



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, October 17, 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

Commissioner John Solu will be communicating by teleconference from the following location:
4415 Waha Pl., Haiku, HI 96708

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 September 19, 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:** Parking Exception #ADO-075
Site Location: 1000 Ridgeway Street
Proposal: The applicant is seeking a parking exception to construct a garage with a reduced setback of 11 feet rather than the required 20 feet setback.
CEQA Determination: Categorical Exemption Class 15303, Class 3.
Staff Recommendation: Conditionally Approve
Staff Contact: Cindy Jacinth, Assistant Planner (805) 772-6577
- B-2 **Case No:** Conditional Use Permit #UP0-356
Site Location: 589 Morro Avenue
Proposal: The applicant is seeking to add a 465 square foot roof deck addition to an existing two story residence in a planned development overlay zone.
CEQA Determination: Categorical Exemption Class 15301, Class 1.
Staff Recommendation: Conditionally Approve
Staff Contact: Cindy Jacinth, Assistant Planner (805) 772-6577
- B-3 **Case No:** Amendment to Conditional Use Permit #UP0-058
Site Location: 1185 Embarcadero
Proposal: The applicant is seeking an amendment of Conditional Use Permit UP0-058 to allow sport fishing as a permanent use at Great American Fish Company. Planning Commission previously approved Temporary Use Permit (UP0-319) to allow this use.
CEQA Determination: Categorical Exemption Class 15301, Class 1.
Staff Recommendation: Conditionally Approve.
Staff Contact: Mary Reents, Contract Planner (805)772-6270
- B-4 **Case No:** Conditional Use Permit #UP0-140
Site Location: 575 & 591Embarcadero
Request: The applicant is requesting an amendment to Conditional Use Permit UP0-140 to correct the parking calculation in the original use permit UP0-140.
CEQA Determination: As approved with the original Conditional Use Permit #UP0-140 on August 28, 2007.
Staff Recommendation: Conditionally Approve.
Staff Contact: Rob Livick, Public Services Director, (805) 772-6569.

C. UNFINISHED BUSINESS

C-1 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

Upcoming Projects: 460 Olive – New Single Family Home
901-915 Embarcadero – Commercial Remodel Addition
Nutmeg Water Tanks – Mitigated Negative Declaration (Project to be permitted by County)

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, November 7, 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.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 19, 2012

B. PUBLIC HEARINGS

B-1 **Case No:** Variance #ADO-O67

Site Location: 3202 Beachcomber Street

Proposal: A variance to construct a new single family residence with intermediate floors and a roof deck. This item continued from the August 15, 2012 Planning Commission Meeting

CEQA Determination: Categorical Exemption Class 1.

Staff Recommendation: Denial

Staff Contact: Mary Reents, Contract Planner (805) 772-6270

Reents presented the staff report and discussed with Commissioners the inconsistencies in the ordinance language between what was presented and what is codified in the zoning ordinance. Reents also informed Commissioners that with this new information, alternative findings were also included should the Commission wish to approve the request for variance.

Reents noted Kevin Elder and Wally Arbach submitted letters regarding the status of the project after the Commission packet was distributed and should be entered into the record.

Chairperson Grantham opened the comment period to the Commissioners.

Commissioners questioned the inconsistency in the zoning language, wanting more clarification. Reents provided Commissioners with a history of the height ordinance.

Commissioner Nagy questioned grade plane and whether the project is recognized as a floor.

Chairperson Grantham opened public comment period.

John Belsher, Applicant's representative, expressed his opinion that no variance is needed for the project, depending on the Commissioner's definition of a single-story structure. He distributed information to Commissioners regarding the definition of a story and disagreed with the interpretation that the understory is defined as a story. He stated the project meets the seven requirements set forth in the overlay zone. Belsher confirmed the property would not be used as a corporate retreat, but for a family project. He also stated that there is an abundance of parking for this project (approximately 12 spaces).

David Brown, Applicant's architect, addressed the S.2A overlay zoning standards for this neighborhood. He stated the project meets or exceeds all of the setback, lot coverage, and height/story requirements. Brown expressed concern regarding the treatment of roof decks in the City. Brown also stated his definition of a story and how it relates to the grade plane. He stated that the Building Inspector, Brian Cowen, confirmed the building is consistent with the building codes. Brown provided a letter by a building code official.

Kevin Elder, Attorney representing Sally and Steve Norcross, reminded the Commission of his letter which urged the Commission to accept the staff recommendation to deny the request for a variance based on the overlay zone standards. He also stated the role of the Commission is to review the facts, apply it to law, and make a decision.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 19, 2012

Tim Gailey, resident of Morro Bay, spoke against the proposed project based on the two variance exceptions requested. He also stated the scope and scale of the project are inconsistent with the character of the neighborhood.

Roger Ewing, resident of Morro Bay, spoke against the proposed project based on the fact that it is inconsistent with the scope and scale of the neighborhood. He stated the ground level of this structure is habitable, and thus it constitutes a story. He also stated the available parking for the project is insufficient given the number of people utilizing the property.

Chairperson Grantham closed public comment period.

Commissioner Napier clarified the definition of levels and stories according to her professional background. She stated the project is out of conformance with the character of the neighborhood.

Chairperson Grantham asked Commissioner Napier to comment on whether she felt the project should be considered one or two stories, and also on its height.

Livick reminded Commissioners the issue of stories here is moot; the height of the roof deck is what needs to be discussed.

Commissioners discussed the issue of character with Staff.

Livick confirmed that character of the house itself will be addressed when the use permit is brought forward.

Chairperson Grantham confirmed that the discussion is being confined to the height of the building only.

Commissioner Nagy clarified handrail height versus roof height of the structure. He questioned whether clear or glass handrailing would meet the 14 foot height requirement. Nagy clarified that there is no existing language which prohibits combining three lots. As such, he proposed building three separate homes on three separate lots.

Chairperson Grantham reminded Nagy to confine the discussion to the height of the structure.

Commissioner Nagy stated he would like clarification regarding the height determination of handrailing on roof decks.

Commissioner Fennacy supported granting the variance based on the pitched roof zoning standards.

Reents clarified Staff's interpretation of S.2A overlay zone, Standard 7, as it appears in the zoning ordinance.

Livick stated the issue at hand is where the deck is in relationship to the height of other properties. He stated the height of the deck itself is more important than the railing since that is what is being occupied.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 19, 2012

Commissioner Solu confirmed Livick's definition.

Livick added there are allowances for increased height in the R-1 zoning district and they call for increased setbacks. He stated it is unclear whether this applies to special use areas.

Commissioner Fennacy stated he is looking primarily at the language outlined in the zoning ordinance regarding Standard 7 of the overlay zone.

Reents confirmed the Commission has the authority to interpret the zoning ordinance.

Commissioners continued to discuss the height issues associated with the structure and with the height ordinance in general, and resolved to restrict the vote to granting or denying the variance based on the height.

MOTION: Commissioner Fennacy moved to grant Variance #ADO-O67 with respect to height only, based on the fact that this is a 4 and 12 roof pitch and that the Commission grants the variance accordingly.

Livick confirmed the motion needed to be amended to address the height and that the stories, based on the staff recommendation, did not necessitate a variance.

Commissioner Solu confirmed with Livick the proposed project would return for two additional permit approvals. Commissioners wanted to be sure the character of the structure will be discussed at a later time.

Reents read the alternative findings and conditions of approval.

Commissioner Fennacy revised his motion to include the alternative findings for approval.

REVISED MOTION: Commissioner Fennacy moved to grant Variance #ADO-O67 with respect to height only and adopt the alternative findings as follows:

- A. The project is categorically exempt under CEQA, 15303(a).
- B. Not a Special Privilege: It has been determined that a special privilege would not be given if this project is approved. Zoning restrictions allow dwelling units up to 14 feet for flat roofs and top of deck railing, provided that for peak roofs, 4 and 12 or greater pitch and other architectural features a height of up to 17 feet may be permitted. The roof contains peaks of 17 feet and clear deck railings.
- C. Special Circumstances with Property: The property contains no special circumstances that would not otherwise be granted for any other property in the area.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 19, 2012

D. Consistency with General Plan and LCP: The residential home proposal is inconsistent with the visions of the General Plan and the Local Coastal Plan.

The revised motion included the following condition of approval:

1. The applicant shall construct a deck between the peak roof design with a glass or see-through barrier with no visible deck railings not to exceed 17 feet high.

Chairperson Grantham seconded the motion and the motion passed (4-1), with Commissioner Napier voting no.

Chairperson Grantham called for a five minute break.

B-2 Case No: Tentative Tract Map #SOO-111

Site Location: 300 Piney Lane

Proposal: Request to divide an existing one acre parcel into four parcels, the first three parcels are to be flag lots and the fourth parcel will remain in its existing use as a single family residence. Access is via a private easement to the four parcels.

CEQA Determination: Categorical Exemption Class 3.

Staff Recommendation: Approval

Staff Contact: Mary Reents, Contract Planner (805) 772-6270

Jacynth presented the staff report noting that the approval of a Coastal Development Permit is required due to the omission of the Coastal Development Permit approval at the August 15, 2012 meeting.

Chairperson Grantham opened public comment period and hearing none closed public comment period.

MOTION: Commissioner Fennacy moved to approve the Coastal Development Permit #CP0375 for approval of Tentative Parcel Map.

Chairperson Grantham seconded the motion for discussion.

Commission Solu stated he is not in favor of approval of the permit because of the lack of conditions and because it does not meet the criteria for the neighborhood .

The motion passed. (4-1), with Commissioner Solu voting no.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 19, 2012

- B-3 **Case No:** Amend Conditional Use Permit #02-01
 Site Location: 1205 Embarcadero
 Proposal: Amendment to existing CUP to allow construction of a second story to the Harbor Hut Restaurant. The proposed 686 sq. ft. addition will provide space for a new private office and storage. There will be a 75 sq. ft. net increase in office space when it is relocated from the first floor to the proposed area on the second floor.
 CEQA Determination: Categorical Exemption Class 1.
 Staff Recommendation: Approval
 Staff Contact: Mary Reents, Contract Planner (805)772-6270

Reents presented the staff report.

Chairperson Grantham asked Reents to clarify if the stairwell will need to be fenced off from public access. Reents clarified the stairwell will not need to be chained or locked from public access.

Commissioner Solu asked Reents to clarify communication with the Applicant involving elevators. Reents clarified an elevator is not required.

Commissioner Nagy asked staff to clarify if the square footage of the structure is in compliance with Measure D.

Livick confirmed the Applicant would not be able to lease the building to an outside party or use the structure for a use that is not authorized in Measure D.

Chairperson Grantham opened public comment period.

Cathy Novak, Applicant's representative, urged the Commission to support the project. She stated the second floor addition will not expand the actual restaurant uses, and therefore the project is consistent with Measure D. She also stated the height of the building will be below the maximum allowable height for this zoning district.

