Applicant has expressed willingness to allow for public access when active operations are not occurring. Further, because the project includes paving and restriping the parking lot, which is directly adjacent to this commercial fishing area, it is appropriate to require the parking lot to be developed in such a way that would allow through public access to be maximized as much as possible. Specifically, Special Condition 1 requires the parking lot adjacent to any highly constrained wharf areas, such as those that contain the "Tanks & pumpshed, approximately 5' by 5'" and the "Work shed, approximately 8' by 12'" (see Exhibit B), to be striped to accommodate through public access that is a minimum of five feet wide. Only areas that are too dangerous for public access due to active fish unloading activities may be temporarily blocked, and the duration of blocked access shall be limited to the minimum necessary to ensure the safety of the public during active fishing operations. Finally, when access through the commercial fishing area is closed, the public must be directed to alternative access through or around the site. With these conditions, the portion of the project on the wharf will maximize public access consistent with Coastal Act requirements.

Boat Dock. The proposed project includes expanding the existing floating dock from 60 linear feet to 134 linear feet and adding four new 50-foot long finger docks, as well as replacing the existing ladder access with a gangway. This expansion will require the placement of 12 new pilings. The Applicant indicates that the docks are intended to be used by commercial and recreational boats, including the proposed sportfishing operation (Virg's), and commercial fishermen. However, it is unclear how this facility would be operated in this respect, including to ensure that it is publicly available for general public recreational use, and to ensure that any fees are kept low and commensurate with standard rates for the area. Such facility can be found Coastal Act consistent if it includes parameters to ensure that it is clearly an integral part of the overall development (including integrating docking use with overall operations of the site), it is clearly provided and available for general public and/or commercial fishing use, any fees are minimized, and provided it is not available for residential use. This approval is conditioned to ensure that the dock facility is understood in this way (see Special Condition 2(c)).

Public Access Signage. Similarly, and on a broader scale in terms of public access parameters for the public access amenities of the site (lateral and vertical accessways, view deck, floating dock, etc.), the project currently lacks clarity as to how such facilities would be provided, maintained, and kept available for general public recreational use in a manner that maximizes their utility and value. There is also a lack of specificity on signage, interpretation, and use and provision of related access amenities (e.g., tables, benches, etc.). In fact, the existing facility and signage is informative in this respect, and

² Public access amenities in close proximity to commercial fishing operations have been required in other Commission actions along the Embarcadero, including the approval of the Great American Fish Company, Virg's and Harbor Hut Redevelopment (3-08-025), and according to City staff, restaurant seating has been successfully integrated within the site of commercial fish operations at another Embarcadero establishment, Tognazzini's Docks.



shows how inadequate information can make an operation like this appear unavailable for public use. Accordingly, this approval is conditioned for an access management plan designed to ensure maximum public recreational access benefit in perpetuity, where the primary objective is to maximize public recreational access at the site (including to all site walkways, seating area, and the view deck) and all related areas and public access amenities, to provide clear and informative signage, and to ensure that the project's public access features are available for free, general public use during daylight hours (and during all non-daylight hours when the retail components of the approved project are open) 365 days per year (see Special Condition 2).

Parking. The parking requirement per the LCP guidance is five additional spaces for the dock expansion and 29 additional spaces for the establishment of the sportfishing business (Virg's). This guidance does not include any parking space requirements specifically attributable to public access use. The site is situated in the central Embarcadero, which is the busiest and most congested location along the waterfront. The proposed project provides the five spaces for the dock expansion by restriping the existing parking lot that is located on the project site and the adjacent site to the north. However, the project does not propose to include any parking to accommodate Virg's. In its review of the project, the City did not require additional parking to be provided for Virg's because the business is being relocated from a site that is approximately one block away. The City found that parking for Virg's was accommodated because it is called out in the LCP as a business along the Embarcadero that is assigned six parking spaces in the nearby off-street public parking facilities. However, the City's reasoning is not appropriate in this case because Virg's is being established at a new site, and the previous site will be eventually utilized by a new business that will require its own parking. In addition, the City's past practice, in part to address business turnover, has been to credit sites with prior parking commitments, not businesses, so this approach would be contrary to past practice. Further, current LCP requirements call for 29 parking spaces, which is substantially more than the six that are called out in the LUP. Finally, such an approach does not maximize public access to the coast consistent with Coastal Act policies because it will lead to increased demand for parking in the busiest area of the City's main visitor-serving neighborhood, and patrons of Virg's may occupy parking to the detriment of the general public. Therefore, Special Condition 6 requires the LCP's parking requirement to be fulfilled prior to establishing Virg's at the site. The Applicant may fulfill the requirement for 29 spaces either through an off-site arrangement, which may include contractual agreements with private parking areas, valet services, shuttles, etc.. If an off-site arrangement is chosen, the condition requires the Applicant to submit a parking management plan to ensure the parking is available for as long as a sportfishing operation of at least the size of Virg's operates at this location. Alternatively, the Applicant can fulfill the requirement by paying parking in-lieu fees to the City (at \$15,000 per required parking space), wherein the City would use the money to improve the parking supply in the area. Such in-lieu fees must be provided prior to establishing Virg's at the site. As conditioned, potential public access parking impacts are appropriately offset.

3. Conclusion

As proposed and conditioned by this permit, the project will provide new public recreational access opportunities on the Morro Bay Embarcadero by connecting the lateral bayside trail along the



Embarcadero at this "gap" site, expanding the boat docking facilities, improving the public seating patio and establishing a visitor-serving sportfishing operation. Permit conditions refine and secure these public access elements. In sum, and only as conditioned, the project will provide maximum public benefit while protecting existing commercial fishing operations, as required by the Coastal Act.

B. Marine Resources

The project involves construction and filling activities in the Morro Bay estuary that may result in adverse environmental impacts to marine resources, as well as adversely affect water quality. The project involves the installation of new floating docks and pilings directly in the bay, as well as construction activities in and over open coastal waters.

1. Coastal Act Policies

Coastal Act Section 30230 requires that marine resources be maintained, enhanced and restored. New development must not interfere with the biological productivity of coastal waters or the continuance of healthy populations of marine species. Coastal Act Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Additionally, Coastal Act Section 30233 allows fill of open coastal waters and estuaries for the placement of structural pilings for expanded harbor and marina facilities as well as public recreational piers that provide public access and recreational opportunities. The Coastal Act allows such activities where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. It states in relevant part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. ...

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.



Coastal Act Section 30231 requires that the productivity of coastal waters necessary for the continuance of healthy populations of marine species shall be maintained and restored by minimizing waste water discharges and entrainment and controlling runoff. Coastal Act Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Section 30234 protects commercial boating facilities and encourages new development to upgrade these facilities in the following manner:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

2. Analysis of Impacts on Marine Resources and Essential Fish Habitats

The project site is located immediately adjacent to and over the waters of Morro Bay in a sand/mudflat area with depths ranging between approximately -12 mean low low water (MLLW) and -14 MLLW. Morro Bay and the surrounding area provide a variety of biological habitats, including coastal wetlands, intertidal mud/salt flats, rocky subtidal and intertidal zones, riparian corridors and woodlands. All of these habitats provide highly productive, diverse and dynamic ecosystems. Morro Bay includes the largest eelgrass beds in the southern part of the state, with dense stands located in the lower intertidal areas and shallow channels within the Bay. Eelgrass provides a complex and highly productive ecosystem, serving as a spawning and nursery ground for many species of fish (e.g., halibut, English sole, topsmelt, shiner perch, speckled sanddab, plainfin midshipmen, arrow and bay goby), and larger invertebrates (e.g., bay shrimp, spiny cockle, nudibranchs, cancer crabs, yellowshore crab). In addition, the Bay serves as a critical link of the Pacific Flyway by providing important habitat for resident and migrating shorebirds and waterfowl. Finally, according to the National Marine Fisheries Service (NMFS), the site is within shallow water habitat that contains essential fish habitat (EFH) for various federally managed fish species.³

The project includes the installation of approximately 1,450 square feet of new floating dock coverage with new dock lighting, as well as installation of 12 new steel pilings. The installation of floating docks

³ Robert S. Hoffman, National Marine Fisheries Service letter to Colonel R. Mark Toy, U.S. Army Corps of Engineers, August 10, 2011.



has the potential to cause adverse impacts to marine habitats by decreasing the availability of natural light, due to the shadow cast by the dock. According to NMFS, which provided comments on the proposed project, light levels underneath overwater structures fall below levels necessary for photosynthesis to occur in diatoms, benthic algae and eelgrass, which negatively impacts food webs that support many species of marine and estuarine fish. Shading from overwater structures also impacts fish behaviors, negatively impacting ecosystems. Finally, placement of artificial structures, including docks and pilings, can lead to proliferation of non-native species.⁴

With respect to Coastal Act policy requirements, marine resources must be protected and restored (Section 30230). New fill within the marine environment may be approved for limited uses, provided that the proposed development is the least environmentally damaging alternative and all feasible mitigation measures have been applied to minimize adverse impact to the marine environment (Section 30233). New development must also be consistent with all other applicable marine resource protection policies. As noted above, the proposed project includes a request for new fill to support an expansion of commercial and recreational boating facilities.

Eelgrass. Eelgrass (*Zostera marina*) is a marine plant that grows in clear, well-lit, shallow coastal waters and provides shelter and spawning habitat for fish and invertebrates. It is widely recognized as one of the most productive and valuable habitats in shallow marine environments. The 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act set forth Essential Fish Habitat provisions to identify and protect important habitats of federally managed marine and anadromous fish species. Eelgrass beds are considered a Special Aquatic Site by the U.S. Army Corps of Engineers (ACOE), CDFG, USFWS, and NOAA Fisheries. Eelgrass habitat is regulated under Section 404 of the Clean Water Act and is considered Essential Fish Habitat by NOAA Fisheries.

Though the central and southern portion of the bay still contain fairly large, intact, and thriving eelgrass beds, the main harbor area adjacent to the proposed development site has undergone significant changes that have altered the condition and extent of eelgrass at this location. In addition, development along the Embarcadero has resulted in changes to the historic extent of eelgrass along these shores. The waterfront area has been heavily used by commercial and recreational fishing boats since the opening of the harbor in the mid 1940's. As a result, much of the fringing eelgrass beds and benthic environments that once existed have become fragmented and only remnant patches of eelgrass beds exist in areas where favorable ambient conditions prevail to support growth. Eelgrass thrives in a very narrow range of environmental conditions including shallow water with minimal turbidity and a mud or sandy substrate with good exposure to sunlight (i.e., minimal shading). A good example of this is the healthy eelgrass beds at the north end of the harbor adjacent to the Dynegy Energy intake. At this location, there is little development or disturbance of the shallow (i.e., less than 10-foot) intertidal area. Water clarity is good and adequate sunlight is available to support colonization and retention of eelgrass. In contrast, in many instances around the harbor, structures such as buildings, piers, and docks have encroached into this shallow intertidal zone and eelgrass has retreated.

⁴ Id (NMFS letter August 10, 2011).



The Applicant had an eelgrass survey performed in March 2010 that showed there was no eelgrass at the project site or within the study area. However, according to the Southern California Eelgrass Mitigation Policy, which the Commission has generally used to help it evaluate eelgrass impacts in Morro Bay, that survey is now out of date. Further, correspondence and photographs from the Applicant's representative indicate that a new patch of eelgrass is growing just south of the existing wharf, inside of the study area for the eelgrass survey, which was not indicated in the survey. Therefore, although the project will directly impact an area that is slightly deeper than neighboring eelgrass habitat, there is known eelgrass located in very close proximity to the project site, and there is a potential for eelgrass to grow at the site itself. Therefore, to ensure the proposed project would avoid and minimize impacts to eelgrass habitat, the Applicant will be required to have eelgrass surveys conducted in the project vicinity both before and after construction, and annually thereafter for 3 years. If eelgrass is found to be impacted, remedial measures are required to proportionally offset any reduction in habitat and to ensure that eelgrass impacts are properly mitigated. In the Morro Bay area, the Commission has typically relied on NOAA Fisheries Southern California Eelgrass Mitigation Policy standards in this respect, including proportionally offsetting impacts on at least a 1.2:1 ratio as identified in that Policy. Thus, special conditions require the Applicant to offset any such reduction in eelgrass identified, including through application of this Policy. Special Conditions 5 contains the survey and mapping requirements and contingency measures necessary to ensure successful restoration and enhancement, if required.

Dock Lighting. The presence of artificial lighting in the marine environment can cause adverse impacts to marine habitats. Light influences organisms in numerous ways and is especially important in driving activity patterns, breeding seasons/reproduction, and predator/prey interactions. Light is used as a stimulus for the timing of daily and seasonal rhythms in both animals and plants. Many animals use light levels as a stimulus for their activity cycles. For example, diurnal animals become active as light levels increase, nocturnal animals become active as light levels decrease, and crepuscular animals are active during the short intervals of dusk and dawn. The breeding seasons of many animals and plants are set by their response to day-length changes. And most predators are specifically adapted to hunt under particular light conditions; daylight, darkness, or dawn and dusk. Artificially lighting the water at this location is a significant disturbance to natural conditions and could negatively impact the activity patterns, breeding, and/or predator/prey interactions of intertidal organisms.

The project was conditioned by the City to include dock lighting that would illuminate all dock areas to a minimum luminescence of five-foot candle. To comply with this condition, the Applicant has proposed to install four pedestal lights at the intersections of the finger docks and the headfloat, as well as four flood lights at the bayward ends of the floating docks. The pedestal lights would have an 11-foot candle in order to provide the 5-foot candle level along the entire dock. See site plans in Exhibit B. It is not clear that the degree of lighting proposed is necessary to comply with the City's condition. Further, as discussed above, the proposed lighting has the potential to cause adverse impacts to marine resources, inconsistent with Coastal Act policies cited above. Therefore, Special Condition 1(b) requires a revised lighting plan that minimizes artificial lighting impacts to the bay, to be submitted to the Executive Director for review and approval prior to issuance of the CDP. The plan may incorporate a variety of measures to minimize artificial lighting, including restricting the hours that lights may be turned on, setting lights on motion sensors, increasing the number of lights to reduce the brightness, and ensuring



that all lighting is downward facing and/or dock level and focused to the dock (and not the water) and illuminates only those areas that are necessary to ensure passenger safety. As conditioned, the project would minimize the impacts of artificial lighting in the marine environment, consistent with Coastal Act requirements.

Other Marine Impacts. Morro Bay contains habitat for marine mammals, including sea otters, that may be adversely impacted by construction activities. To avoid such impacts, Special Condition 4 requires a biological monitor to be present during construction and to stop or alter construction activities when sea otters or other marine mammals are present. In addition, the use of a vibratory hammer required by Special Condition 3(f) would minimize any potential acoustic impacts to wildlife. Specifically, vibratory hammers are used when other forms of pile driving lead to unacceptable levels of underwater noise, and should ensure that such underwater noise is appropriately minimized and should not exceed maximum noise thresholds typically applied by the Commission.⁵ Finally, to avoid bird strikes, all existing and newly installed glass on the restaurant patio would be frosted or otherwise treated to minimize bird strikes, as required by Special Condition 1(d).

2. Water Quality

Coastal Act Section 30230 requires the maintenance, enhancement, and where feasible, the restoration of marine resources. In addition, biological productivity and water quality are protected through Coastal Act Section 30231. The site is located immediately adjacent to and over the waters of Morro Bay. Construction activities associated with the development of the site, and drainage and run off from the completed project could potentially result in adverse impacts on Morro Bay water quality, inconsistent with the cited Coastal Act policies. Construction activities associated with the development of the site could potentially result in adverse impacts to the biological resources and water quality of Morro Bay. In particular, these activities include constructing improvements to the existing restaurant patio and installing twelve new pilings. Fortunately, impacts to water quality during construction can be readily minimized through the development and implementation of a construction plan that, at a minimum, includes identification of all construction and staging areas, all construction methods and timing, and all other construction BMPs (i.e., silt curtains, washing/refueling areas, spill containment measures, site cleanup procedures, waste disposal, etc.), including those designed to prevent release of construction-related materials, liquids, soil, and debris into the Bay (see Special Condition 3). To ensure maximum public notification and good construction relations, the construction plan must also be kept on site and all persons involved in construction must be briefed on the content and requirements of it, and a construction coordinator must be designated and available to answer questions and also investigate complaints and take remediation action if necessary, 24 hours per day for the duration of the project (see Special Condition 3(e)).