Chairperson Grantham closed public comment period.

Commissioners concurred that there are no issues with the proposed project.

MOTION: Chairperson Grantham moved staff recommendation regarding the findings in Exhibit A and the conditions of approval in Exhibit B to approve the proposed 686 sq. ft. addition for a new private office and storage. Commissioner Napier seconded the motion and the motion passed unanimously. (5-0).

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 19, 2012

- B-4 **Case No:** Conditional Use Permit #UP0-319
Site Location: 1185 Embarcadero
Request: Applicant is requesting a permanent use of existing dock for Virg's Sport Fishing at GAFCO for both sport fishing (passenger for hire) as well as commercial fishing. GAFCO was issued a Temporary Use Permit (UPO-319); they wish to make this a permanent use.
CEQA Determination: Categorically Exempt, Section 15301, Class 1
Staff Recommendation: Continue this item to the October 17, 2012 Planning Commission Meeting.
Staff Contact: Mary Reents, Contract Planner (805) 772-6270.

Chairperson Grantham stated staff is requesting this item be continued to October 17, 2012 in order to give the City Attorney more time to research this item further.

MOTION: Chairperson Grantham moved to continue this item to October 17, 2012.
Commissioner Solu seconded the motion and the motion passed unanimously. (5-0).

UNFINISHED BUSINESS

- C-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.
Upcoming Projects: 589 Morro Avenue-Addition of Roof Deck to SFR
781 Quintana-Burger King signage and remodel
575-591 Embarcadero-Amend Parking Calculations
1000 Ridgeway-Parking Exception

Reents reviewed the Work Program with Commissioners and stated there are additional upcoming projects for the November and December meetings.

NEW BUSINESS – None

DECLARATION OF FUTURE AGENDA ITEMS – None

ADJOURNMENT

The meeting adjourned to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, October 17, 2012 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA NO: B-1
MEETING DATE: October 17, 2012

Staff Report

TO: Planning Commissioners **DATE:** October 10, 2012
FROM: Cindy Jacinth, Assistant Planner
SUBJECT: Parking Exception #AD0-075 to construct a garage with a reduced garage setback of 11 feet rather than the 20 feet setback

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 Parking Exception #AD0-075 subject to the Conditions included as Exhibit “B” and the site development plans dated August 30, 2012.

APPLICANT/AGENT: Reed & Carol Adamson / Ruel Czach, Architect

LEGAL DESCRIPTION/APN: 066-246-006

PROJECT DESCRIPTION: The Applicants are seeking a parking exception to construct a garage with a reduced garage setback of 11 feet rather than the required 20 feet setback. The existing 1,649 square foot home has 2 covered and enclosed parking spaces. The Applicants will apply at a later date to demolish and reconstruct the home as a 4,605 square foot home with a 1,198 square foot 3 car garage.

PROJECT SETTING:

<u>Adjacent Zoning/Land Use</u>			
North:	R-1, Low/Medium Residential	South	R-1, Low/Medium Residential
East:	OA-2, Open Area 2 / PD overlay	West:	R-1, Low/Medium Residential

Prepared By: CJ Dept Review: CJ/RL

Site Characteristics	
Site Area	7,336 square feet
Existing Use	Residential
Terrain	Flat/Graded along Fairview; Sloping along Ridgeway
Vegetation/Wildlife	Previously disturbed site
Archaeological Resources	Property not within 300 feet of archeological resource.
Access	Ridgeway Street

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Low/Medium Density Residential
Base Zone District	R-1, Single Family Residential
Zoning Overlay District	N/A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Not within the original or appeals jurisdiction.

BACKGROUND:

The Applicants are applying for a parking exception to reduce the garage setback along Ridgeway from 20 feet to 11 feet. Pursuant to the regulations in Zoning Ordinance section 17.44.020, “garages and carports shall be set back twenty feet from street property line except as otherwise provided in this title”. The proposed setback is consistent with other properties on this block which have varying reduced garage setbacks. The driveway approach as proposed will allow almost 32 feet of distance between the front of the garage and the asphalt paving on the street due to the wide public right of way. Therefore, the Applicant will have almost 12 feet more than the 20 feet requirement of the ordinance for parking outside the garage.

The garage setback fronts onto what is considered the side yard and therefore the proposed home is subject to a 10 foot side yard setback. The Applicant’s request to reduce the garage setback from 20 feet to 11 feet would allow the garage setback to be consistent with the setback of the proposed home side yard. This is a dead end street and the proposed exception will not cause adverse traffic impacts from through traffic. In addition, the proposed garage will be constructed large enough to accommodate Applicant’s vehicles negating the need to use the driveway for parking use.

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 accessory structures including garages.

Project Specifics

As required by Zoning Ordinance section 17.48.020, parking required for single family residences is two covered and enclosed spaces. The applicant is proposing to build a three car garage with extra storage space in order to have adequate room to park their vehicles in the garage. The applicant does not want to park anywhere outside their proposed garage or outside overnight. Upon reconstruction of the home, the parking would be accommodated with a three car garage sufficient to accommodate Applicants' vehicles plus storage space.

General Plan

The General Plan has designated this area of the city as low/medium-density residential.

Zoning Ordinance

The zoning on the property is (R-1), Single Family Residential which is a district intended for single-family residences. The proposed project meets lot coverage, height, parking and all setbacks other than the parking exception being requested.

PUBLIC NOTICE: Notice of this item was published in the San Luis Obispo Tribune newspaper on October 5, 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.

The public notice specified that the parking exception was for a request to construct a garage with a reduced front yard setback of 11 feet rather than the required 20 feet setback.

CONCLUSION: The project as proposed is consistent with the General Plan, Local Coastal Plan, and Municipal Code for development standards. Pursuant to the exceptions regulations in Zoning Ordinance section 17.44.050, the Planning Commission shall make the determination if the request for parking exception as conditioned is acceptable. Staff recommends that the Planning Commission approve the Parking Exception #AD0-075 to construct a garage with a reduced garage setback of 11 feet rather than the required 20 feet.

Exhibits:

Exhibit A – Findings

Exhibit B – Conditions of Approval

Exhibit C – Graphics/Plan Reductions

EXHIBIT A

FINDINGS

SITE: 1000 RIDGEWAY STREET

PROJECT DESCRIPTION: Parking Exception #AD0-043 is Applicant's request to construct a garage with a reduced garage setback of 11 feet rather than the required 20 feet setback.

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 accessory structures including garages.

PARKING EXCEPTION FINDINGS

- A. Special Circumstances. The exception will not constitute a grant of a special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the reduced parking or alternative to the parking design standards of this chapter will be adequate to accommodate on the site all parking needs generated by the use. *The proposed setback is consistent with other properties on this block which have varying reduced garage setbacks. The proposed driveway and proposed garage will be adequate to accommodate the on-site parking needs; therefore it is not a grant of special privilege.*
- B. Health, Safety or General Welfare. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity and that no traffic safety problems will result from the proposed modification or parking standards. *There will be no adverse effect because this is a dead-end street with no through traffic going past the Applicants' home. In addition, the floor plans submitted at this time provide for a 3 car garage which exceeds the minimum parking requirements.*
- C. Applicant's Full Enjoyment. The exception is reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property. *The parking exception is reasonably necessary to accommodate the Applicant's future plans for development of a single-family residence on the site. Additionally, it would allow the Applicant to construct a garage large enough to accommodate for their two cars plus storage to ensure they have sufficient room to park vehicles inside and not outside where the coastal air can cause their vehicles to deteriorate and accumulate dirt.*

EXHIBIT B

CONDITIONS OF APPROVAL

SITE: 1000 RIDGEWAY STREET

PROJECT DESCRIPTION: Parking Exception #AD0-075 to construct a garage with a reduced garage setback of 11 feet rather than the required 20 feet setback.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated October 10, 2012, for the project depicted on plans dated August 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 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. The garage shall have an automatic rolling type garage door opener.
2. In no case shall vehicles parked in the driveway encroach on the paved travelled right of way.



AGENDA NO: B-2

MEETING DATE: October 17, 2012

Staff Report

TO: Planning Commissioners

DATE: October 10, 2012

FROM: Cindy Jacinth, Assistant Planner
Erik Berg-Johansen, Intern Planner

SUBJECT: Addition of a 465 square foot roof deck and outdoor staircase to an existing two story residence. The residence is located in a 4-unit planned development. The lot resides in a planned development (PD) overlay zone.

RECOMMENDATION:

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

- A. Adopt the Findings included as Exhibit "A";
- B. Approve Conditional Use Permit #UP0-356 subject to the Conditions included as Exhibit "B" and the site development plans dated September 10, 2012.

APPLICANT/AGENT: Wayne Markowitz

LEGAL DESCRIPTION/APN: 066-131-024

PROJECT DESCRIPTION: The applicant is requesting to construct a 465 sq. ft. roof deck with stucco walls on the northern portion of the existing two story residence. The applicant also requests to construct an outdoor staircase that will lead from the second floor deck up to the proposed roof deck. The frontage of the residence (where the staircase is proposed) faces east.

Prepared By: CJ

Dept Review: CJ/RL

PROJECT SETTING:

Adjacent Zoning/Land Use			
North:	Duplex Residential (R-2) / PD / S.4	South:	Duplex Residential (R-2) / PD / S.4
East:	Duplex Residential (R-2) / PD / S.4	West:	Duplex Residential (R-2) / PD / S.4 (Western part of lot resides in C-VS / PD / S.4 zone)

Site Characteristics	
Site Area	3,195
Existing Use	Single Family Residence
Terrain	Previously graded, flat
Vegetation/Wildlife	Urban Landscaping
Archaeological Resources	Site is not located within 300 feet of an archeological resource
Access	Morro Ave.

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Low - Medium Density Residential
Base Zone District	Duplex Residential (R-2)
Zoning Overlay District	S.4
Special Treatment Area	PD
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Located in the Coastal Zone, and within the appeals jurisdiction.

PROJECT ANALYSIS:

Background

The existing residence at 589 Morro was conditionally approved by the Planning Commission as a component of a four-unit Planned Development project on November 1, 2004. Of the four proposed homes, 589 was labeled "House 1," and it is the only home of the four that fronts on Morro Ave. A driveway to the north of 589 Morro Ave. leads to the other homes. The structure at 589 Morro Ave. was granted an exception to the 20 ft. front yard setback and approved to be built at a 14 ft. front yard setback.

Environmental Determination

Staff has determined that the proposed project will not have significant environmental impact, and is exempt from CEQA under Section 15301, Class 1 for additions to existing structures.

Zoning Ordinance

The proposed project and the major modification conforms to all zoning ordinance standards. Although it seems that the existing home is non-conforming because it does not meet the required 20 ft. front yard setback, the project was originally approved to allow this setback.

The previously approved planned development confirms that the home was built at 24.45 ft. above natural grade. This is under the maximum allowed height of 25 ft. for the zone. However, the original height certificate cannot be located and therefore a condition of approval should be added to require the submittal of a newly acquired height certificate before construction begins. As illustrated by the plans, the proposed staircase and railings for the roof deck will not exceed the height of the current structure, and therefore conforms to the zone's height restrictions. In addition, a condition will be added to prohibit any structures, plants, umbrellas, or outdoor furniture on the roof deck exceeding the height of the current structure.

Section 17.48.120 of the Zoning Ordinance states that "...outside stairways in excess of thirty inches above ground elevation may project not closer than three feet to any interior side yard or rear lot line and not exceeding five feet into any required front yard or street side yard setback and no closer than five feet to said lot line." The outdoor staircase is proposed to be constructed exactly 5 feet from the lot line, and shall not project farther than 5 feet from the existing structure. The staircase and roof deck meet zoning requirements.

PUBLIC NOTICE: Notice of this item was published in the San Luis Obispo Tribune newspaper on October 5, 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. The proposed outdoor staircase and roof deck do not exceed the 25 foot height limit; therefore the Planning Commission does not need to review an exception to the height limits.

The Staff recommends that the Planning Commission approve the requested major modification to the existing Conditional Use Permit #UP0-356 to allow the addition of a roof deck and outdoor staircase to the existing single-family residence located in a PD zone.

EXHIBITS:

Exhibit A – Findings

Exhibit B – Conditions of Approval

Exhibit C – Graphics/Plan Reductions

EXHIBIT A

FINDINGS

SITE: 589 MORRO AVE.

PROJECT DESCRIPTION: Addition of a 465 square foot roof deck and outdoor staircase to an existing two story residence.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- A. Staff has determined that the proposed project will not have significant environmental impact, and is exempt from CEQA under Section 15301, Class 1 for additions to existing structures.

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 modification to the use, by adding a roof deck will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood because the use is a residential use in a residential area. The roof deck is within the standard design requirements.*
- B. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.
- C. The use is consistent with the Local Coastal Land Use Plan and the General Plan.

EXHIBIT B

CONDITIONS OF APPROVAL

SITE: 589 MORRO AVE.

PROJECT DESCRIPTION: Addition of a 465 square foot roof deck and outdoor staircase to an existing two story residence.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated June 20, 2012, for the project depicted on plans dated June 7, 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

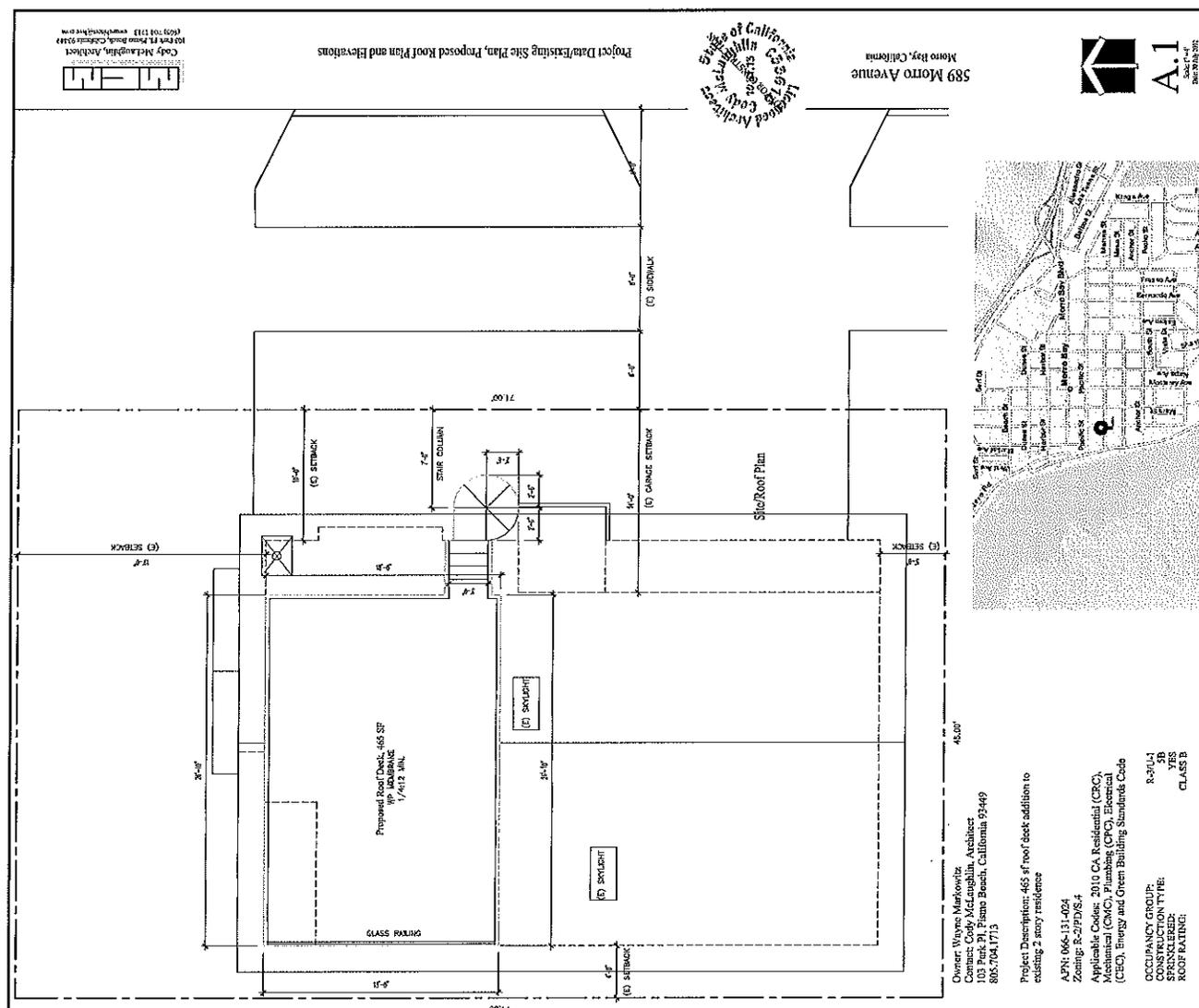
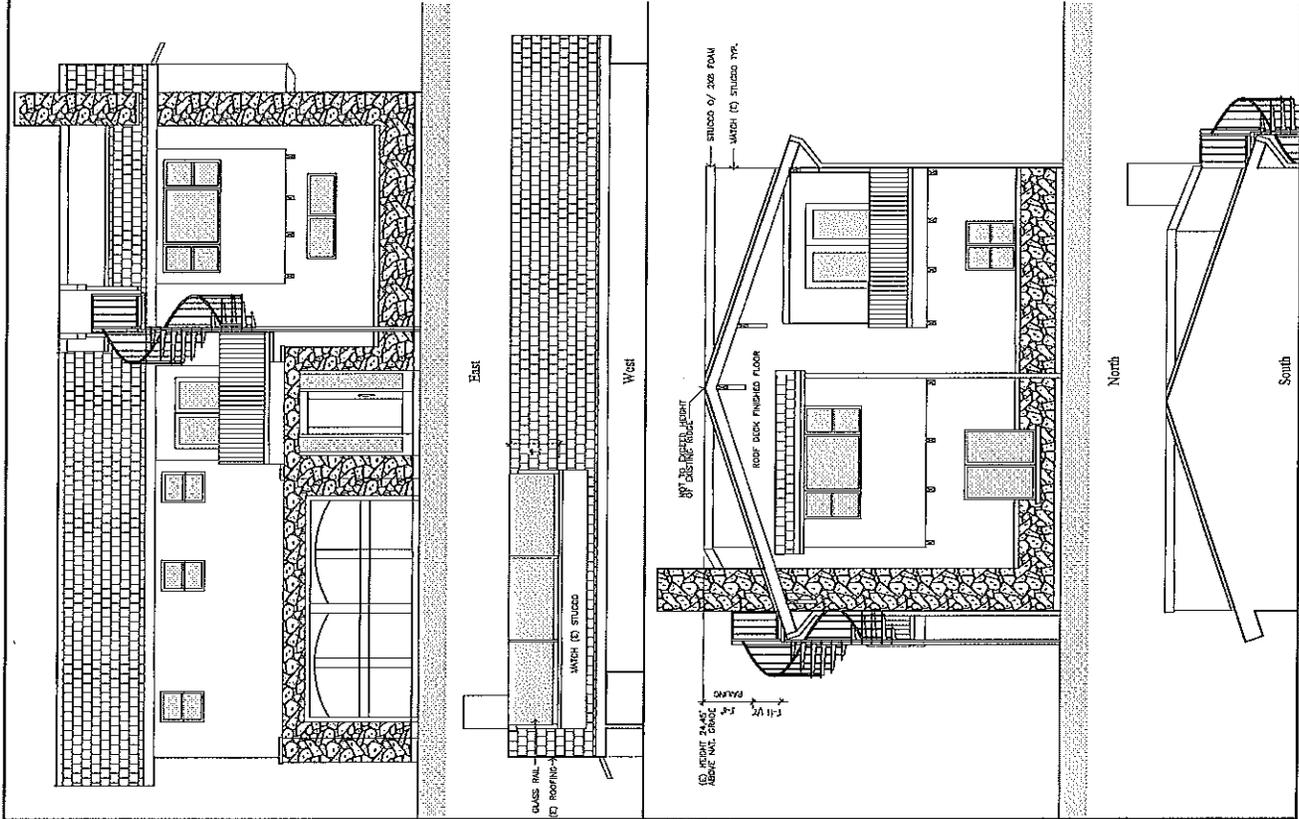
1. Height Restriction: Any permanent/non-permanent structures, plants, umbrellas or outdoor furniture placed on the roof deck shall not exceed the height of the existing structure (24.45 ft. above natural grade).
2. Height Certificate: Provide a new height certificate for the property before construction begins.

Condition #8 from the original conditions of approval for the Planned Development:

3. Colors and Materials: Prior to issuance of a building permit, the Director of Public Services shall ensure compliance of all exterior colors and materials, including fencing materials as approved on the attached Exhibit(s). All other colors and materials not so specifically approved may be

approved by the Director according to the following objectives: achieve compatibility with colors and materials used in the on-site improvements; achieve compatibility with the architectural design of the improvements; achieve compatibility with surrounding land uses and properties; preserve the character and integrity of the zone.