In terms of post-construction water quality measures, the project includes paving a large parking lot that is located directly adjacent to the bay with an impervious surface, which would lead to increased runoff and adverse impacts on water quality. Currently, runoff from the site drains directly to the bay, and

⁵ Such underwater noise should not exceed an accumulated 190 dB SEL as measured 5 meters from the source, and no time should peak dB SEL rise above 206 at 10 meters from the source.



runoff from the site is expected to include pollutants associated with motor vehicles (e.g., oils, brake dust, fluids, etc.) as well as floatables (such as paper, cigarette butts, other trash, etc.). Therefore, Special Condition 1f requires the revised project plans to include a post-construction drainage plan that includes measures to reduce the impacts of post-construction runoff from the site. Specifically, all development should be premised on Low Impact Development (LID) BMP strategies and techniques (e.g., limiting impervious surfacing, maximizing infiltration in BMP design, reducing the hydraulic connectivity of impervious surfaces, directing runoff to vegetated areas, etc.). Thus, Special Condition 1f requires the Applicant to submit a post-construction drainage plan to ensure that all runoff generated from the site is limited, and does not degrade coastal water quality. Such plan shall clearly identify a drainage system designed to collect, filter, and treat all runoff prior to its discharge from the site and to remove vehicular contaminants and other typical urban runoff pollutants more efficiently than standard silt and grease traps and oil/water separators. The Commission fully expects such plan to be premised on LID BMP strategies and techniques, and fully expects that the drainage system will incorporate a treatment train approach with BMPs in series, including natural BMPs and pollutant specific BMPs (engineered systems with media filtration and treatment for expected vehicular pollutants), and that the drainage system will be designed to filter and treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff. In addition, the City's conditions of approval require a project-specific Oil Spill Response and Recovery Plan to ensure the impacts of any spills are avoided and minimized, and require refueling areas to be located and protected to minimize potential water quality impacts. To ensure maximum effectiveness of the City's requirements, this approval incorporates the City's conditions as conditions of this permit (see Special Condition 11).

3. Conclusion

In sum, the proposed new fill for the expansion of the commercial and recreational boating facilities is an allowable use under Coastal Act Section 30233. As conditioned to include all relevant authorizations, final project plans for the dock facilities, pre and post-construction BMPs, and to avoid and mitigate potential impacts to eelgrass beds and minimize disturbance of resident wildlife, no significant disruption of marine resources will result. With the inclusion of mitigation measures designed to prevent adverse impacts from construction activities, and to protect essential fish habitats and resources of the marine environment, the project conforms to the marine resource protection requirements of Coastal Act Sections 30230, 30231, and 30233.

C. Visual Resources/Community Character

1. Applicable Policies

Coastal Act Section 30251 states:

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New



development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Additionally, Coastal Act Section 30253(5) states:

Section 30253(5). Where appropriate, protect special communities and neighborhoods, which, because of their unique characteristics, are popular visitor destination points for recreational uses.

In addition, the LCP contains policies related to protection of public views along the Embarcadero and of the unique geographic features surrounding the City's working harbor including Morro Rock, the Bay and sandspit. These include the previously cited requirements for providing visual access (LCP Waterfront Design Guideline Chapter 5) in new development. Also, through the Waterfront Master Plan, the LCP provides clear guidance with respect to visual compatibility of new development with both existing development and surrounding natural features. New development must incorporate an architectural character consistent with the maritime theme of the waterfront, ensure the visual compatibility of new development with both existing development and surrounding natural features, and avoid lighting that is out of character with the area.

2. Analysis

The proposed project is relatively small in scale and should thus have relatively minimal impacts on visual resources. It does present a visual impediment in the public view, but the existing facility already presents in much the same way, and the retractable awning proposed should not much alter that existing perception. However, as discussed above in the biological resources section, the proposed dock lighting appears to be excessive. The pedestal lights are extremely bright and the flood lights would not effectively direct light to dock areas. Therefore, the project has the potential to significantly impact the visual resources of the dock area, which can be seen from the project site, as well as from various locations along the very popular, visitor-serving Embarcadero. Further, the lighting would be out of character with the working, fishing village atmosphere along the Embarcadero. As such, Special Condition 1(b) requires a revised lighting plan that will minimize dock lighting as much as possible, including by reducing the brightness of the lights as much as possible, ensuring lighting is downward facing and/or dock level and focused to the dock (and not the water) and illuminates only those areas that are necessary, and restricting the hours that such lighting can be in operation. As conditioned, the project will be consistent with Coastal Act policies protecting visual resources and community character.

D. Other

Coastal Act Section 30253 requires the project to assure long-term stability and structural integrity, and to minimize risk to life and property in areas of high geologic, flood, and fire hazard. The Commission recognizes that there is a certain amount of risk involved in development such as this that is located at the shoreline edge and that can be directly subject to erosion, violent storms, large waves, flooding,



earthquakes, and other geologic hazards. These risks can be exacerbated by such factors as sea level rise and localized geography that can focus storm energy at particular stretches of coastline. The Commission has sought, through this review, to limit such risks, but they cannot be eliminated entirely, and this fact must be recognized and liabilities assumed by the Applicant accordingly. Specifically, the Commission's experience in evaluating proposed developments in areas subject to hazards has been that development has continued to occur despite periodic episodes of heavy storm damage and other such occurrences. Development in such dynamic environments is susceptible to damage due to such long-term and episodic processes. Past occurrences statewide have resulted in public costs (through low interest loans, grants, subsidies, direct assistance, etc.) in the millions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden for damages onto the people of the State of California, Applicants are regularly required to acknowledge site hazards and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Accordingly, this approval is conditioned for the Applicant to assume all risks for developing at this location (see Special Condition 9).

In addition, the project is located within the jurisdiction of a series of other agencies that have some regulatory authority over the site. Accordingly, this approval is conditioned to ensure that the project (as conditioned and approved by this CDP) has received all necessary authorizations (or evidence that none are necessary) from the Morro Bay Harbor District, the California State Lands Commission, the U.S. Army Corps of Engineers, and the California Department of Fish and Game (see Special Condition 7).

Finally, development, including, but not limited to, construction of the expanded public seating area and paving of the parking lot, has taken place without benefit of a coastal development permit. Therefore, because this is an after-the-fact permit approval, Special Condition 12 requires all "prior to issuance" conditions be satisfied within 180-days of the Commission's action. Further, although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the policies of the City of Morro Bay LCP and Chapter 3 of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implication of the legality of any development undertaken on the subject site without a coastal permit, or that all aspects of the violation have been fully resolved.

3. Conditions of Approval

A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner



and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Revised Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two full size sets of Revised Final Plans to the Executive Director for review and approval. The Revised Final Plans shall be in substantial conformance with the plans submitted to the Coastal Commission (dated received in the Commission's Central Coast District Office on April 25, 2011, and titled New Dock Plans prepared by C.P. Parker Architect) except that they shall be revised and supplemented to comply with the following requirements:
 - a. **Lateral Access and View Deck.** Public lateral access shall be provided and maintained through the site. All structures, such as benches and planters, shall be removed from the lateral access area that surrounds the existing windscreen on the southern portion of the site. The wharf area north of the windscreen, up to the commercial fishing area on the northern portion of the site, shall be maintained as a public view deck (which shall be explicitly identified as such on the plans). In addition, a lateral access way through the commercial fishing area on the northern half of the site shall be established and maintained. This lateral access on the northern half of the site shall be a minimum of five feet wide and shall be located as close to the bayfront as possible, while maintaining continuity and flow. Finally, an alternative public access way that avoids the commercial fishing area and is a minimum of five feet wide shall be identified on the plan, for use when the lateral access through the commercial fishing area is not available. These areas shall be managed and maintained consistent with the Public Access Management Plan required in Special Condition 2, below.
 - b. **Wharf.** Benches, planters and other public access amenities, such as table seating, may be installed in the public view deck, consistent with the Public Access Management Plan required in Special Condition 2, below.
 - c. **Lighting.** The location, type, and wattage of all light fixtures (including catalog sheets for each fixture) shall be illustrated. All exterior lighting shall be designed and located so that only the intended area is illuminated and off-site glare is prevented. All lighting shall be cutoff style fixtures that are directed downward to prevent glare on adjacent and surrounding areas (i.e.,



Morro Bay), and shall be limited to the maximum extent feasible while still providing for public safety. Lights shall have solid sides and reflectors to further reduce lighting impacts, and shall be placed on a switch or timer to turn them off when not needed during the late evening. Boat dock lighting shall be redesigned to reduce brightness and prevent off-site glare as required by this condition.

- d. **Public Access Signs.** The plans shall identify in site plan view the public access signs and public access amenities (e.g., benches, landscaping, etc.) to be installed.
- e. **Restaurant Patio.** All existing and newly installed windows shall be frosted, partially-frosted or otherwise treated with visually permeable barriers that are designed to prevent bird strikes. The patio area shall include openings at both the north and south ends of sufficient width to ensure general public accessibility. In addition, the existing restroom, located adjacent to the patio, with an entrance from the exterior of the building, shall be established and maintained for general public use.
- f. **Post Construction Drainage.** Final Plans shall provide for a post-construction drainage system designed to filter and treat (i.e., designed to remove typical urban runoff pollutants) the volume of runoff produced from each and every storm and/or precipitation event up to and including the 85th percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1-hour runoff event (with an appropriate safety factor) for flow-based BMPs, prior to discharge. All drainage system components shall be consistent with the following:
 1. The drainage system and its individual components (such as drop inlets and filtration mechanisms) shall be sized according to the specifications identified in the California Storm Water Best Management Practice Municipal Handbook (California Storm Water Management Task Force, March 1993).
 2. All development shall incorporate Low Impact Development (LID) BMP strategies and techniques (e.g., limiting impervious surfacing, maximizing infiltration in BMP design, reducing the hydraulic connectivity of impervious surfaces, directing runoff to vegetated areas, etc.) as much as possible.
 3. The drainage system shall include natural biologic filtration components, such as vegetated filter strips and grassy swales that are vegetated with native plant species capable of active filtration and treatment (e.g., rushes), as much as possible. If grades require, check-dams may be used in such biologic filters.
 4. The drainage system shall include at least one engineered filtration unit to which all drainage shall be directed prior to any discharge. The engineered filtration unit(s) shall be specifically designed to remove, at a minimum, potential vehicular contaminants, and shall include media designed to remove such contaminants.
 5. All drainage system elements shall be permanently operated and maintained. At a minimum:



(1) All filtration/treatment components shall be inspected to determine if they need to be cleaned out or repaired at the following minimum frequencies: prior to October 15th each year; prior to April 15th each year; and during each month that it rains between November 1st and April 1st. Clean-out and repairs (if necessary) shall be done as part of these inspections. At a minimum, all filtration/treatment components must be cleaned prior to the onset of the storm season, no later than October 15th of each year; and (2) Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner.

The Permittee shall undertake development in accordance with the approved Revised Final Plans.

- 2. Public Access Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of a public access management plan (Public Access Plan) to the Executive Director for review and approval. The Public Access Plan shall clearly describe the manner in which general public access associated with the approved project is to be provided and managed, with the objective of maximizing public access to the public access areas of the site (including all walkways, the public seating patio and the public view deck) and all related areas and public access amenities (i.e., bench seating, etc.) described in this special condition. The Public Access Plan shall be substantially in conformance with the plans submitted to the Coastal Commission (and referenced in Special Condition 1 above), and shall at a minimum include the following:
- a. Clear Depiction of Public Access Areas and Amenities.** All public access areas and amenities, including all of the areas and amenities described above, shall be clearly identified as such on the Public Access Plan (including with hatching and closed polygons so that it is clear what areas are available for public access use).
 - b. Lateral Access.** The lateral access around the patio shall remain free of benches, planters and other street furniture. In addition, lateral access shall be established north of the existing patio area, and shall extend through the project site. The lateral access through the commercial fishing area shall remain open for general public use as much as possible, but may be closed during active fish unloading activities that render public lateral access dangerous. Public access closures shall be limited only to periods when active fish unloading activities prohibit safe public access, should be accomplished using temporary ropes, cones or other appropriate barriers, and must include signs informing the public of the expected duration of the closure and directing the public to alternative public access through or around the site. All lateral public access ways shall remain free of unnecessary materials and structures, including portable storage structures and garbage bins that are not intended for use by the public, etc.
 - c. Floating Dock.** All parameters for use for the floating dock shall be clearly identified. The floating dock shall be publicly available for general public pedestrian access and transient boat use (and not as a long-term residential or live-aboard docking area) for general public and/or



commercial fishing use, and shall be clearly integrated into the overall development (including integrating docking use with overall commercial operations of the site).

- d. **Amenities.** Public access amenities (such as benches, table and chairs, bicycle racks, trash and recycling receptacles, etc.) shall be provided, including at a minimum, benches in the public view deck north of the seating patio.
- e. **Public Access Signs/Materials.** The Public Access Plan shall identify all signs and any other project elements that will be used to facilitate, manage, and provide public access to the approved project, including identification of all public education/interpretation features that will be provided on the site (educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be designed so as to provide clear information without impacting public views and site character. At a minimum, public access directional signs shall be placed at both ends of the lateral access across the site, as well as at entrances to the patio, adjacent to the view deck area, and at either end of the commercial fishing wharf. The public view deck and public restrooms shall be conspicuously signed and available for public use, and tables on the public view deck and within the public seating patio shall include signs on them indicating that the public may use the tables for free without any purchase. Public access signage shall include the California Coastal Trail and California Coastal Commission emblems.
- f. **No Public Access Disruption.** Development and uses within the public access areas that disrupt and/or degrade public access (including areas set aside for private uses, barriers to public access (furniture, planters, temporary structures, private use signs, fences, barriers, ropes, etc.), except those allowed on the commercial fishing section of the wharf pursuant to Special Condition 2b, shall be prohibited. The public use areas shall be maintained consistent with the approved Public Access Plan and in a manner that maximizes public use and enjoyment.
- g. **Public Access Use Hours.** All public access areas and amenities shall be available to the general public free of charge during at least daylight hours (i.e., one hour before sunrise to one hour after sunset), and during at least all non-daylight hours when the retail components of the approved project are open.
- h. **Public Access Areas and Amenities Maintained.** The public access components of the project shall be maintained in their approved state in perpetuity.

The Permittee shall undertake development in accordance with the approved Public Access Plan, which shall govern all general public access to the site pursuant to this coastal development permit.

3. **Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:



- a. **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access and Morro Bay resources, including by using inland areas for staging and storing construction equipment and materials as feasible.
- b. **Construction Methods.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from bay and public recreational use areas (including using unobtrusive fencing (or equivalent measures) to delineate construction areas).
- c. **Construction BMPs.** The Construction Plan shall also identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following: (a) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the bay; (b) equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bay. All construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; (c) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and (d) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.
- d. **Construction Site Documents.** The Construction Plan shall provide that copies of the signed coastal development permit and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- e. **Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints



received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

- f. **Pilings.** The new pilings and piling sleeve shall be made from steel. Pilings shall be installed using a vibratory hammer. Construction barges shall be floating at all times and shall only operate at tides high enough so that the barge does not rest against the bottom of the bay.
- g. **Notification.** The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

The Permittee shall undertake construction in accordance with the approved Construction Plan.

- 4. **Biological Monitor.** All work that disturbs the ocean floor (i.e., installation of pilings) shall be monitored by the project biologist to ensure that impacts to marine mammals are avoided. A U.S. Fish and Wildlife Service-approved biological monitor shall be present on site during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter could be affected by the project even if the otter is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.
- 5. **Eelgrass Monitoring Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of an eelgrass monitoring plan (EMP) to the Executive Director for review and approval. The EMP shall, at a minimum, provide for the following:
 - a. **Eelgrass Surveys.** Pre- and post-construction surveys shall be performed to identify the location of any existing eelgrass and identify any impacts to existing eelgrass due to construction.
 - b. **Eelgrass Protection.** All eelgrass beds identified in the project area shall be shown on a map in site plan view, and shall be protected as eelgrass habitat in perpetuity.
 - c. **Monitoring.** A monitoring report shall be submitted to the Executive Director for review and approval within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area at a 1.2.:1 basis. In such case, reporting shall continue on an annual basis for at least three years or until all such eelgrass beds are supporting eelgrass as documented in two consecutive annual reports, whichever is later.

The Permittee shall undertake development in accordance with the approved Eelgrass Monitoring



Plan.

6. **Parking Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval, either: (1) evidence of payment of an in-lieu parking fee to the City of Morro Bay's parking in-lieu fee fund at the rate of \$15,000 per parking space for the 29 required spaces; or (2) two copies of a Parking Plan that clearly documents the manner in which the 29 required parking spaces are to be provided for project users for as long as a sportfishing operation of at least the size of Virg's operates at this location. The plan shall clearly identify where and how site users will make use of such parking (including but not limited to contractual agreements with private parking areas, valet service, shuttles, etc.).

The Permittee shall undertake development in accordance with the approved parking plan.