EXHIBIT C



Owner: Wayne Markowitz
 103 West 1st Street, San Mateo, California 94401
 888.704.1713

Project Description: 465 sf roof deck addition to existing 2 story residence

APN: 066-131-024
 Zoning: R-2/PDS/4

Applicable Codes: 2010 CA Residential (CBC), Mechanical (CMC), Plumbing (CPC), Electrical (CEC), Energy and Green Building Standards Code

OCCUPANCY GROUP: R-3U1
 STRUCTURE TYPE: 2B
 ROOF RATING: CLASS B

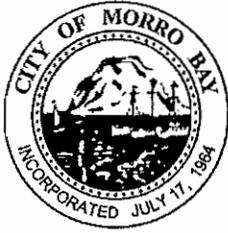


589 Motte Avenue
 Menlo Park, California

Project Data/Existing Site Plan, Proposed Roof Plan and Elevations

City of Menlo Park, California
 103 Park Road, California 94025
 (650) 701-1111 www.cityofmenlo.org





AGENDA NO: B-3
MEETING DATE: October 17, 2012

Staff Report

TO: Planning Commission **DATE:** October 10, 2012

FROM: Mary Reents, Contract Planner

SUBJECT: Amendment to Conditional Use Permit UP0-058 to allow sport fishing as a permanent use at Great American Fish Company, 1185 Embarcadero; the Planning Commission previously approved a Temporary Use Permit (UP0-319) to allow this use.

RECOMMENDATION:

CONDITIONALLY APPROVE THE REQUEST FOR AMENDMENT TO CONDITIONAL USE PERMIT UP0-058 to allow sport fishing as a permanent use by adopting a motion including the following action(s):

- A. Adopt the Findings included as Exhibit "A";
- B. Approve amendment to existing Conditional Use Permit UP0-058, subject to the Conditions included as Exhibit "B."

PROJECT DESCRIPTION:

The applicant is requesting a Conditional Use Permit for utilization of the existing Great American Fish Company (GAFCO) floating dock for a Sport Fishing boat (currently Virg's) tie up and passenger loading and unloading. The proposal will permanently allow sport fishing and whale watching boats to operate from the GAFCO docks. The current operation includes two boats, but Virg's may add a third to the fleet in the future.

The applicant previously obtained a Temporary Use Permit (TUP) to allow time for processing of a permanent Conditional Use Permit. The TUP expired on February 27, 2012, but the project has been on an administrative extension to allow GAFCO to finalize permits and secure necessary approvals.

APPLICANT:

George Leage, Great American Fish Company

ENVIRONMENTAL DETERMINATION:

The project is categorically exempt pursuant CEQA Guidelines, section 15301, Class 1, for existing facilities. This class exempts permitting or leasing of existing facilities. There are no known sensitive environmental resources on the project site as it is built-out; consequently, this exemption is appropriate for this project. Please note that a Mitigated Negative Declaration was prepared for the original conditional use permit UP0-058 and was adopted on May 5, 2008.

SITE CHARACTERISTICS:

<u>Adjacent Zoning/Land Use</u>			
North:	CF/PD and H	South	CF/PD and H
East:	CVS/PD/S.4	West:	Harbor

<u>Site Characteristics</u>	
Site Area	9,507 sq. ft.
Existing Use	Restaurant, docks, temporary sport fishing
Terrain	Level, sloping downward to the west
Vegetation/Wildlife	None
Archaeological Resources	No known cultural resources
Access	Embarcadero

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Commercial / Recreational Fishing
Base Zone District	Commercial / Recreational Fishing
Zoning Overlay District	Planned Development
Special Treatment Area	none
Combining District	N/A
Specific Plan Area	Waterfront Master Plan Area 2
Coastal Zone	Coastal Commission Original Jurisdiction

BACKGROUND:

CURRENT USE

Virg's Landing is a recreational fishing company that has passenger-fishing vessels for near shore fishing. The boats are used for whale watching tours, sport fishing, and pleasure cruises. This business operation was originally located at 1215 Embarcadero for some 57 years. Due to unforeseen issues, the business vacated the 1215 Embarcadero premise and began operation out of GAFCO under the approved Temporary Use Permit.

The applicant, the owner of Great American Fish Company (GAFCO), has applied for an amendment to the existing Conditional Use Permit to allow Virg's Sport Fishing Company to permanently operate at the GAFCO lease site. The dock is currently being used for the docking of sport/commercial boats.

On June 15, 2011, the Planning Commission conditionally approved a Temporary Use Permit (TUP) UP0-319 for temporary use of Virg's Sport Fishing Operations at GAFCO. The Temporary Use Permit was "valid for 6 months from date of approval, expiring on December 15, 2011, unless an extension of time is granted." This Temporary Use Permit is attached as Exhibit C. The Harbor Department conditioned the temporary use for the gangway and the first 45-foot section of dock and required an approved sublease for the use. The Planning Commission also added two conditions to the temporary use regarding dock conditions (they must be safe) and that there is designated parking area for all the patrons of Virg's fishing.

The applicant has requested a one-time four-month extension of the TUP that expired on June 27, 2012. In addition, the applicant requested an additional extension until such time as the city could secure final permits to operate from Giovanni's with the City and a coastal permit from the California Coastal Commission. The request was for a six month time extension for the permit. Both requests are provided in Exhibit D. Staff was not able to proceed with these requests due to backlog.

MEASURE D

The subject area is governed by Measure D. Measure D was passed in 1981 as Ordinance 207. that was an initiative ordinance by the community that was certified and placed in the Zoning Code. Measure D restricts specific areas on the water (the H zone) and an area on Embarcadero north of Beach Street (the CF zone) and limits new passenger for hire boats and new restaurants within these areas. Measure D was codified into the Zoning Ordinance as Special CF Zone standards, as follows:

17.24.180 Commercial/recreational fishing (CF) district, B. Special CF Zone Standards, expressly prohibited uses:

The city shall not grant any permit, authorization or other approval of any state owned tidelands subject to city lease between Beach Street and Target Rock, unless such development or use is primarily for the purpose of serving or facilitating licensed commercial fishing activities or noncommercial recreational fishing activities, or if clearly incidental thereto. For purposes of illustration, and not by way of limitation, no approval shall be granted for any new passenger-for-hire boats or supporting facilities, or for any new restaurant, café, gift shop, or other retail establishment servicing the general public and any existing such uses shall hereafter be considered nonconforming and shall not be expanded or enlarged.

Historic data has indicated that the subject lease site and area has always been utilized for either commercial fishing and/or recreational fishing. Research has established that prior to the implementation of Measure “D”, there were over 12 “passenger for hire or party boat vessels” in the Measure “D” area. Today there are only four. This combination of uses has been documented in this area as far back as the 1950’s, and over the last 50-60 years the uses within the harbor have been a mix of recreational fishing and commercial fishing. The mix of uses has been dependent on the fishing seasons, the economy and availability of facilities, with commercial fishermen augmenting their season with recreational fishing charters. The applicant has recently submitted to the city a portion of the Scenic California Coast magazine, dated June 1, 1963, that discusses the recreational fishing activities in Morro Bay; please refer to Exhibit D. Based upon the research, the proposed permanent use of GAFCO docks for the Virg’s recreational fishing boat has been a long established use, and is not considered a “new passenger-for-hire” boat.

PREVIOUS APPROVALS

At its regular meeting on January 22, 2008, the Planning Commission approved a request for UP0-058 to construct improvements along the Harbor Waterfront consisting of demolition and reconstruction of docks per a Dock Master Plan, replace Virg’s and expand GAFCO with an outdoor market. The findings for this project concluded that the project would make a “positive contribution to the visual and public accessibility to the bay while increasing and maintaining commercial fishing industry and not increasing restaurants,” that it would make a positive contribution to the working fishing village character and quality of the Embarcadero...while maintaining the commercial fishing operations.” This project was appealed to the City Council, and at its regular meetings on April 28, 2008 (Phase I), and May 12, 2008 (Phase II), they modified the original request and included design changes and revised findings. The discussion and changes to the project approval included most of the original requests for the Dock Master Plan and reconstruction of existing uses, with dock design changes, limiting a second floor restaurant in a new Virg’s building, signage and connection and public access from the South T-Pier to GAFCO market.

The project is within the original jurisdiction of the Coastal Zone. The California Coastal Commission issued a Coastal Development Permit on June 10, 2009. The Coastal Commission Staff Report states the project as follows:

The project sites are situated along the north Morro Bay waterfront between the South T-Pier and North T-Pier, at 1185 through 1215 Embarcadero Road. The character of the Embarcadero in this location is strongly focused on commercial fishing, although the land portion of development that is the subject of this permit action includes visitor-serving and commercial retail uses as well. There is also a network of floating dock and side-tie slips that is used to moor commercial fishing and recreational party boats and to provide access for a charter boat

service. There are more intensive commercial fishing operations (i.e., boat repair dock, ice machine, fuel tanks, etc.) immediately adjacent to the north.

The sites are zoned Commercial/Recreational Fishing (CF)/Harbor (H) with a Planned Development (PD) overlay in the LCP. In 1981 the community adopted and incorporated Measure D into the City of Morro Bay certified LCP zoning code. This measure prohibits approval of any new passenger for hire boats or any new restaurant, café, gift shop, or similar uses within the CF zone district. All existing such uses are considered non-conforming and must not be expanded or enlarged.

As proposed, the project will expand existing commercial boating facilities in Morro Bay by increasing the capacity of the boat slips and side-tie docks from 6 boats (existing, depending upon size) to a maximum of 11 boats (proposed, also depending upon size). It also includes construction of an expanded commercial boating facility including new finger slips and floating dock for joint commercial and public access uses which involves installation of 100 steel pilings directly in the Morro Bay estuary.

The Applicants have indicated that the proposed use of the new floating dock and boat finger slips is primarily for commercial boating and partyboat vessels. Such facility can be found consistent with the Coastal Act if it includes parameters to ensure that it is clearly an integral part of the overall commercial fishing/commercial boating operations, and it is not used as a quasi-residential, long-term docking area.

This approval is conditioned to ensure that the finger slips and dock facility is understood in this way (see Special Conditions 2(b) and 6).

Special Condition 2(b): 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).

Special Condition 6. 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.

On June 21, 2010, the Planning Commission conditionally approved a Precise Plan for Phase 1 of the Concept Plan previously approved by the City Council on May 5, 2008. The Precise Plan addressed the floating docks, the fish market, the public viewing deck and the remodel of the GAFCO restaurant.

The Applicant's Lease since before measure "D" has allowed slips for boats. In fact, at one time the lease included part of the South "T" Pier and was used for commercial and recreational fishing vessels. Currently GAFCO's Master Lease Article 3, section 3.01 Permitted Uses states:

The premises shall, during the term of this Lease, be used for the purposes of operating and conducting therein a restaurant, bar, fish market and slips for boats of any other uses subsequently approved for the premises by the City.

As described above, the City has issued temporary use permit for dockage of recreational/commercial fishing boats at GAFCO in 2011. This application is to provide permanent dockage for commercial and recreational fishing vessels, commercial passenger vessels at this location. This application is entirely consistent with the previously issued CDP by the Coastal Commission and is consistent with Measure D and the Coastal Act.

DISCUSSION:

The applicant proposes to utilize the existing Great American Fish Company floating dock for Virg's Landing Sport Fishing boat tie up and passenger loading and unloading. The boats that will tie up at the docks are for both Virg's commercial fishing and sport fishing (passenger for hire) fishing operations. The docks at GAFCO have capacity for one boat to be berthed overnight and four boats utilizing the facilities during the day for loading and unloading passengers, one boat at a time.