7. **Other Agency Approval.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the approved project have been granted by the Morro Bay Harbor District, the California State Lands Commission, the U.S. Army Corps of Engineers, and the California Department of Fish and Game. Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.
8. **Boat Slip Parameters.** All boat slips and side-tie docks shall be used for commercial and recreational fishing vessels, commercial passenger vessels, and commercial service vessels only. The use of the docks and slips for long-term private residential, live-aboard, and/or recreational vessels is prohibited.
9. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** The Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, and the interaction of same; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the property owner.
10. **Lease and Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the Permittee and City have executed and recorded against the



lease sites and parcel(s) governed by this permit a lease and deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The lease and deed restriction shall include legal descriptions of the lease sites and parcels governed by this permit. The lease and deed restriction shall also indicate that, in the event of an extinguishment or termination of the lease and deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

11. **Incorporation of City Conditions.** All conditions of approval imposed on the project by the City of Morro Bay are incorporated as conditions of this approval. Any of the incorporated City conditions requiring materials to be submitted to the City and/or otherwise requiring City approval (such as Development Director approval), shall also require the same materials to be submitted to, and/or the same approvals granted by, the Executive Director under the same review and approval criteria as specified in the City conditions. For future condition compliance tracking purposes, such incorporated City conditions shall be considered subsections of this Special Condition 11. To the extent any such incorporated City conditions conflict with these conditions (i.e., standard conditions 1 through 5, and special conditions 1 through 10), such conflicts shall be resolved in favor of these conditions.
12. **Condition Compliance.** WITHIN 180 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION, or within such additional time as the Executive Director may grant for good cause, the Applicants shall satisfy all requirements specified in the conditions hereto that the Applicants are required to satisfy prior to issuance of the permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

C. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Morro Bay, acting as the lead CEQA agency, conducted an environmental review for the proposed project as required by CEQA and issued a Negative Declaration with Mitigations.



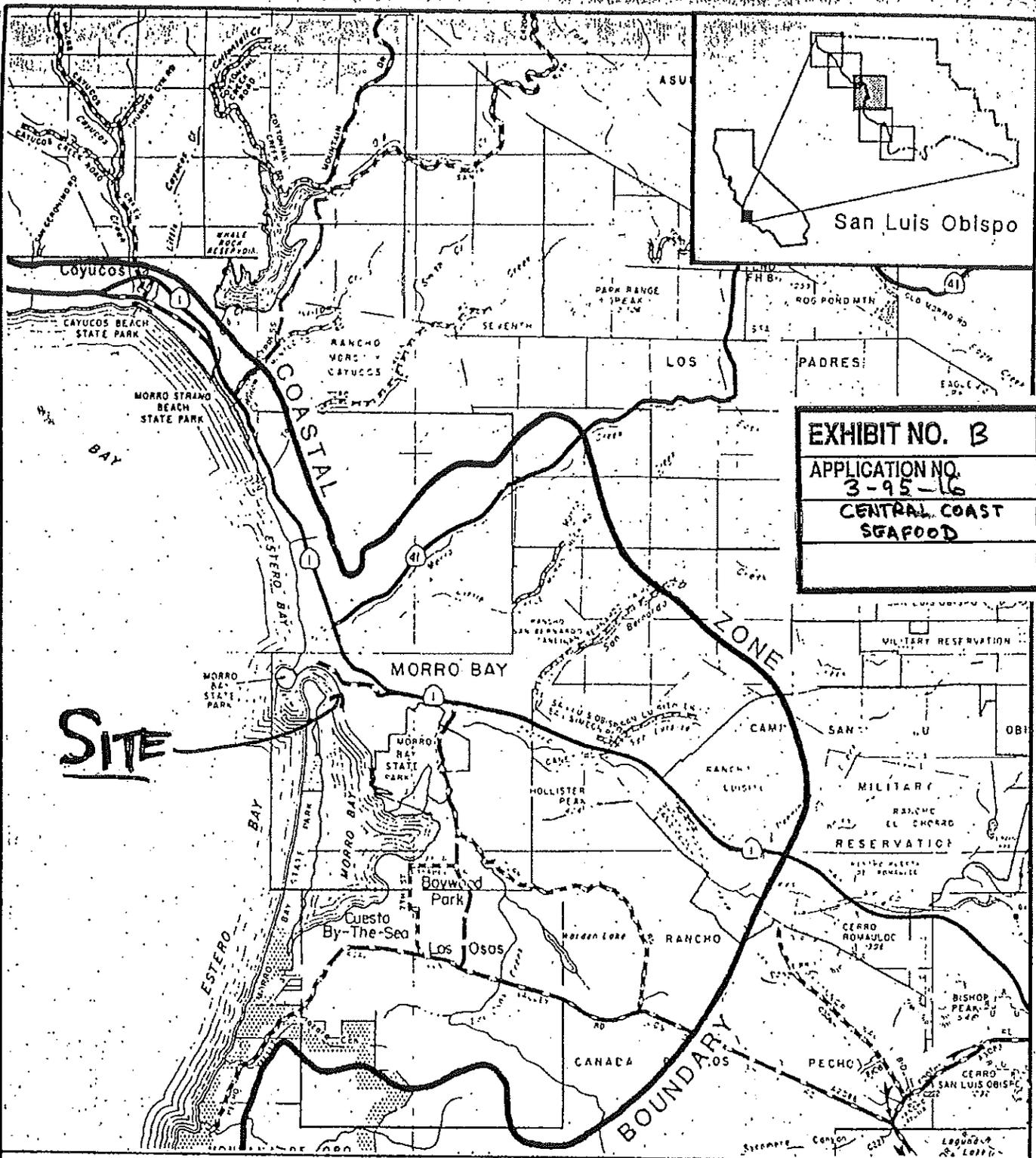


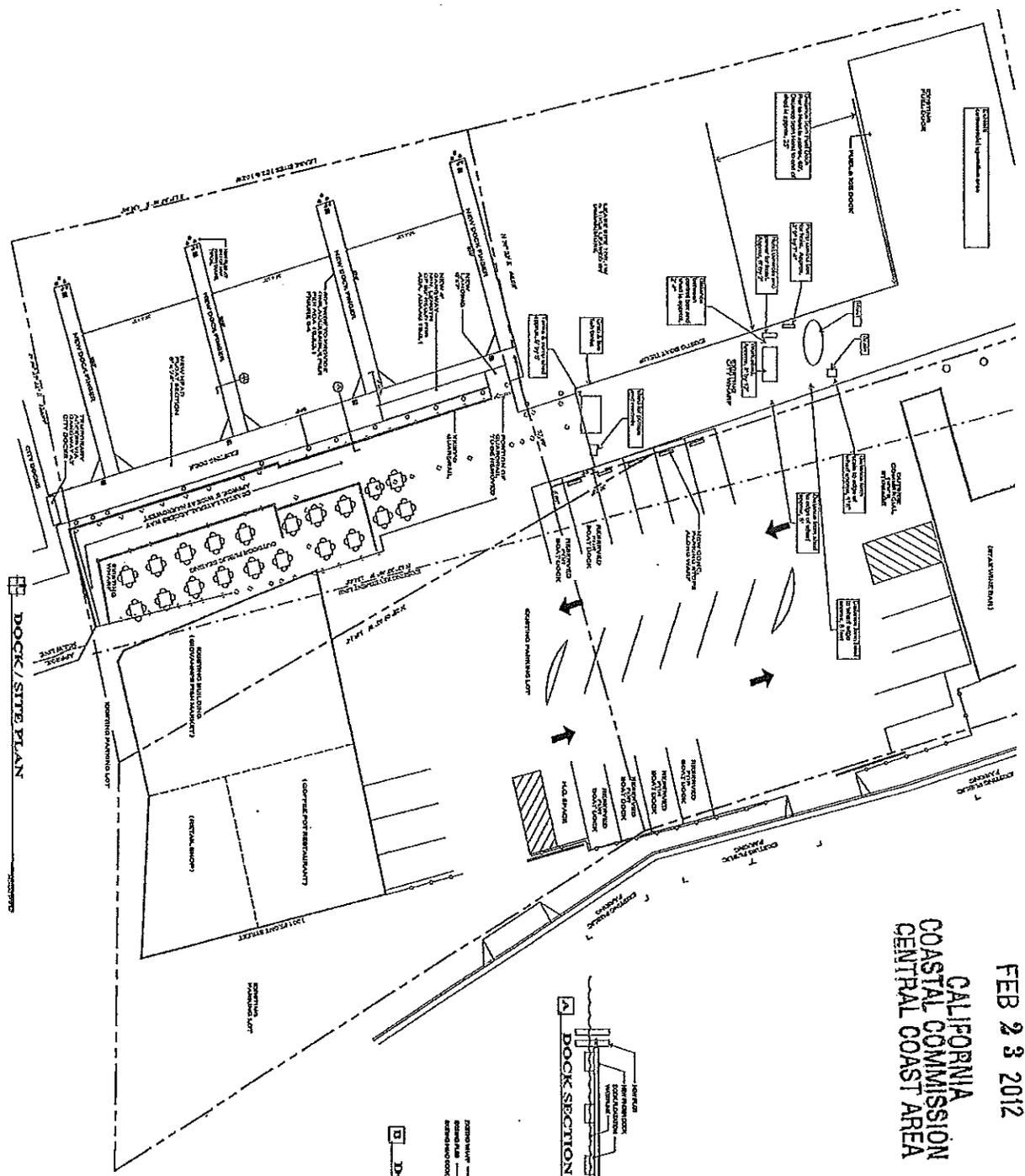
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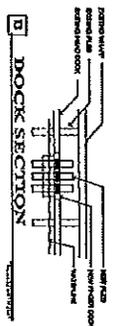
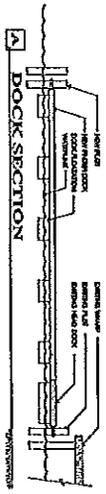
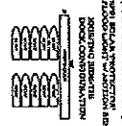
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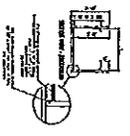
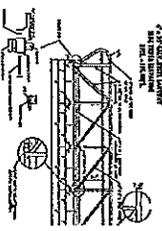


PROJECT INFO.

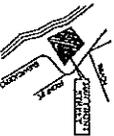
PROJECT NAME: NEW DOCK
 ADDRESS: 1444 9th St
 CITY: AVILA BEACH, CA 93426
 COUNTY: SAN LUIS OBISPO
 DISTRICT: DISTRICT 1
 ZONING: R-1 (RESIDENTIAL SINGLE-FAMILY)
 LEGAL: 1444 9th St, 1444 9th St, 1444 9th St
 PROJECT: NEW DOCK
 ARCHITECT: C. P. PANDER ARCHITECT



GANGWAY INFO.



**C. P. PANDER
ARCHITECT**

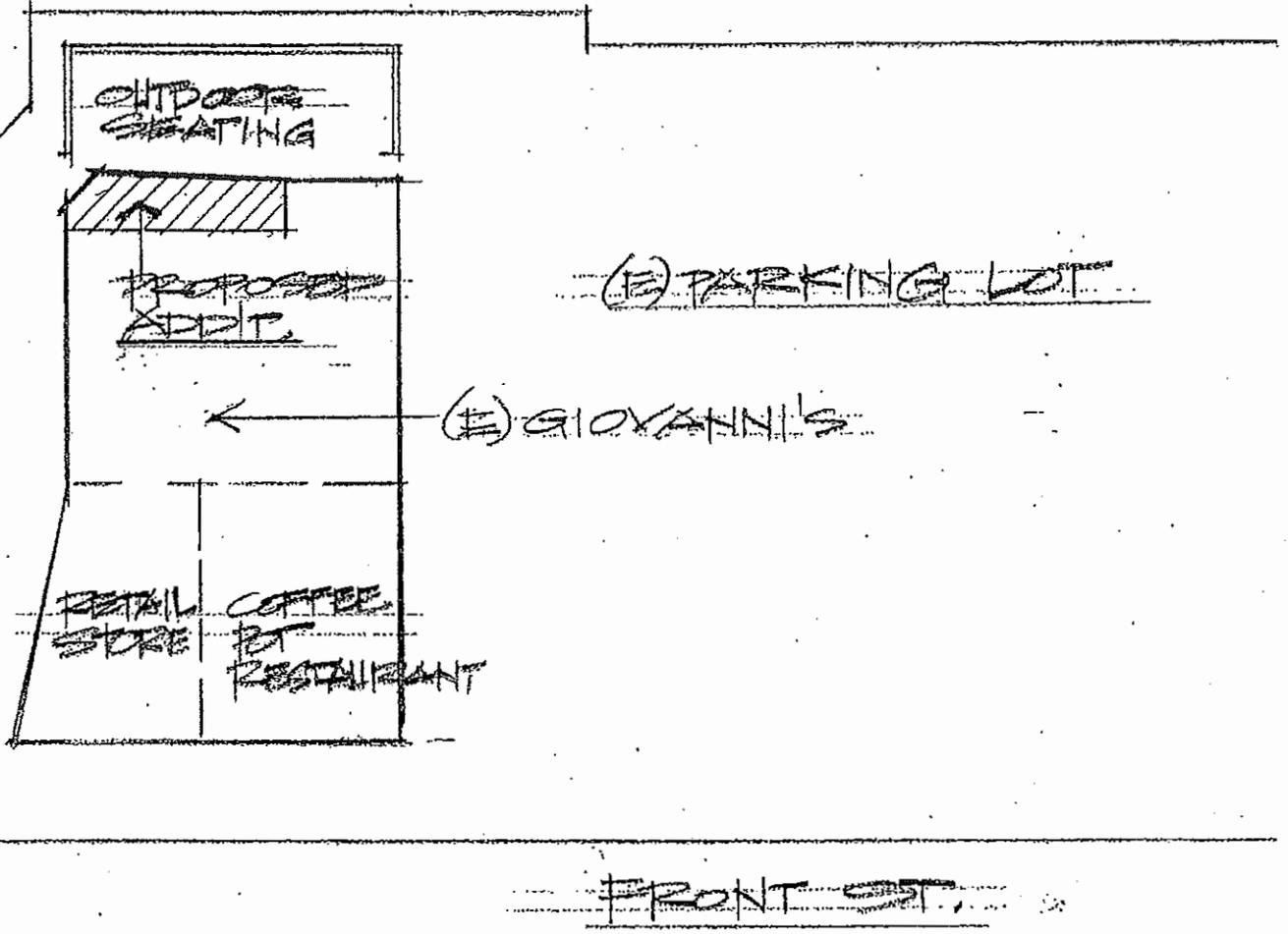


**PROJECT:
NEW DOCK
PLAN
FOR
D/GARINORE
FUEL & ICE**

APP: 04-00-000
 DATE: 01/10/12
 DRAWING NO: 1.1

NO.	DATE	DESCRIPTION
1	01/10/12	ISSUED FOR PERMIT
2	01/10/12	ISSUED FOR PERMIT
3	01/10/12	ISSUED FOR PERMIT
4	01/10/12	ISSUED FOR PERMIT
5	01/10/12	ISSUED FOR PERMIT
6	01/10/12	ISSUED FOR PERMIT
7	01/10/12	ISSUED FOR PERMIT
8	01/10/12	ISSUED FOR PERMIT
9	01/10/12	ISSUED FOR PERMIT
10	01/10/12	ISSUED FOR PERMIT

~~DAY~~



SITE PLAN



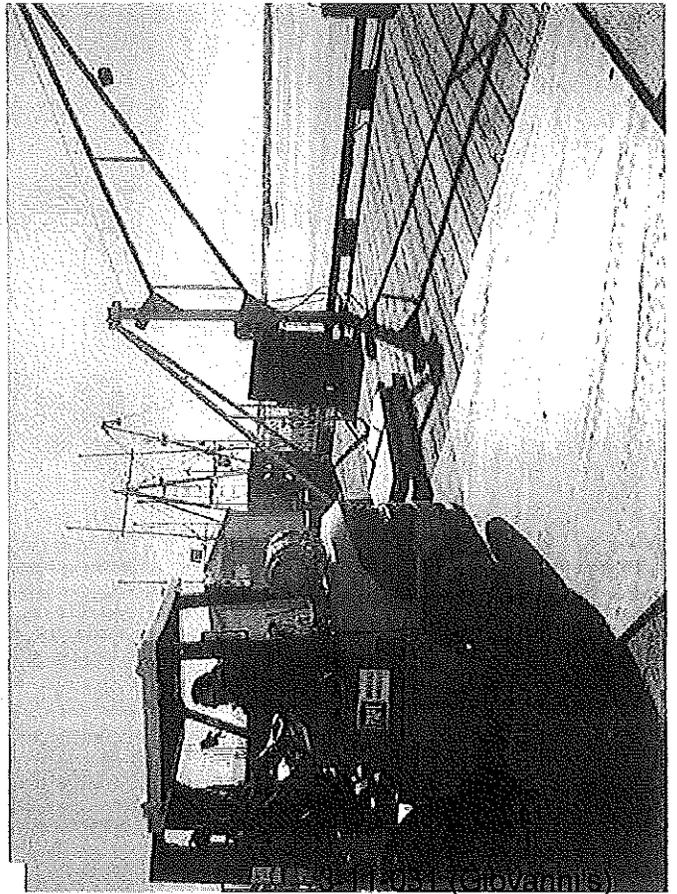




1



2



3



4

9



10



11



12





AGENDA NO: B-3

MEETING DATE: May 16, 2012

Staff Report

TO: Planning Commissioners

DATE: May 9, 2012

FROM: Sierra Davis, Assistant Planner

SUBJECT: Conditional Use Permit #UP0-348 and Coastal Development Permit #CP0-372 for New Construction of a Single Family Residence at 281 Main Street.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by adopting a motion including the following action(s):

- A. Adopt the Findings included as Exhibit "A";
- B. Approve the Conditional Use Permit #UP0-284, subject to the Conditions included as Exhibit "B" and the site development plans dated April 27, 2012.

APPLICANT/AGENT: John and Alair Hough / Cathy Novak

LEGAL DESCRIPTION/APN: 066-251-047 Tract: Morro Rock Park, Block: 251 Lot: 47.

PROJECT DESCRIPTION: The applicant is requesting a Conditional Use Permit and Coastal Development Permit for the construction of a new 2,829 square foot single family residence with an approximately 700 square foot garage. The applicant is required to process a Conditional Use Permit because the residence is located in a Planning Development (PD) overlay and requires a precise plan. The proposed residence is also located on the west side of Main Street within the appeals jurisdiction and requires a regular Coastal Development Permit to be heard before the Planning Commission.

Prepared By: _____

Dept Review: _____

PROJECT SETTING:

<u>Adjacent Zoning/Land Use</u>			
North:	Duplex Residential (R-2/PD) /Residences	South:	Single Family Residential (R-1/PD) / Residences
East:	Single Family Residential (R-1/PD) / Residences	West:	Waterfront (WF/PD) / Park

<u>Site Characteristics</u>	
Site Area	7,693 square feet
Existing Use	Vacant Parcel
Terrain	Graded
Vegetation/Wildlife	Existing landscaping, two trees proposed to be removed.
Archaeological Resources	Parcel is not located within 300 feet of an archeological site
Access	Main Street

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Mixed Use Area B Low to Medium Density Residential (4-7 unit/acre)
Base Zone District	Single Family Residential (R-1)
Zoning Overlay District	Planned Development (PD)
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Appeals Jurisdiction of the California Coastal Commission

PROJECT ANALYSIS:

Background

The property originally consisted on three lots running from east to west. In 2004 a lot line adjustment was processed that reconfigured the lot lines from an east/west orientation to a north/south orientation. The new configuration resulted in Parcel 2 being land locked without any recorded access easement. The lot line adjustment also resulted in the garage associated with the existing single family residence being located on a separate parcel. In September 2008 Tentative Parcel Map #S00-086 and Coastal Development Permit #CP0-272 were approved for Parcel 3 which split the parcel into two parcels, Parcel A consisting of 7,690 square feet and Parcel B consisting of 8,630 square feet. The parcel map resulted in 4 lots.

The map also recorded the relinquishment of 1,370 square feet of City right-of-way and acquisition of 1,400 square feet of private property for use as right-of-way.

After the lot split the house and existing garage were located on separate parcels, Parcel 2 and Parcel 3. At its regular meeting on November 25, 2009 the Planning Commission conditionally approved the request for a Conditional Use Permit #UP0-269 and Coastal Development Permit #CP0-307 to allow the demolition of the existing garage located on Parcel 3 and the construction of a new 2 car garage (525 square feet) with a Secondary unit (532.6 square feet) to be located on Parcel 2 with the existing residence. The access easement/driveway was constructed at the time that the garage and guesthouse were constructed.

Environmental Determination

Pursuant to the California Environmental Quality Act the project is categorically exempt pursuant Section 15303, Class 3 for New Construction or Conversion of Small Structures. The exemption provides for the construction of one single-family residential structure.

Project Specifics

The project is proposed adjacent to Main Street on Parcel A of Parcel 3 located north of the access easement. The proposed two story house is approximately 2,829 square feet of habitable floor area with an approximately 700 square foot garage. The residence includes a 360 square feet second story deck on the south side of the residence.

The applicant has designed the house with the front of the house oriented to the west and taking access to the house from the access easement. For the purposes of zoning district setbacks the 20 foot front yard setback is from Main Street and the rear yard setback will be taken from the access easement. When an access easement is created all development shall have yards (setbacks) as required by the zoning regulations, including a ten foot setback along any access way, (Section 16-9.206.A.4). In this case the rear yard setback and the ten foot easement are the same and the design meets the minimum requirements. The interior side yard setbacks meet the minimum requirement of 5 feet.

Single Family Residential District Zoning Designation Requirements		
	Required	Proposed
Front Yard Setback	20 feet	20 feet
Rear Yard Setback	10% of average depth of lot with 10 feet minimum and 6 foot minimum	10 feet
Interior Yard Setback	10% of average width of lot with 5 feet maximum and 3 foot minimum	5 feet (North) 32 feet (South)
Exterior Yard Setback	20% of average width of lot with 10 foot maximum and 5 foot minimum	N/A
Setback from Access Way	10 feet	10 feet
Height	25 feet (No Wall to exceed 30 feet)	24 feet 7 inches
Lot Coverage	45%	39.5%

Regulations

The project is located in the Coastal Commission’s Appeals Jurisdiction and pursuant to section 17.59.020 (H.2.b) of the Morro Bay Municipal Code a single family residence within the appeal jurisdiction a regular coastal permit is required for properties located west of Main Street and within the appeal jurisdiction or ESH zone.

The project is located in the Planned Development overlay and requires the plans be reviewed pursuant to a precise plan. A concept plan is not required for this project because the project size does not meet the threshold in order for a concept plan to be required. Although a concept plan is not required all the information for a concept plan shall be presented at the precise plans submittal.

The precise plan requires: total development plan, architectural elevations, landscaping plan, engineering plans, proposed site uses or activities, miscellaneous plans, Tentative Tract of Parcel Map.

The applicant has submitted a site plan, floor plan, elevations, color and material board, landscape plan, lighting fixtures.

Color and Materials

The applicant has proposed a board and batten siding with a composition roof. The residence will be painted a green tone with white trim to match windows and doors. The applicant is proposing a range of green colors with the possibility of the house being two tone.

Lighting

An exterior lighting plan is required pursuant to the miscellaneous plans required. The applicant submitted three light fixtures. The cut sheets specify the light type, dimensions and light bulb wattage. Pursuant to section 17.52.080, Lighting, illuminated signs and glare, no illumination may be directed toward the adjacent residential uses and onto streets. The house is 5 feet from a property line and adjacent to an access easement, in which lighting from the proposed house could effect. The architect submitted the electrical plans that depict that there will be one light on the front porch, a ceiling light on the front balcony, and one light on the upper and lower decks on the south side of the residence. In order to determine what affect the proposed lighting will have on the surrounding area a photometric will be required prior to building permit issuance. A condition has been added to the proposed conditions of approval.

Landscape Plan

The applicant submitted a landscape plan because it is a required element of a Precise Plan application. The applicant outlined areas around the property in which certain plants will be located. The Planned Development overlay requires that a fully developed landscape plan be developed. The landscape plan will be required prior to building permit issuance in order to allow time for the applicant to fully develop the plan. A condition has been added to the proposed conditions of approval.

The applicant has proposed removing two trees with this application. As a condition of approval for the 2008 Parcel Map #S00-086 and Coastal Development Permit #CP0-272, condition 16 states that, "No trees shall be removed unless hazardous conditions exist." If the applicant believes that the trees are hazardous, an arborist report shall be submitted to the Public Services Department for review.

PUBLIC NOTICE: Notice of this item was published in the San Luis Obispo Tribune newspaper on May 4, 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 is consistent with the General Plan, Local Coastal Plan, and Municipal Code for development standards. Staff recommends that the Planning Commission approve the requested Conditional Use Permit #UP0-348 and Coastal Development Permit #CP0-372 for new construction of a single family residence at 281 Main Street.

Exhibits:

- Exhibit A – Findings
- Exhibit B – Conditions of Approval
- Exhibit C – Graphics/Plan Reductions

EXHIBIT A

FINDINGS

SITE: 281 MAIN STREET

PROJECT DESCRIPTION: Conditional Use Permit and Coastal Development Permit for the construction of a new 2,829 square foot single family residence with an approximately 700 square foot garage.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- A. Pursuant to the California Environmental Quality Act the project is categorically exempt pursuant Section 15303, Class 3 for New Construction or Conversion of Small Structures. The exemption provides for the construction of one single-family residential structure.

COASTAL DEVELOPMENT PERMIT FINDINGS

- A. The project as proposed is consistent with the applicable provisions of the certified Local Coastal Plan. The Local Coastal Plan is consistent with the General Plan and the project meets minimum density requirements and therefore meets the LCP.
- B. For every development between the nearest public road and the sea or the shoreline of any body of water, the Planning Commission shall make a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. *The property is located to the east of Tideland's Park which provides public access to the water.*

CONDITIONAL USE PERMIT FINDINGS

- A. The establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. *The proposed project is a residential house and is located in a residential zone, therefore the use will not be detrimental to the surrounding uses.*
- B. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City. *The proposed use will not be injurious or detrimental to the property and improvements in the neighborhood or general welfare, as the project meets the General Plan and Municipal Code.*

MIXED USE AREA B FINDINGS

- A. That any proposed commercial use is generally serving a water-borne clientele or serving a water-oriented purpose. *The proposed project does not have a commercial element; therefore the finding does not apply to this project.*
- B. That the proposed commercial use, by its nature or design, will result in minimal noise, glare, odor, and traffic impacts on other nearby uses. *The proposed project does not have a commercial element; therefore the finding does not apply to this project.*
- C. That any new residential development shall be of a density and design which minimizes potential exposure to and would not unreasonably restrict water-oriented commercial activities. *The project is located on an existing residential lot that was previously subdivided and meets the minimum density. The project will not have a negative effect on water-oriented commercial activities because the property does not provide access to the water and is adjacent to Tidelands Park which provides water access.*
- D. That any new use shall not generate significant traffic/circulation impacts and shall include adequate parking, loading and access (turning and driveway) facilities. *The project is on a lot that meets minimum density with a private access easement off Main Street. Main Street can accommodate the traffic that will result from the development of one-single family residence.*
- E. That any new use shall not result in any harmful (e.g. toxic waste) discharge into the bay. *The single family residence will not discharge any harmful waste from the site nor will the bay be affected.*

EXHIBIT B

CONDITIONS OF APPROVAL

SITE: 281 MAIN STREET

PROJECT DESCRIPTION: Conditional Use Permit and Coastal Development Permit for the construction of a new 2,829 square foot single family residence with an approximately 700 square foot garage.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated May 16, 2012, for the project depicted on plans dated March 16, 2012 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.

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: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) 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, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan

for the City of Morro Bay.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.
8. 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.

PLANNING CONDITIONS

1. Photometric Plan: Pursuant to Precise Plan submittal requirements, the applicant shall submit a photometric plan, in order to determine the affect that exterior lights has on adjacent uses.
2. Landscape Plan: A fully developed landscape plan shall be submitted to the Public Services Department. The plans shall include the type, location, quantity of plants, and water usage that is suitable for the Morro Bay, pursuant to *The Sunset Western Garden Book*, zone 15. All plants shall be native and drought tolerant.

3. Building Height Certification: The proposed building shall comply with the maximum height of 25 feet measured from average natural grade. A height certificate shall be provided to the Building Division verifying compliance.
4. Trees: Pursuant to previous approvals an arborist report by a certified arborist shall be submitted to the Public Services Department indicating that the two trees are hazardous. If the trees are deemed hazardous and removed the trees shall be replaced in like kind with a minimum 15 gallon tree at a ratio of two trees for every one removed, species to be from the City of Morro Bay's approved street tree list. Trees shall be planted on site prior to the issuance of a certificate of occupancy. Provide maintenance for a period of two (2) years. Should the trees die within the maintenance period they shall be replaced and maintained for an additional two year period.

BUILDING CONDITIONS

1. Building Permit: Prior to construction, the applicant shall submit a complete application to the building department and obtain the required building permit.

FIRE CONDITIONS

1. Address Identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. (CFC 505.1) **Please provide approved address identification.**
2. Automatic Fire Sprinkler System: An automatic residential fire sprinkler system shall be installed in one- and two- family dwellings. (CRC R313.2 & MBMC 14.08.090(I)(1)) **Please provide automatic fire sprinklers, in accordance with NFPA 13-D.**
3. Carbon Monoxide Alarms: For new construction, an approved carbon monoxide alarm shall be installed in dwelling units and in sleeping units within which fuel-burning appliances are installed and in dwelling units that have attached garages. (CRC R315.1.1) **Please provide approved carbon monoxide alarms.**

PUBLIC WORKS CONDITIONS

1. Drainage Report: Provide a Drainage Report prepared by a Registered Civil Engineer. The Drainage Report shall conform to Stormwater Management for New and Redevelopment Projects within the City of Morro Bay in the July 2011 amendment to the City Standard Drawings and Specifications*. Specifically, this project shall meet the requirements of the following Parts:

- a. Part 1: Protection of Water Quality - **Exempt**
 - b. Part 2: Runoff Volume Controls (LID) - **Tier 2 requirements**
 - c. Part 3: Peak Runoff Flow Control – **All requirements**
2. Standard Erosion and Sediment Control Plan: Provide a standard erosion and sediment control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.
 3. Note: Add the following Notes to the Plans:
Any damage 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

THOMAS MARTIN ARCHITECTS
200 WEST 10TH STREET
SAN LUIS OBISPO, CA 93401
805.741.4444

DATE: 01.23.14
DRAWN: [unclear]
CHECKED: [unclear]
PROJECT NO: [unclear]
SHEET NO: [unclear]

PROJECT ADDRESS: HOUGH RESIDENCE
201 MAIN STREET
SAN LUIS OBISPO, CA 93402

SHEET TITLE: HOUGH RESIDENCE
SCALE: 1/8" = 1'-0"

TITLE SHEET
C-2923
DATE: 01.23.14



PROJECT DIRECTORY

OWNER:
MRS. ALICE HUGH
201 MAIN STREET
SAN LUIS OBISPO, CA 93402
805.741.4444

ARCHITECT:
THOMAS MARTIN ARCHITECTS, INC.
200 WEST 10TH STREET
SAN LUIS OBISPO, CA 93401
805.741.4444

PLANNING CONSULTANT:
CITY OF SAN LUIS OBISPO
201 MAIN STREET
SAN LUIS OBISPO, CA 93402
805.741.4444

ENGINEER:
THE COUNTY OF SAN LUIS OBISPO
201 MAIN STREET
SAN LUIS OBISPO, CA 93402
805.741.4444

PROJECT STATISTICS

PROJECT AREA: 7,400.00 S.F.
TOTAL LOT AREA: 7,400.00 S.F.
TOTAL IMPROVED AREA: 1,200.00 S.F.
TOTAL UNIMPROVED AREA: 6,200.00 S.F.
TOTAL IMPROVED PERCENTAGE: 16.22%
TOTAL UNIMPROVED PERCENTAGE: 83.78%

LEGAL DESCRIPTION:

TRACT 10, 1/4 SECTION 16, T4N, R12E, S1E, SAN LUIS OBISPO, CALIFORNIA, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.
APN: 005-253-047

OCCUPANCY CLASSIFICATION

RESIDENTIAL - SINGLE-FAMILY
RESIDENTIAL - MULTIFAMILY
COMMERCIAL - RETAIL
INDUSTRIAL - MANUFACTURING
AGRICULTURAL - OPEN SPACE

AVERAGE NATURAL GRADE:

1.1 NORTH SIDE MAIN/10TH STREET
1.2 SOUTH SIDE MAIN/10TH STREET
1.3 WEST SIDE MAIN/10TH STREET
1.4 EAST SIDE MAIN/10TH STREET

SHEET INDEX

1.1 NORTH SIDE MAIN/10TH STREET
1.2 SOUTH SIDE MAIN/10TH STREET
1.3 WEST SIDE MAIN/10TH STREET
1.4 EAST SIDE MAIN/10TH STREET

NOTES

1. This map is a preliminary map and is not to be used for construction purposes.
2. All measurements are in feet and inches, rounded to the nearest 1/8 inch.
3. Elevation is in feet above mean sea level.
4. All bearings and distances were taken from the monumented corner 274.40 feet from the intersection of Main Street and 10th Street.
5. Survey data: January 17, 2012.