Based on the historic information given above, staff finds that the proposed permanent use of GAFCO docks for a recreational fishing boat would be permissible under Measure D, due to the historic use of this area. Past approvals have indicated that Planning Commission City Council and Coastal Commission have considered commercial and recreational fishing vessels, commercial passenger vessels and recreational sport fishing boats as allowable in this area provided that they have had historic use, which applies to this request.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Tribune newspaper on September 7, 2012, as being continued to the next regularly scheduled meeting. All property owners of record within 300 feet of the subject site were notified of the continuance to this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

The Planning Commission must determine if the previously approved temporary use for Virg's Sport Fishing should be made permanent at 1185 Embarcadero. Due to the fact that this use is an historic use and has been approved at this site in the past, staff recommends that the Planning Commission approve the amendment to the existing Conditional Use Permit to permanently allow sport fishing/whale watching boats to operate at this location.

ATTACHMENTS:

A: Findings

B: Conditions

C: Existing Temporary Use Permit

D. Request for Extension, dated January 25, 2012; and Request for Extension dated June 22, 2012

E: Excerpt from Scenic Central California Coast, page 27

EXHIBIT A
FINDINGS

Amendment to existing Conditional Use Permit UP0-058 at 1185 Embarcadero: Permanent utilization of existing docks at 1185 Embarcadero for Virg's Sport Fishing loading and unloading of passengers and commercial fishing operations.

Staff recommends that the Planning Commission make the following findings:

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, the amendment to existing Conditional Use Permit UP0-058 is Categorical Exempt, CEQA Guidelines Section 15301 Existing Facilities, as indicated in the attached staff report.

Conditional Use Permit Findings

- A. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood because passenger loading and commercial fishing are permitted uses within the zoning district applicable to the project site.
- B. The project will not be injurious or detrimental to property and improvements in the neighborhood because the use is consistent with the City regulations applicable to this development.
- C. The project will not be injurious or detrimental to the general welfare of the City because the use is a permitted use within the zone district and plan designation applicable to the site and there will be no new impacts beyond those that have historically been at the site.

EXHIBIT B
CONDITIONS OF APPROVAL

Amendment to existing Conditional Use Permit UP0-058 at 1185 Embarcadero: Permanent utilization of existing docks at 1185 Embarcadero for Virg's Sport Fishing loading and unloading of passengers and commercial fishing operations.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced and described above, dated October 10, 2012, for commercial/recreational fishing loading and unloading at GAFCO docks.
2. Inaugurate Upon Receiving Final Approval: 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 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. This condition and agreement shall be binding on all successors and assigns.

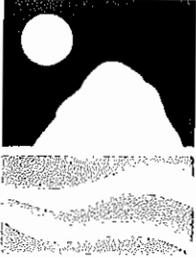
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes an acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building 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.

PLANNING CONDITIONS

1. CEQA Exemption: If the applicant elects to post the Categorical Exemption with the Clerk's Office then a required fee of \$50 fee shall be made payable to "County of San Luis Obispo" and delivered to the County Clerk along with the Categorical Exemption form. The Notice of Exemption along with the fee may be filed after the appeal period has ended and the planning permit is effective. This filing has the effect of starting a 30-day statute of limitations period for challenges to the decision in place of the 180-day period otherwise in effect.

HARBOR CONDITIONS

1. The use is approved for the gangway and the first 45-foot section of dock (the most southerly one that the gangway lands on). The other two smaller dock sections shall not be used for this commercial use due to their very poor condition unless improvements are made to the satisfaction of the Harbor Department.
2. Prior to any permanent operation, a sublease shall be approved for the use.



City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

www.morro-bay.ca.us

February 1, 2012

Cathy Novak
P.O. Box 296
Morro Bay, CA 93443

Subject: Great American Fish Co. Temporary Use Permit (UP0-319) time extension

Dear Ms. Novak:

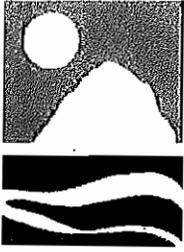
Staff has reviewed your letter requesting a four month extension for the Temporary Use Permit (UP0-319) allowing Virg's to operate from 1185 Embarcadero for a period of six months. The Temporary Use Permit was approved by the Planning Commission with a condition that provided for one administrative extension not to exceed four months. The City has approved your request for a four month extension. Permit No. UP0-319 will now expire in four months on April 15, 2012 unless an application for an extension through the Planning Commission is submitted along with the necessary fee by the above expiration date.

If you have questions concerning this letter please feel free to contact me at (805) 772-6211.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Wold", is written over the typed name.

Kathleen Wold
Planning and Building Manager



City of Morro Bay
Morro Bay, CA 93442
(805) 772-6200
www.morro-bay.ca.us

June 16, 2011

Cathy Novak
P.O. Box 296
Morro Bay, CA 93443

Subject: Temporary Use Permit #UP0-319 for Virg's Sport Fishing Operations at Great American Fish Company

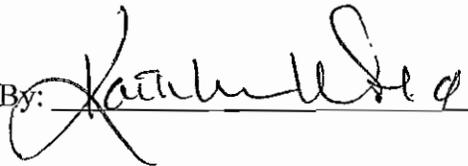
Dear Ms. Novak,

At the regularly scheduled public hearing on June 15, 2011 the Planning Commission conditionally approved Temporary Use Permit #UP0-319 for temporary use of Virg's Sport Fishing Operations at Great American Fish Company located at 1185 Embarcadero. The Temporary Use Permit with conditions is valid for a period of 6 months from date of approval, expiring on December 15, 2011 unless an extension of time is granted.

Enclosed are your permit documents which includes the "Applicant' Acceptance of Condition of Approval" document. This document must be signed and returned to the Public Services Department prior to initiating the sport fishing use at 1185 Embarcadero.

Sincerely,

Rob Livick
Public Services Director

By: 

FINANCE
595 Harbor Street

ADMINISTRATION
595 Harbor Street

FIRE DEPT.
715 Harbor Street

PUBLIC SERVICES
955 Shasta Avenue

HARBOR DEPT.
1275 Embarcadero Road

CITY ATTORNEY
595 Harbor Street

POLICE DEPT.
870 Morro Bay Boulevard

RECREATION & PARKS
1001 Kennedy Way

EXHIBIT A
FINDINGS

Temporary Use Permit #UP0-319 located at 1185 Embarcadero: Utilization of existing docks at 1185 Embarcadero for Virg's Sport Fishing loading and unloading of passengers and commercial fishing operations.

Staff recommends that the Planning Commission make the following findings:

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. UP0-319 is Categorical Exempt, CEQA Guidelines Section 15301 Existing Facilities, as indicated in the attached staff report.

Conditional Use Permit Findings

- A. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood because passenger loading and commercial fishing are permitted uses within the zoning district applicable to the project site.
- B. The project will not be injurious or detrimental to property and improvements in the neighborhood because the use is consistent with the City regulations applicable to this development.
- C. The project will not be injurious or detrimental to the general welfare of the City because the use is a permitted use within the zone district and plan designation applicable to the site and there will be no new impacts beyond those that have historically been at the site.

EXHIBIT B
CONDITIONS OF APPROVAL

Temporary Use Permit #UP0-319 located at 1185 Embarcadero: Utilization of exiting docks at 1185 Embarcadero for Virg's Sport Fishing loading and unloading of passengers and commercial fishing operations.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced and described above, dated June 15, 2011, for a temporary use as depicted on the attached plans labeled "Exhibit C", on file with the Public Services Department, as modified by these conditions of approval for a period of 6 months.
2. Inaugurate Upon Receiving Final Approval. This temporary Use Permit shall be valid for a period of six months from the date of final approval. Up to one four month extension may be granted at the discretion of the Public Services director any additional requests for extensions shall require Planning Commission approval.
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. 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.

PLANNING CONDITIONS

1. CEQA Exemption: If the applicant elects to post the Categorical Exemption with the Clerk's Office then a required fee of \$50 fee shall be made payable to "County of San Luis Obispo" and delivered to the County Clerk along with the Categorical Exemption form. The Notice of Exemption along with the fee may be filed after the appeal period has ended and the planning permit is effective. This filing has the effect of starting a 30-day statute of limitations period for challenges to the decision in place of the 180-day period otherwise in effect.

HARBOR CONDITIONS

1. The use is approved for the gangway and the first 45-foot section of dock (the most southerly one that the gangway lands on). The other two smaller dock sections shall not be used for this commercial use due to their very poor condition unless improvements are made to the satisfaction of the Harbor Department.
2. Prior to any operation of the temporary use a sublease shall be approved for the use.

PLANNING COMMISSION CONDITIONS

1. Following the parking meeting that we somehow workout that there is designated parking areas for all the patrons of Virgs whether or not that be through the parking meeting or whereby there is a parking pass or some illustration of where the parking areas are.
2. The safety condition of the docks and any corrections required to make them safe.

APPLICANT'S ACCEPTANCE
OF
CONDITIONS OF APPROVAL

CASE NO. UP0-319

SITE LOCATION: 1185 Embarcadero Road

APPLICANT NAME: George Leage, Great American Fish Company for Virg's Sport Fishing

APPROVAL BODY: Planning Commission

DATE OF ACTION: June 15, 2011

I, _____ the undersigned, have read and
(*APPLICANT'S NAME - PLEASE PRINT*)

reviewed the conditions of approval imposed by the Approval Body in its action

approving Case Number: UP0-319

I UNDERSTAND AND ACCEPT SAID CONDITIONS AND AGREE TO FULLY COMPLY WITH THEM.

APPLICANT'S SIGNATURE

June 16, 2011
DATE:

EXHIBIT D

CATHY • NOVAK

consulting

RECEIVED

JAN 26 2012

City of Morro Bay
Public Services Department

January 25, 2012

Ms. Kathy Wold
City of Morro Bay Public Services Department
955 Shasta Street
Morro Bay, CA 93442

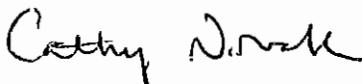
RE: Great American Fish CO. Temporary Use Permit time extension

Dear Kathy,

The Temporary Use Permit for Virg's to operate from GAFCO expires on February 27, 2012 and the permit allows for a one time four month extension of the permit. Therefore I would like to respectfully request a time extension until June 27, 2012 for this permit.

I have attached a check for \$43 for the processing of this request. Please let me know if you have any further questions. Thank you for your time and consideration in this matter.

Regards,



Cathy Novak
Project Representative for George Leage

GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

CELL 805.441.7581 • PHONE & FAX 805.772.9499

POST OFFICE BOX 296 • MORRO BAY, CA 93443

NOVAKCONSULTING@CHARTER.NET

CATHY • NOVAK

consulting

June 22, 2012

RECEIVED

JUN 22 2012

Ms. Kathy Wold
City of Morro Bay Public Services Department
955 Shasta Street
Morro Bay, CA 93442

City of Morro Bay
Public Services Department

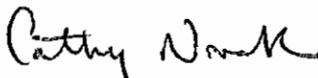
RE: Great American Fish CO. Temporary Use Permit time extension

Dear Kathy,

The Temporary Use Permit for Virg's to operate from GAFCO expires soon. Virg's (through the Giovanni DeGarimore application) has been in the process of securing final permits to operate from Giovanni's with the City and CA Coastal Commission. These permits should be finalized soon that will allow Giovanni's to install the docks and therefore allow Virg's to operate from this new location. In the interim, we would like to respectfully request a six month time extension for this permit.

Please let me know if you have any further questions. Thank you for your time and consideration in this matter.

Regards,



Cathy Novak
Project Representative for George Leage

cc: Mr. George Leage
Ms. Sharon Moores

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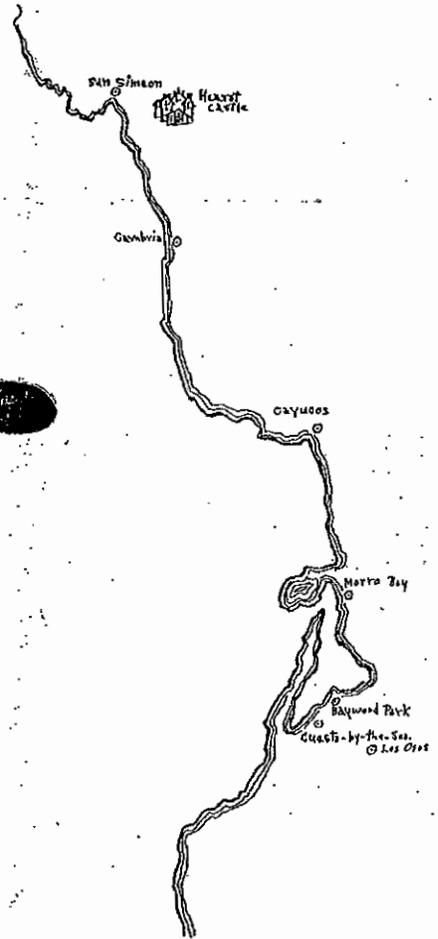
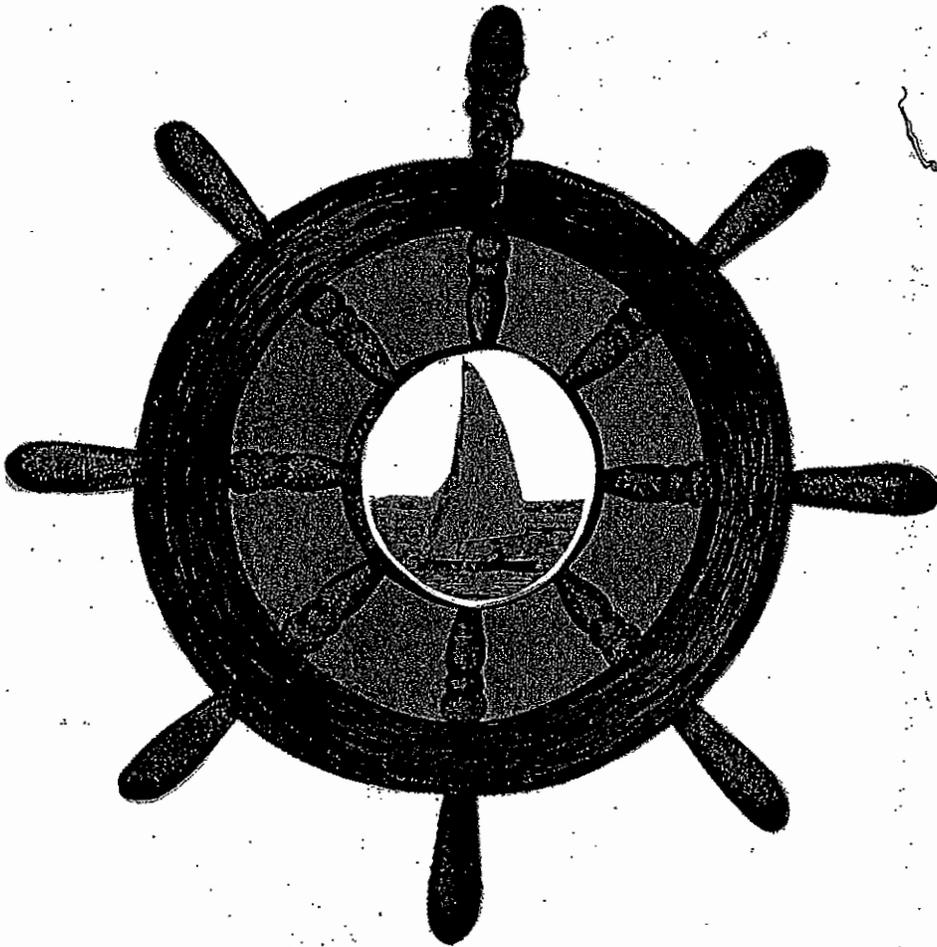
EXHIBIT E

Scenic

Central

California

Coast



"Where the Summer Sun Spends the Winter."

75¢

Scenic Central California Coast

CREDITS:

June 1, 1963

No. 1

EDITOR: BILL SLUIS

PUBLISHER: THE COAST BEACON

CONTRIBUTORS:

Photo

Hal Breish (HB) Baywood Park
Geneva Hamilton (GH) Cambria
Peter F. Stickney (PFS) The Coast
Beacon
William Shuman (WS) Morro
Bay Photo & Gift Shop

Facts and Figures

Mrs. C. H. Wixom, Cambria
Geneva Hamilton, Cambria
Mike O'Daniels, Morro Bay
L. S. Woolman, Morro Bay
Neil McDonald, Morro Bay

Art Work

Pat Dolezal, Morro Bay

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805 Main Street
Morro Bay, California

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TABLE OF CONTENTS

Cover	Pat Dolezal, Morro Bay
A View in Depth	2
"Where the Summer Sun Spends the Winter"	3
Coast Artists	4
The Morro Bay Museum of Natural History	5
Migratory Birds of the central coast	6
Whaling days	9
Coastal Indians	10
"Thim were the good old days"	11

BAYWOOD PARK - LOS OSOS.

La Cañada de Los Osos	13
Rancho Montana de Oro	14
The Valley of the Bears Today	15
Cuesta-by-the-Sea	19

MORRO BAY

Facts and Figures	21
Abalone Diving and Processing	22
Oysters	24
Sport Fishing	26
Morro Bay: Yesterday and Today	28
El Morro, <i>The Gibraltar of the Pacific</i>	30
The Sardine Fleet	32
The Search for "Yu"	33

CAYUCOS-BY-THE-SEA

Drive into the Past: The Old Creek Road	35
Festivals	37
A Word from the Chamber	38

CAMBRIA

"Where the Pines meet the Sea"	39
The Lighthouse of Piedras Blancas	41
Cactus Bloom in Cambria	42
The Chinese Sea Lettuce Gatherers	43
The Old and the New	44
Pines and Plants of Cambria	45
The Enchanted Hill	46
Hasta La Vista	47

Mike's Landing

Mike and Kay St. John, who have been in Morro Bay the past 17 years, own Mike's Landing. During the war Mike used to operate the tugs for the oil tankers. In 1945 he got into the sports fishing business in Morro Bay and Cayucos. Mike's boat, the "Mes," forms the initials of a lady's name. The painter forgot to put the dots in behind each letter and it would have cost Mike and Kay a small pile of money to get the dots painted in, so they learned to live with the name. Now they like it. The "Mes" has a two-way radio and a fathometer. Charter trips are \$90 for groups up to 15 on the "Mes" and \$120 for groups up to 20 on the other boat, "The Flyer."

The Bottom Bandit

Howard Eytcheson's "Bottom Bandit," a Coast Guard auxiliary approved facility, is owned and operated by him, and it has a rated capacity of 18 people. The "Bottom Bandit" has two fathometers, a Civilian Band radio, and a marine ship-to-shore radio also. Howard has lived in Morro Bay the past seven years. He is a member of the Coast Guard Auxiliary, and he served in the U.S. Navy during the war spending most of his service time in the Atlantic area. The



Mike St. John

"Bottom Bandit" leaves at 7 a.m. Rates are \$6.50 which includes the bait. Rods cost \$1.50. Contact Howard for special party rates.

Glady I Landing

Bill Stoffle owns and operates the "Lucky Strike" and the "Glady I." He was one of the first sport fishers in Morro Bay. Before he came to Morro Bay, he fished commercially out of Bodega Bay. The "Lucky Strike," which has a rated capacity of 24 people, and the "Glady I," which can carry 22



Howard Eytcheson

fishermen, are both equipped with marine radios. Both have depthometers to determine the depth of the water and the type of bottom the boat is passing over at any particular time. The Glady I Landing charges \$6.50 per adult and half fare for children under 14 who come along for the ride. Poles cost \$1.50, but Bill furnishes the bait free of charge. Both boats leave the channel at 7 a.m.

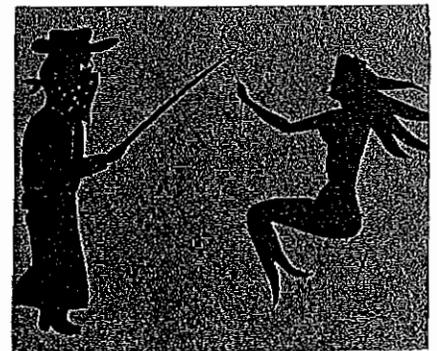
The Morro Bay sports fishing activity did not begin until shortly after the second world war. Most of the skippers of these boats have had years of experience as commercial fishermen before they went into sports fishing. These