LEGEND

- 1. PUBLIC PROPERTY
- 2. PRIVATE PROPERTY
- 3. EASEMENT
- 4. EASEMENT
- 5. EASEMENT
- 6. EASEMENT
- 7. EASEMENT
- 8. EASEMENT
- 9. EASEMENT
- 10. EASEMENT

EXERCISES

1. PARCEL 2
2. PARCEL 1
3. PARCEL 3
4. PARCEL 4
5. PARCEL 5
6. PARCEL 6
7. PARCEL 7
8. PARCEL 8
9. PARCEL 9
10. PARCEL 10

TERRACONIC SURVEY
1. APN 005-253-047 & 040

Prepared by:
[Signature]

DATE: 01.23.14

SCALE: 1/8" = 1'-0"

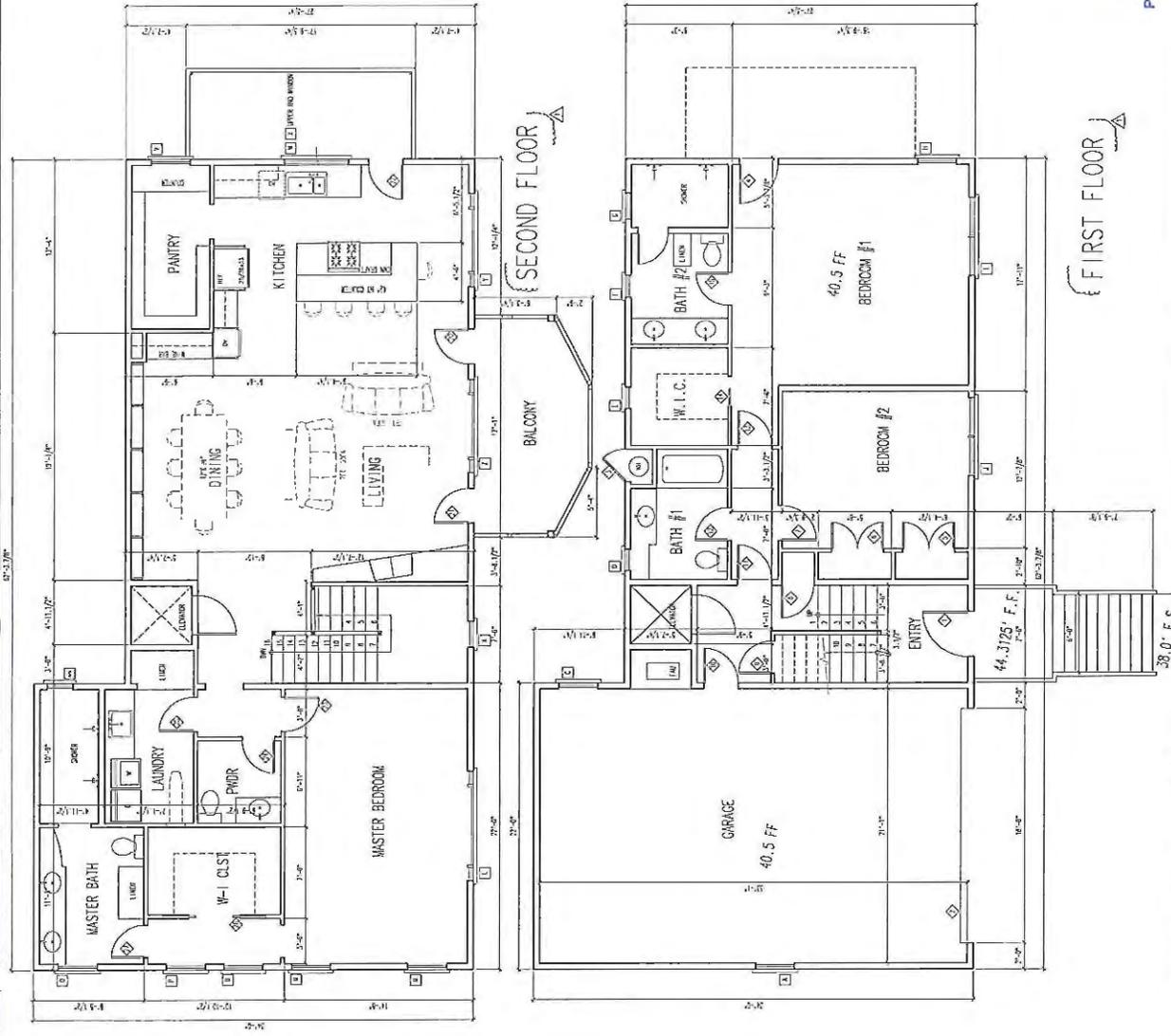
DATE: 01.23.14

"CERRITO ADDITION TO THE TOWN OF MORRO"
BLOCK "N"

SCALE: 1/8" = 1'-0"

DATE: 01.23.14

RECEIVED
MAY 03 2012
City of Morro Bay
Public Services Department



FLOOR PLAN NOTES

1. All dimensions are in feet and inches (F'-IN). All dimensions are rounded to the nearest 1/8".
2. Sliding glass doors are shown with a dashed line and a double arrow. * Sliding glass door is shown with a dashed line and a single arrow.
3. 2nd floor walls, all interior walls are shown.
4. Areas to be cast in place are indicated by a wavy line.
5. 2nd floor walls, all interior walls and exterior walls are shown.
6. 1st floor walls, all interior walls and exterior walls are shown.
7. 1st floor walls, all interior walls and exterior walls are shown.

DOOR SCHEDULE

- All doors are shown with a dashed line and a double arrow. All doors are shown with a dashed line and a single arrow. All doors are shown with a dashed line and a double arrow. All doors are shown with a dashed line and a single arrow.
- 1 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 2 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 3 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 4 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 5 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
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 - 10 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 11 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 12 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 13 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 14 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 15 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 16 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 17 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 18 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
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 - 20 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 21 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 22 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 23 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 24 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 25 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 26 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP
 - 27 - 2'-0" x 7'-0" FRENCH DOOR - 1/2" LIP

GLAZING NOTE

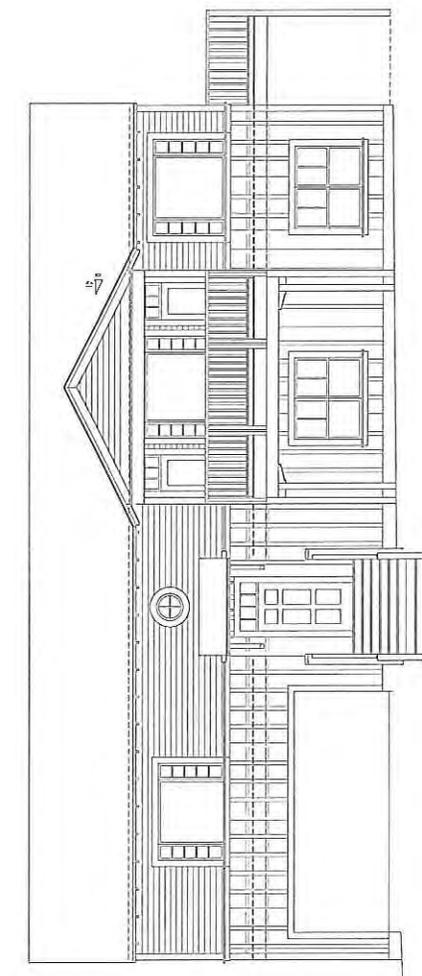
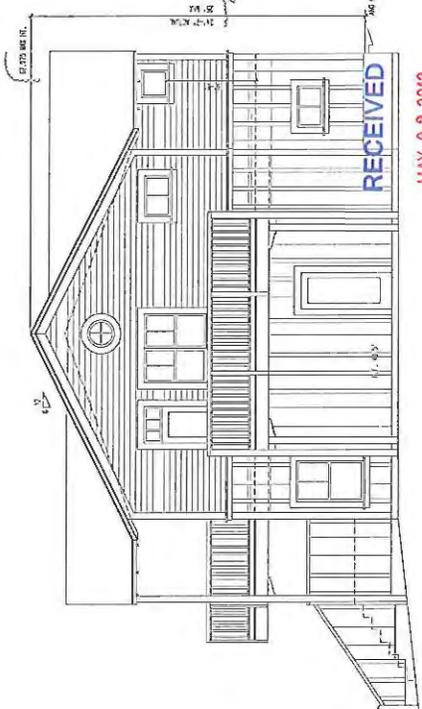
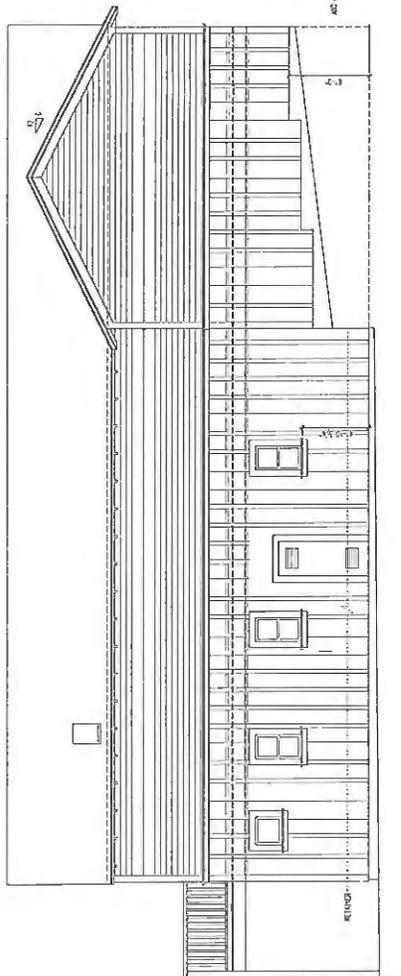
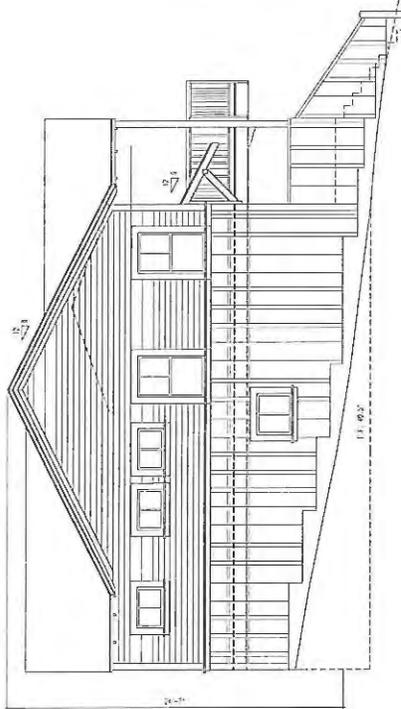
All glazing is shown with a dashed line and a double arrow. All glazing is shown with a dashed line and a single arrow. All glazing is shown with a dashed line and a double arrow. All glazing is shown with a dashed line and a single arrow.

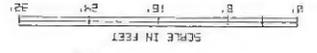
HEADERS

All headers are shown with a dashed line and a double arrow. All headers are shown with a dashed line and a single arrow. All headers are shown with a dashed line and a double arrow. All headers are shown with a dashed line and a single arrow.

WINDOW SCHEDULE

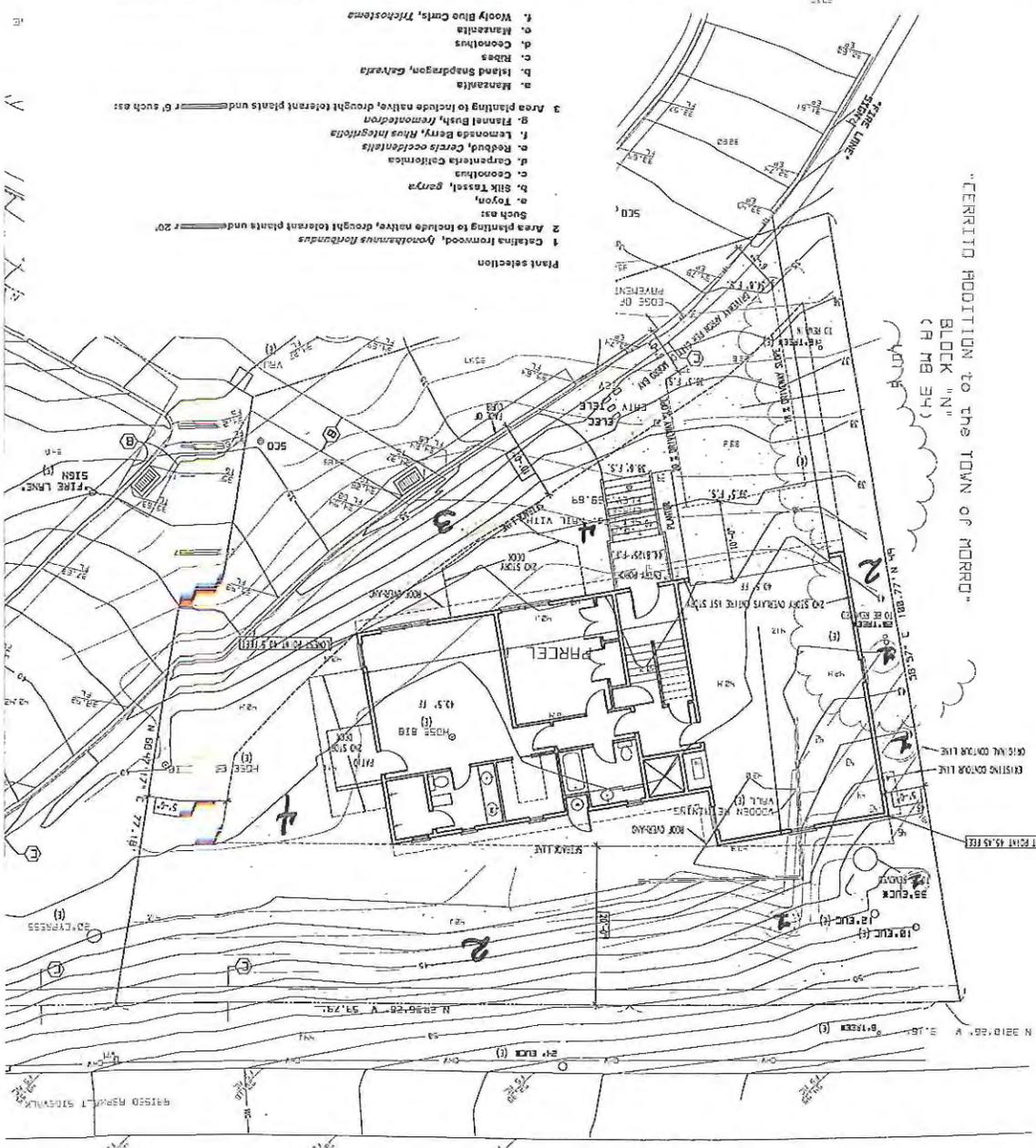
- 1 - 2'-0" x 4'-0" WINDOW
- 2 - 2'-0" x 4'-0" WINDOW
- 3 - 2'-0" x 4'-0" WINDOW
- 4 - 2'-0" x 4'-0" WINDOW
- 5 - 2'-0" x 4'-0" WINDOW
- 6 - 2'-0" x 4'-0" WINDOW
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- 10 - 2'-0" x 4'-0" WINDOW
- 11 - 2'-0" x 4'-0" WINDOW
- 12 - 2'-0" x 4'-0" WINDOW
- 13 - 2'-0" x 4'-0" WINDOW
- 14 - 2'-0" x 4'-0" WINDOW
- 15 - 2'-0" x 4'-0" WINDOW
- 16 - 2'-0" x 4'-0" WINDOW
- 17 - 2'-0" x 4'-0" WINDOW
- 18 - 2'-0" x 4'-0" WINDOW
- 19 - 2'-0" x 4'-0" WINDOW
- 20 - 2'-0" x 4'-0" WINDOW
- 21 - 2'-0" x 4'-0" WINDOW
- 22 - 2'-0" x 4'-0" WINDOW
- 23 - 2'-0" x 4'-0" WINDOW
- 24 - 2'-0" x 4'-0" WINDOW
- 25 - 2'-0" x 4'-0" WINDOW
- 26 - 2'-0" x 4'-0" WINDOW
- 27 - 2'-0" x 4'-0" WINDOW





- a. Buckwheat, *Eriogonum*
- b. Creeping Manzanita
- c. Creeping Cenobius
- d. Beach Primrose, *Carrizosa*
- e. Coral Bell, *Heuchera*
- f. Coastal Daisy, *Erigeron*
- g. Strawberry, *Fragaria chiloensis*

- 1 Area Planting to include native, drought tolerant plants and _____'s such as:
- a. Manzanita
 - b. Island Snapdragon, *Galathea*
 - c. Ribes
 - d. Cenobius
 - e. Manzanita
 - f. Woolly Blue Chert, *Trichostema*
- 2 Area planting to include native, drought tolerant plants and _____'s such as:
- a. Toyon
 - b. Silk Tassel, *Garrya*
 - c. Cenobius
 - d. Carpenteria California
 - e. Redbud, *Cercis occidentalis*
 - f. Lemonade Berry, *Rhus integrifolia*
 - g. Lamont Bush, *Leptosiphon*
- 3 Area planting to include native, drought tolerant plants and _____'s such as:
- a. Manzanita
 - b. Island Snapdragon, *Galathea*
 - c. Ribes
 - d. Cenobius
 - e. Manzanita
 - f. Woolly Blue Chert, *Trichostema*
- 4 Area Planting to include native, drought tolerant plants and _____'s such as:
- a. Buckwheat, *Eriogonum*
 - b. Creeping Manzanita
 - c. Creeping Cenobius
 - d. Beach Primrose, *Carrizosa*
 - e. Coral Bell, *Heuchera*
 - f. Coastal Daisy, *Erigeron*
 - g. Strawberry, *Fragaria chiloensis*