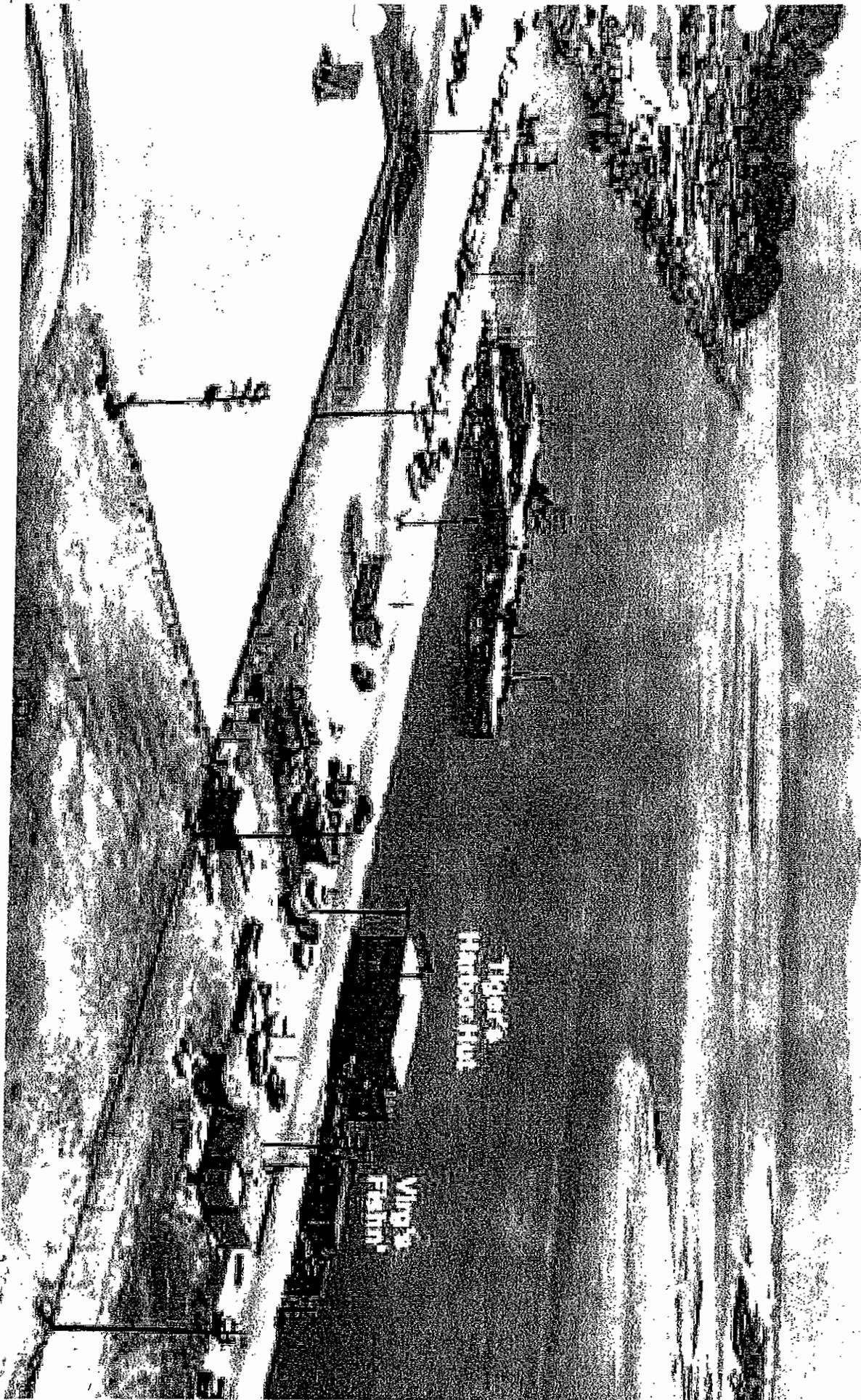
Bill Stoffle (PFS)

men know the ocean, and they know where the fish hide. The boats they maintain are equipped with elaborate electronic gear ranging from marine ship-to-shore radios and civilian band radios to fathometers and radar sets. With this equipment many of the mysteries formerly baffling to the fisherman, who trusted to his father's experience, are solved today through the use of modern communications gear.

In addition to regular morning trips to the fishing grounds of Morro Bay and other offshore areas, some of the sports fishermen provide special charter trips as far as 20 miles out to catch salmon and albacore when the season for these fish begins. As a general rule, children under 14 accompanying their parents on the boat pay half fare.



The Bottom Bandit



Tiger's
Harbor Hill

Vig's
Fishing



AGENDA NO: B-4

MEETING DATE: October 17, 2012

Staff Report

TO: Planning Commissioners

DATE: October 2, 2012

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

SUBJECT: Amendment to UP0-140; 575 and 591 Embarcadero

RECOMMENDATION

Staff recommends that the Planning Commission Conditionally Approve the amendment to UP0-140 subject to the findings contained in Exhibit A and the Conditions of Approval in Exhibit B.

PROJECT DESCRIPTION

The applicant is requesting an amendment to Conditional Use Permit UP0-140 to correct the parking calculation in the original use permit.

LEGAL DESCRIPTION

APN(S) APN: 066-137-001, Lots 11 & 12 PM 3-10 Block 137, Tract Lands of March and McAllister, Town of Morro
Lease Site 67-67W/68-68W

ZONING C-VS/PD/S.4-Commercial Visitor Serving, Planned Development Overlay

GENERAL PLAN Commercial/Recreational Fishing

APPLICANT: Smith Held
P.O. Box 225
Cayucos, CA 93430

AGENT: Cathy Novak
PO Box 296
Morro Bay, CA 93442

BACKGROUND

The applicant has an existing Conditional Use Permit (UPO-140) for the demolition of two existing vacation rentals and two retail spaces, and to construct a mixed-use project with 1,197 square feet of retail space, six hotel suites and an associated parking lot. The project site encompasses two City lease sites, but is designed in such a manner that each site could operate under different ownership if necessary. The project was approved to provide six parking spaces for the hotel units and pay in-lieu fees for the remaining five required parking

Prepared By: RL

Department Review: CJ/RL

spaces.

On August 13, 2012 the applicant's agent requested that the City reevaluate the parking requirement and condition imposed upon the applicant for either providing parking or paying parking in-lieu.

ENVIRONMENTAL DETERMINATION

The original Mitigated Negative Declaration (MND) for this project was prepared and adopted but was subsequently amended and recirculated due to a change in the project description. The amended MND is dated March 22, 2007 and was adopted prior to Coastal Commission review. As a result of the Coastal Commission's review, conditions were placed on the project, once again revising the project description. Two of these conditions required additional environmental review and include the reconstruction of an existing private patio deck as a public viewing deck and the increase in width of the boardwalk from eight feet to ten feet. The amended MND was again revised and re-circulated for public review, as there were potential impacts to several of the sections. Mitigation measures are required for Aesthetics, Air Quality, Biological Resources, Hazards/Hazardous Materials, Hydrology, Land Use Planning, Noise, and Transportation. The review period for the document began on February 9, 2010 and ended on March 10, 2010. The amended MND was approved by the Planning Commission at their regular meeting on April 5, 2010.

COASTAL DEVELOPMENT PERMIT

The project is within the original jurisdiction of the California Coastal Commission. A Coastal Development Permit has been issued for this project.

ANALYSIS

Per section 17.44.020 of the Morro Bay Municipal Code (MBMC) "Facilities Required" states: For every structure erected or enlarged, and for all land devoted to a new use, and for any structure or land changed to a more intensive use that would require the provision of more parking spaces over what already exists, off-street parking spaces shall be provided in accordance with the requirements and standards of this chapter, a change, expansion or intensification of land use which would increase the number of parking spaces required as provided in this title shall be based **only upon the number of spaces required for the change or expansion**. Additionally, it has been the past practice of the City to interpret 17.44.020 MBMC to recognize the "grandfathered" parking from the previous uses. This interpretation is to encourage and better accommodate economic development of commercial sites with limited parking opportunities and that have accommodated the parking in the surrounding area in the past.

The applicant has provided calculations contained in Attachment 3 that are consistent with the previous staff calculation documenting 7.4 grandfathered parking spaces; thus meeting the requirement for the total of 13 spaces that are required for the project, i.e. 6 spaces provided with the project and 7.4 grandfathered spaces.

PUBLIC NOTICE

Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on October 5, 2012, and all property owners of record within 300 feet of the project site were notified on this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION

The proposed project, as conditioned, would be consistent with all applicable development standards of the Zoning Ordinance, and applicable provisions of the General Plan and Local Coastal Plan, and Waterfront Master Plan. No modifications or exceptions to City development requirements are proposed.

Attachments:

1. Findings-Exhibit A
2. Conditions of Approval-Exhibit B
3. Letter from Applicants Agent dated August 13, 2012

EXHIBIT A: FINDINGS

Amendment to UP0-140 Smith/Violet; 575 and 591 Embarcadero

Correction to parking calculations approved in UP0-140.

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. UP0-140 was subject to a Mitigated Negative Declaration (MND) which was dated March 22, 2007 and adopted prior to Coastal Commission review. After Coastal Commission review, conditions were placed on the project and an amended MND was re-circulated for public review. Mitigation measures were required for Aesthetics, Air Quality, Biological Resources, Hazards/Hazardous Materials, Hydrology, Land Use Planning, Noise, and Transportation. The amended MND was approved by the Planning Commission on April 5, 2010.

Conditional Use Permit Findings

- B. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the commercial use is historically pre-existing and conforms to all City regulations as it applies to “Non Conforming Structures and Uses.”
- C. This project will not be detrimental or injurious to the property, the commercial neighborhood, or the general welfare of the City. The proposed project will improve, and be consistent with the historical character of this portion of the Embarcadero.
- D. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the City in that the plan to add a second story office is consistent with all pre-existing use conditions and City regulations.

EXHIBIT B

CONDITIONS OF APPROVAL
Amendment to UP0-140
Smith/Violet; 575 and 591 Embarcadero

Correction to parking calculations approved in UP0-140.

1. All conditions from the existing permit UP0-140 apply with the exception of the following:

Condition 28.

“Transportation: Prior to occupancy of the building permit, in-lieu parking fees shall be paid or a payment schedule started. The amount of the fee shall be based on the fee schedule in place at the time of building permit issuance.”

is deleted in its entirety.

CATHY • NOVAK

consulting

August 13, 2012

Mr. Rob Livick
 City of Morro Bay Public Services Department
 955 Shasta Street
 Morro Bay, CA 93442

RECEIVED

AUG 13 2012

City of Morro Bay
 Public Services Department

RE: 575 & 591 Embarcadero, UPO-140

Dear Rob,

Mr. Smith Held was the applicant for the above mentioned project and he has asked me to review the project approvals, in particular the parking requirements. I have read the City staff report and determined that the overall project was approved with a total of 13 parking spaces, six on-site parking spaces and seven via the in-lieu fee program. It appears the project was required to provide four spaces for the retail units, seven spaces for the lodging and two for the floating docks.

The reason for this letter is to try and rectify an incorrect application of a long standing City policy of granting parking credits for existing uses on-site that are demolished as part of a capital improvement project required by the City in order to obtain a long term lease.

The Planning Commission staff report prepared for this project states that, "Since all of the structures on the site are going to be demolished, no grandfathered parking can be applied to the proposed project". At the time the applicant was unaware of this on-going City policy and therefore, he was not in a position to question the requirement. Over the years the City has approved many projects with parking credits based upon the existing and pre-existing uses. In fact, I cannot recall any other Embarcadero project that has not been allowed to use the historic parking in the overall calculations.