TERRITO ADDITION TO THE TOWN OF MORRO -
 BLOCK "N"
 (P.M.B. 34)

RECEIVED
 MAY 07 2012
 City of Morro Bay
 Public Services Department

RECEIVED

MAY 07 2012

City of Morro Bay
Public Services Department

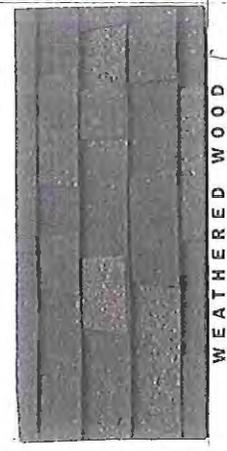
PROJECT ADDRESS:

HOUGH RESIDENCE

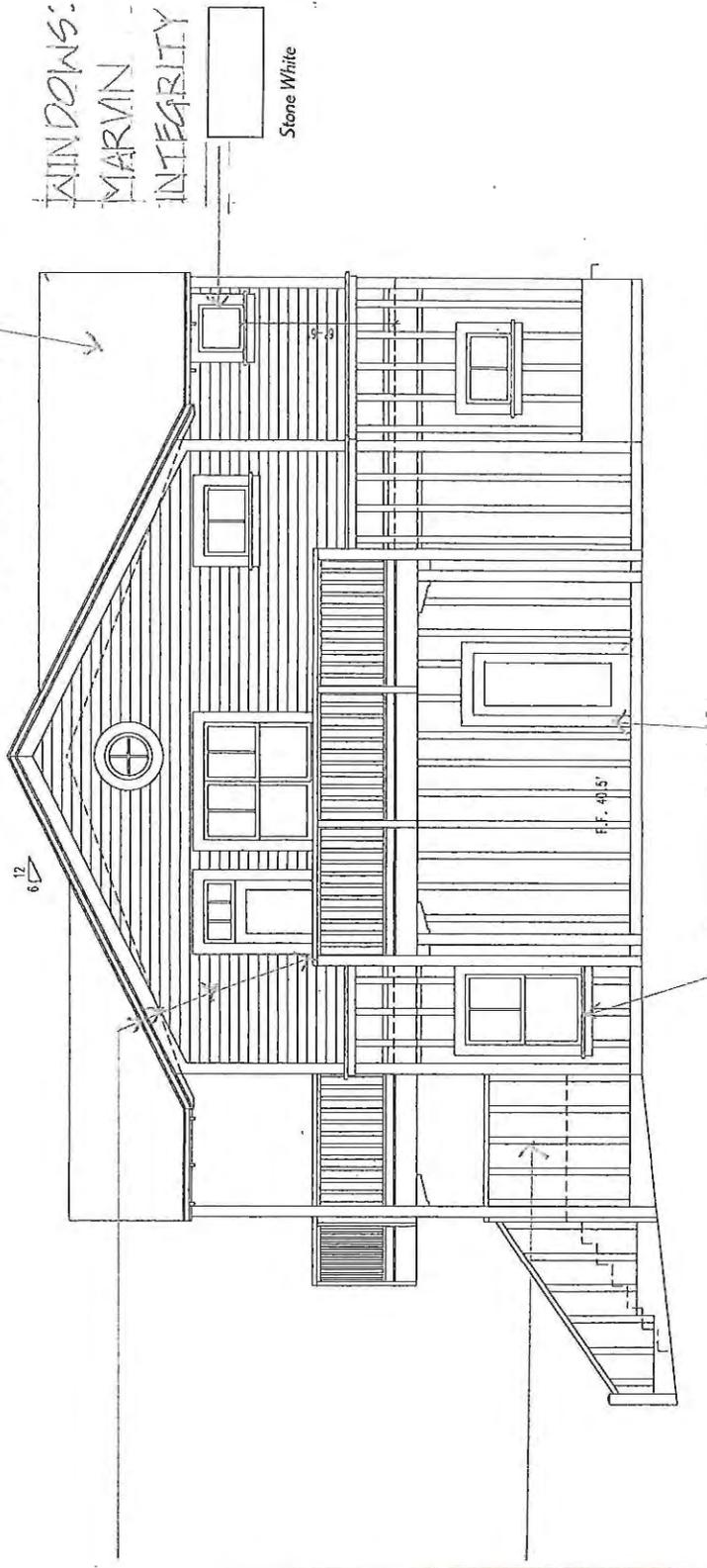
281 Main Street
Morro Bay, CA 93442

SIDING & BOARD & BATT
RANGE, POSSIBLE 2-TONE

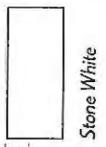
TEMP ROOF:



WEATHERED WOOD



WINDOWS:
MARVIN
INTEGRITY



Stone White

471

tea light

472

aganthus green

473

weekend getaway

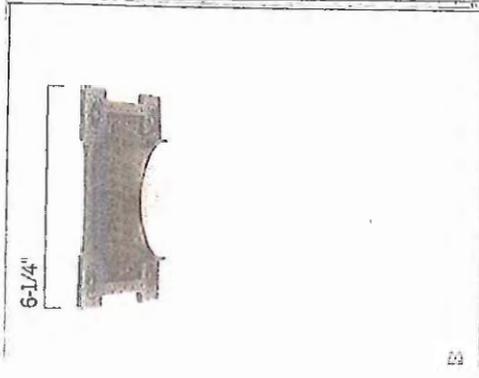
474

mistletoe

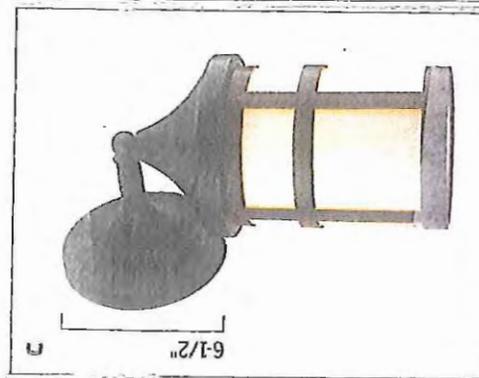
WHITE TRIM COLOR TO
MATCH WINDOWS & DOORS

CW051W Solo White cgl

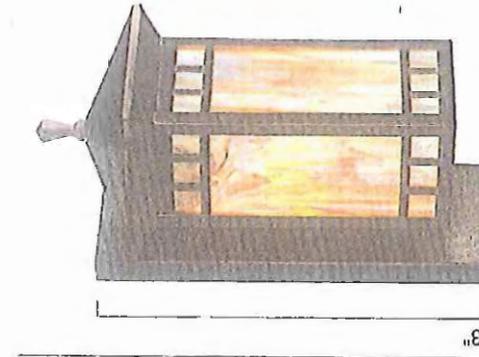
HOUGH RESIDENCE
 281 Main Street
 Morro Bay, CA 93442



B MARSHALL A8816
 Shown in Oil-Rubbed Bronze
 with Cream Art Glass
 Arts & Crafts style
 Length 8"
 Width 4" x 6-1/4"
 Uses one 60 Watt bulb



C BANDON A9484
 Shown in Oil-Rubbed Bronze
 with Cream Art Glass
 Arts & Crafts style
 Height 17" x Width 7" x Projection 11"
 Canopy 6-1/2"
 Uses one 100 Watt bulb
 UL Wet Location listed for orientation
 shown only.



F PINEHURST A7523
 Shown in Oil-Rubbed Bronze with
 Brown-and-Caramel Art Glass
 Mission style
 Height 15" x Width 6" x Projection 8"
 Canopy 5" x 13"
 Uses one 100 Watt bulb
 UL Wet Location listed for orientation
 shown only.



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: C-1
 Meeting
 Date: 5/18/2012

#	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
Hearing or Action Ready									
1	City of Morro Bay	Citywide	5/1/2010	AD0-047	Text Amendment Modifying Section 17.68 "Signs" . Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs. 5/17/2010. 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.	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. Project went to 5/2/2012 direction given to staff regarding format. Staff returning 5/18/2012 with a formatted document.	Not applicable	Not applicable	
2	Hough	281 Main	3/19/12	UP0-348/CP0-372	New Single family residence. With removal of two existing eucalyptus trees.	SD-Met with applicant on 4/18th. The project is hearing ready.	Building Comments--3/28/2012. Fire comments-4/23/2012	PW-Comments-4/2/2012	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
3	DeGarimore	1001 Front		UP0-284	Precise Plan review for Docks	Project recently heard at CCC and received their intent to issue permit from CCC. Project submitted for Precise Plan pursuant to MB requirements.			
30 -Day Review, Incomplete or Additional Submittal Review									
4	Perry	3202 Beachcomber	9/8/11	AD0-067	Variance. 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. Flood study received and comments sent to engineer 4/13/12	No Comments to date
5	McDonalds	780 Quintana	10/31/11	CP0-364 & UP0-341	Remodel and Addition. Applicant resubmitted 4/18/2012	SD--Incomplete letter 1/19/12. still incomplete. Applicant resubmitted 4/18/2012. Applicant did not address comments/corrections in resubmittal	Fire comments-11/8/11. Building comments 11/21/11	comments received 11/29/11	No Comments to date
6	LaPlante	3093 Beachcomber	11/3/11	CP0-365	New SFR. 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

#	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
7	Dyneyg	1290 Embarcadero	12/21/11		Permit Well	KW-Project had previous problems with Coastal Commission and withdrew application. Applicant conducted studies required by CCC and is returning with a new submittal. Planning staff waiting for studies. Met with applicant on May 2, 2012			
8	Wallick	235 Atascadero			Modification to existing permit to reduce number of park models from 5 to 2.	KW- Applicant adding a 10 x 16 storage shed. May 7, 2012 applicant withdrew modification.			
9	Sequoia Court Estates	670 Sequoia	4/3/12	UP0-349 & S00-112	Tract Map and Use Permit for 5 Lot Subdivision.	Incomplete letter sent to applicant/agent. Project submitted without necessary materials for processing.			
10	Randell	300 Piney	7/20/2011-- New submittal date 4/25/2012	S00-111	Tentative Parcel Map. 4 lot subdivision.	SD--SRB. Incomplete letter 10/4/11. Applicant resubmitted on April 25, 2012, new plans route to staff for review.			No Comments to date
11	Leage	1205 Embarcadero	5/2/12	Amending CUP 02-01	Remodel office and storage of Harbor Hut	Project under review			
Projects in Process									
12	Chevron Pipeline	4600 Hwy1	7/11/11	S00-110	Certificate of Compliance.	KV-- waiting on applicant to submit property owner authorization. Received authorization 3/22/12. Application needed signed legals.	Not applicable	No Comments to date	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
13	Held	901-915 Embarcadero	7/21/11	UP0-342	Application for improvements to existing building. 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. 4/3/2012 letter sent to applicant indicating that the project is still incomplete	Building comments 3/7/12- disapproved. Fire comments 3/12/12 conditional approval	Comments submitted 3/8/12	No Comments to date
14	City of Morro Bay	Nutmeg	1/18/12	UP0-344	Environmental. 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. SWCA submitted draft I.S. to City on May 1, 2012.	Not applicable	Not applicable	Not applicable
15	Morro Mist	2400 Main Street	1/0/2012		Applicant requested compliance check to conditions of approval. Minor Amendment Required.	KW--Project modified beyond conditions of approval	Deemed in substantial conformance to original approvals. Fire indicated insufficient number of hydrants	indicated submittal was OK	No Comments to date
Environmental Review									
16	Larry Newland	Embarcadero	11/21/05	UP0-092 & CP0-139	Embarcadero-Maritime Museum (Larry Newland) . 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

#	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
17	Chevron	3072 Main (West of Del Mar Park)	12/31/08	CP0-301	<i>Remove Underground Pipes. Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed. Requested 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.</i>	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	<p><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 an August 2012 CCC meeting.</i></p>	Planning portion of project complete	Not applicable	BCR-Flood analysis shows no impact of sea level rise and storm surge on 100-year flood levels. Results reported to Coastal Commission	No Comments to date

#	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
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. Staff recommendations published to the public May 1, 2012 and Morro Bay not recommended for funding.	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	Appeal of Demo/Rebuild SFR and 2 trees removal. Planning Commission continued to a date uncertain. Project folder given to Rob S.				
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.			

#	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
22	Ron McIntosh	190 Olive	8/26/08	UP0-232 &CP0-288	New SFR. 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	Convert commercial space to residential use. 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. Application terminated. Applicant resubmitted on May 3, 2012			
24	James Maul	530, 532, 534 Morro Ave	3/12/10	SP0-323 & UP0-282	Parcel Map. 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. Letter sent to applicant/agent indicating the City's intent to terminate the application based on inactivity.			
25	Hamrick Associates	1129 Market	6/10/10	UP0-291	Remodel and Addition. 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. Letter sent to applicant/agent indicating application terminated			No Comments to date
26	Frantz	499 Nevis	9/27/2010, resubmittal date of 1/3/12	CP0-337	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.	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	

#	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
27	Hoover/Hough	301 Main	7/6/11	S00-108	Lot Line Adjustment. 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.			
28	Vallely	460 Olive	10/24/11	CP0-363	Demo/Rebuild. Resubmittal 11/11/11.	SD-- Incomplete letter 1/18/11. Need Phase 1 Arch Report.	No Comments to date	comments submitted 11/22/11	No Comments to date
29	Loomis	660 Bay	10/27/11	UP0-340 & AD0-069	Remodel and Addition with a Parking Exception.	SD--Incomplete letter 11/23/11. 3/28/2012 still incomplete for processing	Fire-11/23/11 conditional approval	conditional approval 11/29/11	
Projects in Building Plan Check									
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. Project still within appeal period which ends 5/14/2012			
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	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			
33	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. Applicant indicated they were going to resubmit without roof deck, to date they have not			

#	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
34	Burger King	781	Quintana	11/29/11	Building	Parking Lot. Resubmittal 4/5/12.	SD--Incomplete Memo 12/19/11.			
35	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.			
36	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 2/18/12.			
37	Mission Linen	399	Errol	2/14/12	Building	Exterior Awning. Need parcel merger or lot tie agreement in order to approve building permit.	SD--Incomplete memo 2/16/12. Lot tie agreement still pending			
38	Morro Del Mar	1885	Ironwood	2/22/12	Building	Applicant submitted for grading and retaining walls. DRT meeting 4/8/12.	KW--Under review		BR- unaddressed storm water issues remain 5/8/12	
39	Fennacy	500	Morro Bay	3/15/12	Building	Applicant adding walk up window to existing building.	SD-under review. Project needs planning permit			
40	Stewart	370	Kern	4/4/12	Building	SFR Addition.	SD-under review			
41	Imani	571	Embarcadero Rd	4/23/12		Commercial alteration and addition	SD-Under review			
42	Storm	1029	Monterey	5/3/12	Building	Multi-family residential	KW-under review			
43	Truesdale	331	Kodiak	4/25/12	Building	Second story addition	SD-under review			
44	Imani	571	Embarcadero R	4/23/12	Building	Commercial alteration and addition	KW-under review			
Aging Building Permits - No response from applicant in more than 90 days.										
45	Valori	2800	Birch Ave	2/10/10	Building	Remodel/Repair. Sunroom, garage, and study.	SD--Comments sent 2/24/10			
46	Colhover	2800	Dogwood	3/8/10	Building	New SFR.	SD--Comments sent 3/25/10.			
47	Hall	2234	Emerald Circle	12/2/10	Building	New SFR.	SD--Incomplete Memo 12/21/10.			
48	Markowity	589	Morro Avenue	8/17/11	Building	Roof Deck. 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.			
49	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.			

#	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
50	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.			

#	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
51	Williams	2920 Cedar	10/27/11	Building	SFR Addition. Does not conform to existing approvals/permits on file.	SD--Incomplete Memo 11/14/11.			
Final Map Under Review									
52	Zinngarde	1305 Teresa	5/9/11	Map	Final Map. 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. Resubmitted 4/4/2012	KW--Comments given to applicant, held meeting on 9/27/2011 regarding comments. Biological being review by applicant to address drainage issues			
53	Medina	3390 Main	10/7/11	Map	Final Map. 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. map check returning for corrections on 3/9/12	SD--Meeting with applicant regarding ESH Area and Biological Study.			
Projects & Permits with Final Action									
54	Taylor	3128 Beachcomber	4/24/12	Building	New Garage and Conversion of Existing Garage.				
55	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	SD-Letter sent 2/7/2012 deeming the project incomplete for processing	building comments received 2/29/12	comments 3/19/12	No Comments to date

CITY OF MORRO BAY

CHAPTER 17.68
SIGN REGULATIONS
WORKBOOK

MAY 2012

Chapter 17.68 Sign Regulations

Sections:

17.68.010 Purpose

17.68.020 Exempt Signs

17.68.030 Prohibited Signs

17.68.040 General Sign Standards

17.68.050 Regulations for Residential Districts

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

17.68.070 Specific Sign Types and Standards

17.68.080 General Design Principles

17.68.090 Zoning Clearance or Sign Permit Required

17.68.100 Master Sign Program

17.68.110 Maintenance, Abandonment, and Removal

17.68.120 Provisions for Nonconforming and Illegal Signs

17.68.130 Appeals

17.68.010 Purpose

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

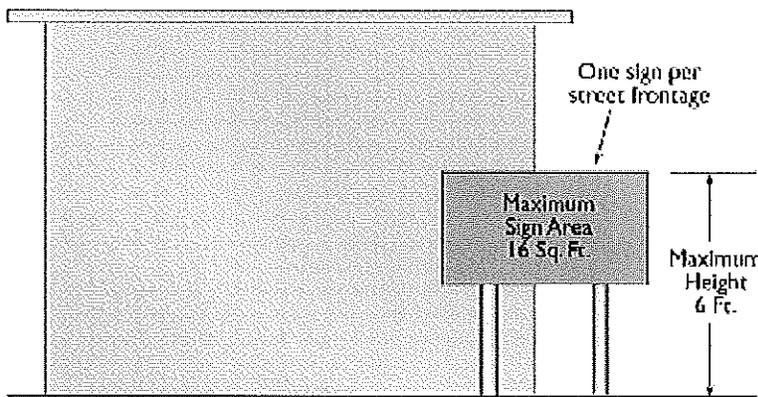
- A. Encourage communications which aid orientation and identify businesses and activities.
- B. Preserve and enhance the aesthetic character of the City.
- C. Apply basic principles of good design and sensitivity to community appearance to signage.
- D. Restrict signs that overload the public's capacity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

17.68.020 Exempt Signs

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

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

FIGURE 17.25-A: ANNOUNCEMENT SIGN STANDARDS

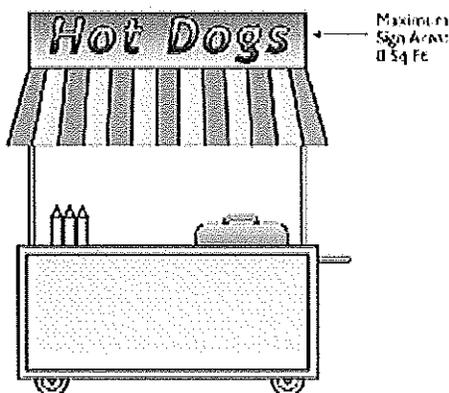


- B. **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed no longer than 30 days following the change of ownership or activity for which the sign is intended, or up to 90 days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent

sign.

- C. **Equipment Signs.** Signs, not more than eight square feet in sign area, incorporated into displays, machinery, or equipment by a manufacturer, distributor, or vendor that identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, menu boards, and umbrellas. If a vending machine is visible from the street, the sign area shall be included in the total sign area allowed for the use.
- D. **Flags.** Flags and insignia of any government, except when incorporated into a commercial sign.
- E. **Garage Sale Signs.** One unlighted sign is permitted for garage sales, provided such sign does not exceed four square feet in area and is displayed on the property where such sale shall take place only on the day of the sale.
- F. **Mobile Vendor (Non-permanent Vendor) Signs.** Signs fixed to mobile vending carts that identify or advertise the name, product, or service provided by the vendor. Each mobile vending cart is limited to a maximum sign area of eight square feet.

FIGURE 17.25-B: MOBILE VENDOR SIGN STANDARDS

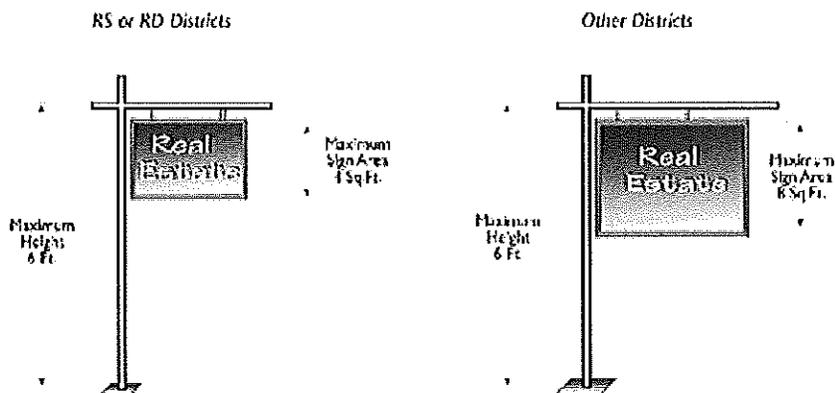


- G. **Official Government Signs and Legal Notices.** Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other

quasi-public agent in the performance of a public duty; historical markers erected by a governmental body; identification information; directional signs erected by government bodies; or other signs required or authorized by law.

- H. **Parking and Directional Signs.** On-site parking and directional signs, not exceeding eight square feet in sign area and five feet in height, that do not include any advertising messages or symbols.
- I. **Political Campaign Signs.** Political campaign signs not to exceed sixty-four square feet in area per site and shall be permitted only on private property;
- J. **Real Estate and "Open House" Signs.** Signs conveying information about the sale, rental, or lease of a property and the identification of the person or firm (agent) handling such sale, lease or rental, provided they comply with the following standards. Real estate and open house signs are exempt only during the period for which the property is offered for sale or lease.
 - 1. **Maximum Number.** One on-site per frontage.
 - 2. **Maximum Sign Area.**
 - a. RS or RD Districts. 4 square feet.
 - b. Other Districts. 8 square feet.
 - 3. **Maximum Height.** 6 feet.

FIGURE 17.25-C: REAL ESTATE SIGN STANDARDS



- K. **Off-Site Directional Sign.** One off-site sign not to exceed 36 square

feet, providing direction to real estate available for sale or lease, during daylight hours only. Permission from the property owners of the site where the sign is placed is required.

- L. **Small Signs.** Any sign no larger than eight square feet in area, attached to a freestanding sign structure no higher than five feet, a window, or a building wall. This exception may include, but is not limited to, commercial and non-commercial signs, freedom of speech signs, organization identification signs, and commemorative plaques within the required size limits.

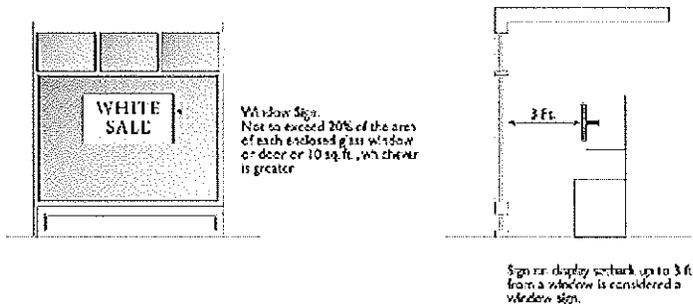
- M. **Subdivision Signs.** One sign per frontage, advertising the sale of a subdivision may be displayed on the site of the subdivision upon approval of a final map and initiation of construction for a period of one year. The display period may be extended with written approval of the Director for a reasonable period of time, not to exceed one year at any one time.

TABLE 17.68 – A: SUBDIVISION SIGNS

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

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

FIGURE 17.25-D: WINDOW SIGNS



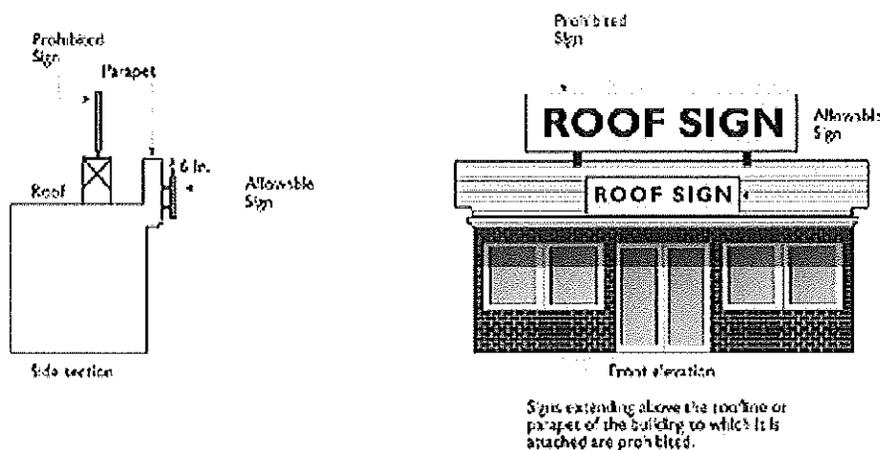
17.68.030 Prohibited Signs

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

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

J. Roof Signs. Signs erected upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the eave line of a roof. No projecting sign shall extend above the roofline or parapet of the building or structure to which it is attached.

FIGURE 17.25-E: PROHIBITED ROOF SIGNS



K. Signs Creating Traffic Hazards. Signs located in such a manner as to constitute a traffic hazard or obstruct the view of any authorized traffic sign or signal device, or signs that may be confused with any authorized traffic sign, signal, or device; or that makes use of the words “stop”, “look”, “danger”, or any other word, phrase, symbol, or character that interferes with, misleads, or confuses vehicular drivers.

L. Signs on Public Bus Shelters or Benches. Signs located on bus shelters, benches, or similar structures provided for the use of passengers along the route of a bus, not including plaques containing the names of persons or organizations which have made gifts or donations of such street furniture.

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

17.68.040 General Sign Standards

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

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

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

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

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

have a sign area of the sum of two adjacent sides or sign faces.

FIGURE 17.25-F: MEASUREMENT OF SIGN AREA

Sign Area = Height x Width

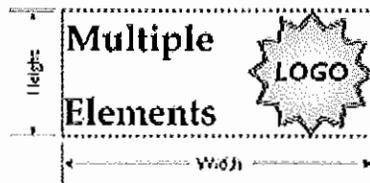
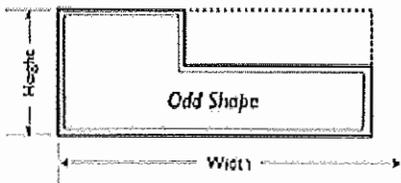
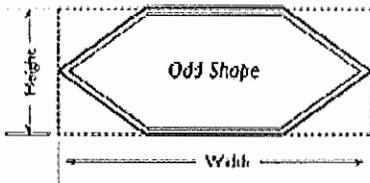
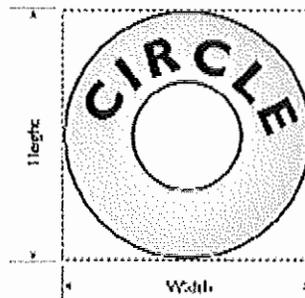
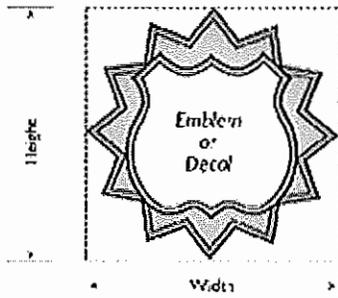
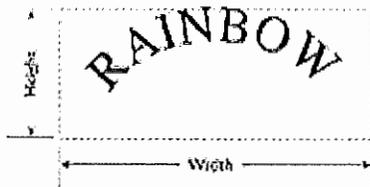


FIGURE 17.25-G: MEASUREMENT OF DOUBLE AND MULTI-FACED SIGN AREA

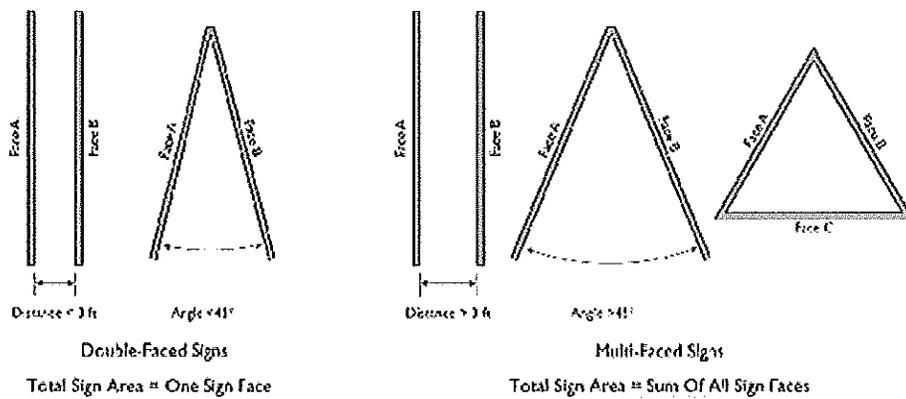
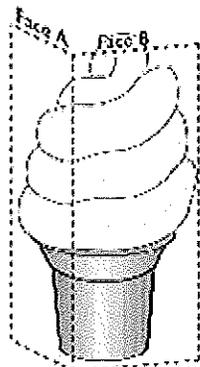


FIGURE 17.25-H: MEASUREMENT OF THREE-DIMENSIONAL SIGNS

Sign Area = Sum of two adjacent sides



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

FIGURE 17.25-1: BUILDING FRONTAGE



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

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

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

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

G. Construction and Maintenance.

1. Unless exempt, signs and supporting structures shall be installed in accordance with the Building Code.
2. All signs, together with all supporting structures, shall be maintained in the following manner:
 - a. Signs shall be kept free of rust, dirt and chipped, cracked or

peeling paint.

b. All hanging, dangling, torn or frayed parts of signs shall be promptly repaired and graffiti and unauthorized attachments shall be removed.

c. Burned-out illumination shall be promptly replaced.

d. Sign areas shall be kept free and clear of all noxious substances, rubbish, and weeds.

3. If a sign is removed from its supporting structure for longer than 90 days, the supporting structure shall be removed.

H. **Abandoned Signs.** Sign faces shall be removed or made blank within 60 days after the activity, product, business, service or other use which was being advertised has ceased or vacated the premises. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in Section 17.68.110 of this Chapter.

I. **Substitution of Sign Message.** The owner of a permitted sign may substitute a non-commercial message for a commercial message or a commercial message for a non-commercial message.

J. **Encroachment into Public Street or Sidewalk.** Any sign projecting over a public street or sidewalk requires approval of the Director or City Engineer, except that projecting signs and pole signs are allowed a maximum encroachment of 12 inches over a public street or sidewalk subject to approval of an encroachment permit.

K. **Clearance from Utilities.** Signs and their supporting structures shall maintain clearance and not interfere with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.

L. **Drainage.** The roofs of canopies or marquees exceeding 25 square feet shall be drained to prevent dripping or flow onto public sidewalks or streets and shall be connected to an approved disposal source of adequate conductors.

M. **Sign Orientation.** No sign, other than a projecting sign, shall be permitted that is so oriented as to be viewed primarily across an adjacent private property line. All signs must be visible directly from a public right-of-way, other public open space or parking lot or courtyard on the same site as the sign, without view lines extending over private property different from that on which the sign is located.

N. **Lighting.** Light sources shall be steady, and stationary lighting shall not be distracting to pedestrians, motorists and neighboring property. No sign shall emit or reflect light exceeding ten foot-candle power at ten feet from the face of the sign.



17.68.050 Regulations for Residential Districts.



17.68.060 Regulations for Commercial, Mixed-Use and Industrial Districts



17.68.062 Embarcadero Area.



17.68.064 Downtown Area

|



17.68.066 Quintana Area



17.68.068 North Main Street Area



17.68.070 Specific Sign Types and Standards



17.68.080 General Design Principles

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

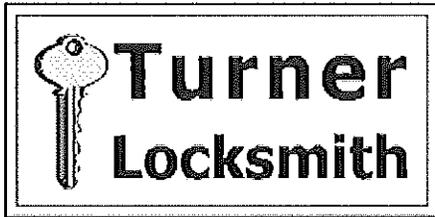
- A. Visibility.** A sign shall be conspicuous and readily distinguished from its surroundings.

- B. Legibility.** The size and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.

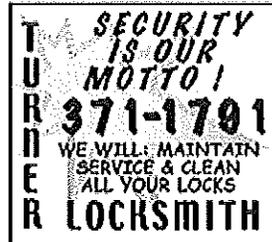
- C. Readability.** A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign. Excessive use of large areas of several colors can create competition for the eye and significantly reduce readability.

FIGURE 17.25-N: VISIBILITY AND LEGIBILITY

This:



Not This:



This:



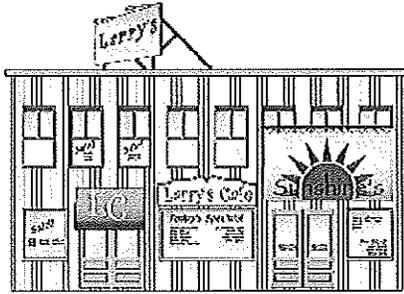
Not This:



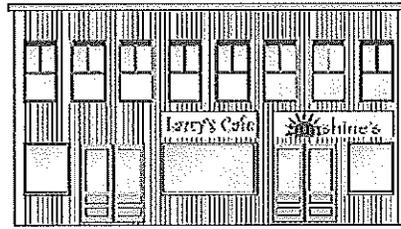
D. **Architectural Compatibility.** A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture, and shall be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign which covers a window, or which spills over "natural" boundaries or architectural features and obliterates parts of upper floor of buildings is detrimental to visual order and may not be permitted.

E. **Consistency with Area Character.** A sign should be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where signs are located in close proximity with a residential area, the sign should be designed and located so they have little or no impact on adjacent residential neighborhoods.

FIGURE 17.25-O: ARCHITECTURAL COMPATIBILITY



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



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



17.68.090 Zoning Clearance or Sign Permit Required

A. **Authority.** No sign, other than an exempt sign, shall be erected or altered, without first obtaining a zoning clearance or sign permit from the Director. The Director may attach reasonable conditions on the approval of the sign permit to help ensure compliance with this Chapter. These conditions may require the removal, modification or relocation of existing signs where the proposed sign(s) would be located on sites where existing signs are nonconforming.

B. **Application Requirements.** Applications for a sign permit shall be made in writing upon forms furnished by the Director, accompanied by the required fee and plans drawn to scale and with all of the following information. Where the scale and scope of the sign proposal so warrants, the Director may waive some of the informational requirements listed below, provided all information necessary for adequate review of the proposal is submitted.

1. The proposed design, dimensions, copy, color, lighting methods and location of the sign on the site, including the dimensions of the sign's supporting members, and details of all connections, guy lines, supports and footings, and materials to be used.
2. The maximum and minimum height of the sign.
3. The location of off-street parking facilities, including entries and exits where directional signs are proposed.
4. The size and dimension of all signs existing on the site.
5. The location and horizontal frontage of any building(s) on the property, both existing and proposed.
6. Any other information deemed necessary by the Director.

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

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

17.68.100 Master Sign Program

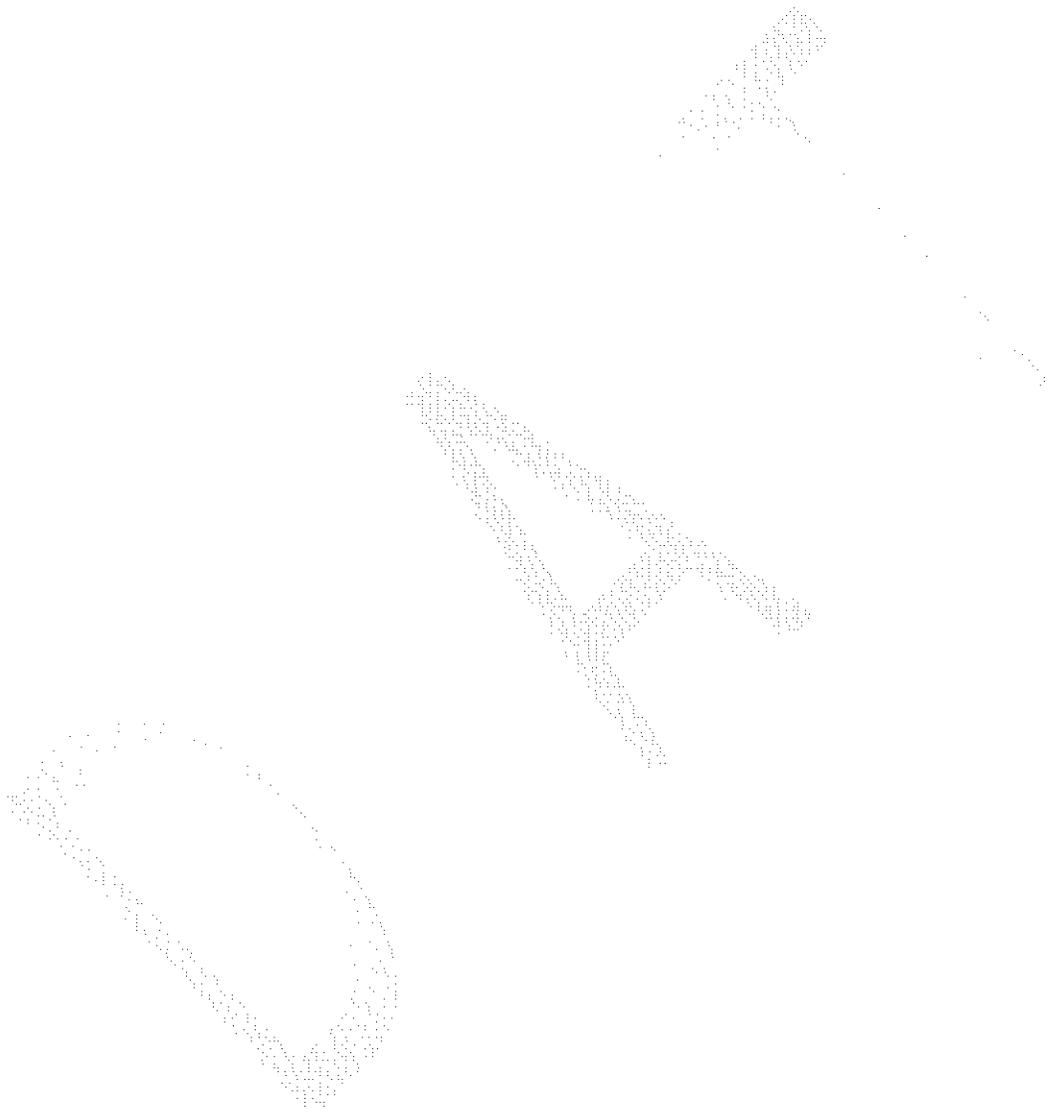


17.68.110 Maintenance, Abandonment and Removal

A.



17.68.120 Provisions for Nonconforming and Illegal Signs



17.68.130 Appeals of Sign Permits

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17.12 Definitions

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

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

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

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

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

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

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

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

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

Construction Sign. A sign displayed by a contractor, subcontractor, or architect on a project site whenever a building permit has been issued for construction, alteration, or repair of a

structure and when work is in progress on site pursuant to such permit.

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

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

Frontage constitutes, for purposes of computing allowable sign area, the linear measurement in feet of the property line directly fronting on a public street, or other public right-of-way to which such sign is oriented, excluding California State Highway One

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

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

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

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

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

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

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

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

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

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

Signs. Any object, structure, symbol, emblem, logo, or display, or any combination thereof, which is intended to or does identify, attract attention to, advertise, or communicate information of any kind to the public. See also Chapter 17.68: Signs.

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

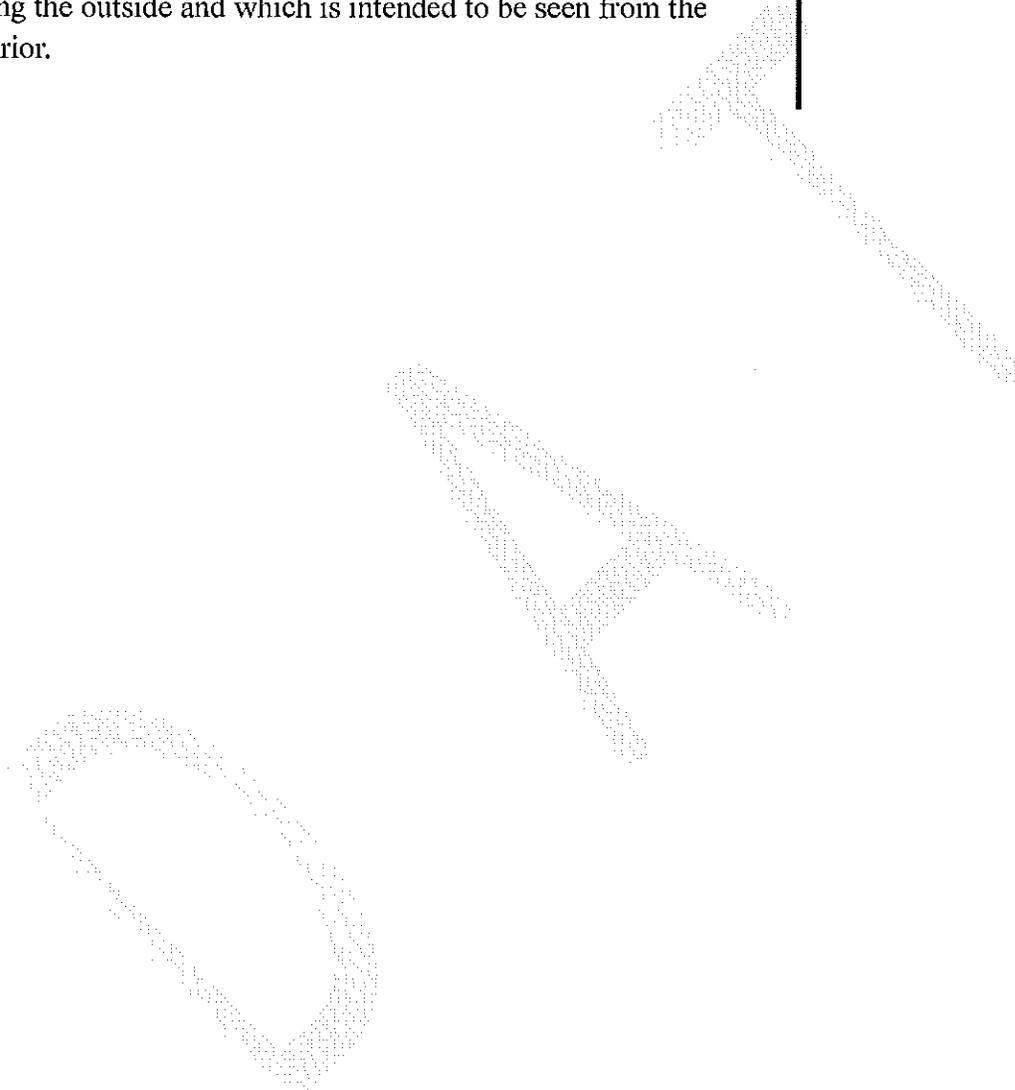
Sign Face. The surface or surfaces used for the display of a sign message as seen from any one direction.

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

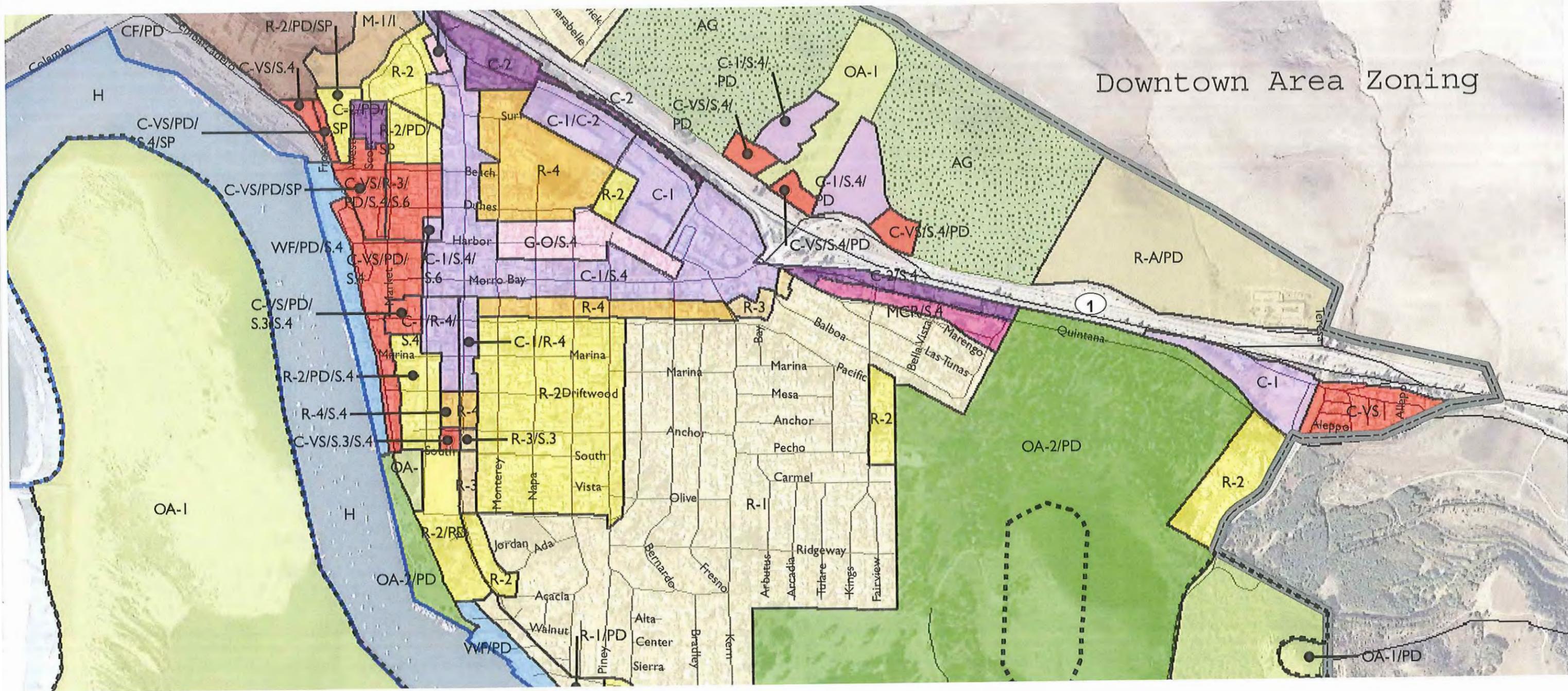
Temporary Sign. A sign or advertising display designed or intended to be displayed for a short period of time.

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

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



Downtown Area Zoning



Preliminary Sign Options

		Downtown Area			Embarcadero			North Morro Bay			Quintana	
General Sign Area Calculations	2 square feet for each 1 foot of linear building frontage		<i>This represents a 100% increase in signage allowed when utilizing multiple types of signage.</i>	2 square feet for each 1 foot of linear building frontage for single tenant buildings		<i>In addition to the 2 square feet allowed all Multi tenant buildings shall be allowed to have one 16 square foot in size sign facing the Embarcadero identifying the building such as "Marina Square"</i>		2 square feet for each 1 foot of linear building frontage			2 square feet for each 1 foot of linear building frontage	
A Frame Signs	Not Allowed			Not Allowed				Not Allowed			Not Allowed	
Awning Signs	Allowed			Allowed				Allowed			Allowed	
Permanent	Not Allowed			Not Allowed				Not allowed			Not allowed	
Dock signs	Not Allowed			Entrances to dock facilities shall be allowed signage to advertise businesses being run from the dock such as commercial fishing and tourist cruises.				Not Allowed			Not Allowed	
Flag	Not Allowed		See Pub Signs	Not Allowed		See Pub Signs		Not allowed		See Pub Signs	Not allowed	See Pub Signs
Gateway Signs	Concepted would be to allow a type of sign at the entrance at Morro Bay Blvd to announce the downtown area			Concepted would be to allow a type of sign at the entrance to the Embarcadero to identify the area				Concepted would be to allow a gateway type of sign at the entrance to North Morro Bay.			Concepted would be to allow a gateway type of sign at the entrance to North Morro Bay.	
Internally	Not Allowed			Not Allowed				Allowed			Allowed	
Externally	Allowed			Allowed				Allowed			Allowed	

Marquee Signs	Allowed for Theatres, nightclubs, conference facilities			Allowed for Theatres, nightclubs, conference facilities			Allowed for Theatres, nightclubs, conference facilities			Allowed for Theatres, nightclubs, conference facilities		
Monument Signs	Allowed, externally illuminated, only			Allowed externally illuminated, only			Allowed internally or externally illuminated			Allowed internally or externally illuminated		
Off Premise Signs	Not Allowed except for community business directory kiosks and City Directional Signs.			Not Allowed except for community business directory kiosks and City Directional Signs.			Not Allowed except for community business directory kiosks and City Directional Signs.			Allowed except for community business directory kiosks and City Directional Signs.		
Pole Signs	Not allowed			Not allowed			Allowed			Allowed		
Pub Signs	Allowed, non illuminated or externally illuminated		Can be utilized to note open or closed and capture visitor business	Allowed, non illuminated or externally illuminated		Can be utilized to note open or closed and capture visitor business	Allowed, non illuminated or externally illuminated		Can be utilized to note open or closed and capture visitor business	Allowed, non illuminated or externally illuminated		Can be utilized to note open or closed and capture visitor business
Wall Signs	Allowed Downtown with exterior illuminated (such as gooseneck or nonilluminated			Allowed Embarcadero with exterior illuminated (such as gooseneck or nonilluminated			Allowed			Allowed		

Window Signs	Allowed for relocating businesses with the permission of property owner for a period not to exceed 30 days.			Allowed for relocating businesses with the permission of property owner for a period not to exceed 30 days.			Allowed for relocating businesses with the permission of property owner for a period not to exceed 30 days.			Allowed for relocating businesses with the permission of property owner for a period not to exceed 30 days.		
Time limits for non	Remove Section 17.68.155											