Had this project been given the proper credits, the following calculation would have been used:

Existing retail space = 1,174 sq. ft.
 Retail space @ 1 per 300 sq. ft. = 3.91 spaces
 Existing lodging (vacation rentals) = 2 units
 Lodging @ 1 per each room + 1 per each 10 rooms = 2 spaces
 Floating docks = 52 linear feet
 Docks @ 1 per 35 linear feet of dock space = 1.5 spaces
 TOTAL Spaces = 7.41 spaces

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POST OFFICE BOX 296 • MORRO BAY, CA 93443

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For justification of the above calculations, I am attaching the City Planning Commission staff report, 4-2-07, page 5 which documents the existing two vacation rentals and the retail spaces. In addition, the Eelgrass surveys conducted in April 2007 and September 2011 provide the documentation for the floating docks and the size of each dock.

In conclusion if the City had appropriately applied the grandfathered parking to this project, there would have been no need to provide a parking in-lieu payment. On behalf of the project applicant, I would like to respectfully request that the City revise the parking calculations and deem the project compliant with the parking condition.

Please let me know if you have any further questions. Thank you for your time and consideration in this matter.

Sincerely,



Cathy Novak
Project representative

Cc: Mr. Smith Held

Attachments:

- Planning Commission staff report 4-2-07 page 5
- Eelgrass survey 4-25-07, pages 1 - 3
- Eelgrass survey 9-5-11, page 3

Site Plan & Design

Uses and parking

The existing structures on the site include two vacation rentals that are 752 and 1,231 square feet, respectively, and two retail stores that are 630 and 544 square feet, respectively. The structures are all in excess of 35 years old and are not generally consistent with the goals of the Waterfront Master Plan. The applicant proposes to demolish all of the structures and replace them with two mixed-use building to include retail and lodging uses. The structures will include 1,197 square feet of retail space and six suite style lodging units. The buildings will be two-stories and are intended to be operated collectively (currently the sites are operated under two separate lease agreements, which may be consolidated in the future), but are designed in such a manner that they could function as two distinct properties.

The applicant proposes four standard parking spaces and two handicapped parking spaces on-site, primarily to serve the visitors staying in the hotel. The parking is not located in any required setbacks and is screened from public view by the proposed structures. This design complies with Chapter 5 of the Waterfront Master Plan, Category 2, No. 2 states that: "No parking should be placed in front or side yards, which interrupts the street continuity required and pedestrian passage."

By far, the issue of parking is the greatest area-wide concern and the issue that draws the most complaints from residents and visitors. Parking does exist in the form of private, on-site parking for the businesses, public parking on City streets, and several public parking lots have been developed to meet the demand. In addition, current parking studies have illustrated that sufficient parking is available in the area throughout the year within reasonable walking distances. A Parking Management Plan was created as outlined in Zoning Ordinance Section 17.44.060. This management plan was established pursuant to the City's Coastal Land Use Plan. Zoning Ordinance Section 17.44.020(A)(7) allows an applicant to pay in-lieu parking fees. The current parking in-lieu fee is \$15,000 per space, with all monies going into a special fund that will pay for future parking improvements.

As indicated previously, the proposed project is required to provide 11 off-street parking spaces, but due to site constraints can only provide six parking spaces on site. Since all of the structures on the site are going to be demolished, no grandfathered parking can be applied to the proposed project. Therefore, the applicant will be required to pay in-lieu fees for the five remaining required parking spaces. Staff has added a condition of approval that requires the applicant to provide funds for the five spaces prior to the issuance of any building permits.

Architecture

In staff's opinion the architectural design and character of the proposed mixed-use building is in keeping with the fishing village community and will add to the ambiance of the waterfront area. At the ground floor level, the facade is set back from the sidewalk to give a pedestrian feel with the second floor setback an additional 10 feet. Balconies and varied rooflines break up the massing of the structures, and the proposed building materials are consistent with those seen in the area. Both the first and second floor windows of the suites are oriented to capture views of the Bay; and public views to the bay are greatly enhanced with the proposed removal of the existing structures and subsequent construction of two separate buildings that provide a distinct view corridor.

Public Views and Access

The Waterfront Master plan requires that public views be protected and enhanced by new development. For lease sites in excess of 50 feet in width (or when lease sites are combined for one project and total more than 50 feet in width), 30 percent of lot shall remain open as a view corridor for public views. The applicant is complying with this requirement with the provision of a 27-foot wide view corridor to provide public views of the bay. As indicated previously, there are currently no public views of the bay



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 highlighted in yellow. Approved projects are deleted on next version of log.

Agenda No: C-1

Meeting Date: 10/17/12

#	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	GAFCO/Virg's	1185 Embarcadero		UP0-058	Amendment to Existing CUP (UP0-058 to allow permanent sport fishing operations; currently, it is a temporary use.	Item scheduled and to be noticed for 10/17/12 PC meeting. Site notice posted 10/4.			
2	Adamson	1000 Ridgeway	8/30/12	AD0-075	Parking Exception. Demolition and construct new single family residence	In staff review. MR-Scheduled for Planning Commission on October 17, 2012. Site notice posted 10/4.	No Comments to date	No comments to date	No Comments to date
3	Markowitz	589 Morro Ave	9/10/12	UP0-356	Conditional Use Permit. Roof Deck Addition to a 2-story SFR	In staff review. MR-Scheduled for Planning Commission on October 17, 2012. Site notice posted 10/4.			
4	Held	575-591 Embarcadero		UP0-140	Amendment to Existing permit to correct parking calculation.	Site notice posted 10/4.			
30 -Day Review, Incomplete or Additional Submittal Review									
5	Perry	3202 Beachcomber	9/8/11	AD0-067	Variance. Demo/Reconstruct. New home with basement in S2.A overlay. Variance approved for deck only; the issue of stories was resolved due to inconsistencies in Zoning Ordinance. RECEIVED 3 APPEALS ON VARIANCE. City Council appeal has yet to be scheduled.	<i>KW--Planning requested status of CDP for house and LLA for parcels. Item scheduled for July 18 2012. Applicant requested a continuance to August 15, 2012. Variance approved at 9-19-12 PC Meeting. Applicant to submit for CDP.</i>	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; Flood study approved 6/18/12	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
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. Applicant has requested a meeting on August 9, 2012 to review environmental study request. MR-Met with Applicant and discussed potential impacts of project and CEQA information requested to complete MND. Applicant will provide MND fees with submittal of Biological report. 8/9/12 MR met with applicant and owner to discuss environmental issues. Would require a detailed MND. Applicant is still considering preparation of Biological Report.	No Comments to date	comments submitted 1/18/2012	No Comments to date
7	Sequoia Court Estates	670 Sequoia	4/3/12	UP0-349 & S00-112	Tract Map and Use Permit for 5 Lot Subdivision. A revised subdivision map was submitted for review on August 6, 2012.	Incomplete letter sent to applicant/agent. Project submitted without necessary materials for processing. Applicant submitted a revised plan reducing the number of lots, and is providing additional information as requested addressing City requested information. Additional information submitted; waiting for biological report. Report should be submitted in September 2012.			
8	Harbor Hut	1205 Embarcadero	5/2/12	Amending CUP 02-01	Remodel office and storage of Harbor Hut.	MR-Requested revision on stairway to second story office. Plans resubmitted September 9, 2012 with corrections. Approved by PC on September 19, 2012 but appealed to City Council. Council appeal to be heard on October 23, 2012			
9	City of Morro Bay	In the public right of way on Atascadero Road between Hwy 1 and MBHS	9/18/12	CP0-377	Morro Bay to Cayucos Connector Gap Closures	Under review			

#	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
10	Reddell	550 <i>Morro Bay Blvd</i>	9/26/12	UP0-293	Modify Conditional Use Permit to allow BBQ and take out window.	<i>Under review</i>			
11	<i>Shirkey</i>	341 <i>Nevis</i>	9/27/12	CP0-378	Admin Coastal Development Permit for a new single family residence	<i>Under review</i>	No Comments to date	No Comments to date	No Comments to date
12	<i>Morgan</i>	2930 <i>Dogwood</i>	10/10/12	CP0-379	Admin Coastal Development Permit for a new single family residence	<i>Under review</i>	No Comments to date	No Comments to date	No Comments to date
13	<i>Meissner</i>	380 <i>Bonita</i>	10/11/12	CP0-380 and AD0- 076	Coastal Development and Parking Exception for a single family residence with tandem parking	<i>Under review</i>	No Comments to date	No Comments to date	No Comments to date
Projects in Process									

#	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
14	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. 4/3/12 letter sent to applicant indicating that the project is still incomplete. Applicant resubmitted on 5/15/12. Asked applicant to submit request to have SWCA produce environmental document in writing. MR-City contracted with SWCA to prepare MND; the MND should be completed by first of October. <i>MR- MND complete; should be ready for public review by 9/24/12.</i>	Building comments 3/7/12-disapproved. Fire comments 3/12/12 conditional approval	Comments submitted 3/8/12	No Comments to date
15	Morro Mist	2400 Main Street	1/0/2012		Applicant requested compliance check to conditions of approval. Minor Amendment Required.	<i>Needs to be reviewed for conformance.</i>	Deemed in substantial conformance to original approvals. Fire indicated insufficient number of hydrants	indicated submittal was OK	No Comments to date
16	Lemos	1320 Main Street	6/1/12	CUP0-373/CP0-350	New Commercial Building	<i>MR- Met with applicant - revising plans to leave storage building as in in order to reduce potential environmental impacts. Applicant submitted letter in August 2012 to City Council requesting purchase or easement of city property for access to existing facility.</i>			
Environmental Review									
17	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
18	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. MR-Reviewed MND and met with SWCA to make corrections. In contact with County Environmental Division for their review. MND received by SWCA on 10/7/12. MND to be routed to State Clearinghouse for review.	Not applicable	Not applicable	Not applicable
19	City of Morro Bay	Morro Bay State Park	3/8/12		Environmental Review of the Morro Bay State Park Waterline Interconnect Project	MR-Reviewed request and determined the project needed MND; major issues are archaeological and presence of habitat for Morro Shoulderband Dune Snail. Letter requesting Archaeological surface survey and Shoulderband Snail Protocol survey sent 9/17/12	Not applicable	Not applicable	Not applicable
20	Chevron	3072 Main (West of Del Mar Park)	12/31/08	CP0-301	Remove Underground Pipes. Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed. Requested Information submitted 2/9/11. Submitted requested documents 2/9/11. Applicant returned comments 12/7/11. Staff will address comments. Document to applicant for review 1/19/12. Agent said Chevron is working on how to address alternative fuel mitigation measures, 2/22/12. They will follow up with the City.	SD--Requested additional documentation 4/29/10. Contacted consulting firm to process environmental document. Consulting firm responded in the process of putting together proposal 6/20/11. Accepted proposal 6/29/11. Staff mail request letter for fees 7/19/11. Received Environmental Document and is under review 9/16/11. Sent document back for comments and corrections 10/14/11. Consulting firm making final changes and corrections 10/24/11. APCD submitted comments 11/1/2011. Sent to applicant for review 11/7/11. Comments sent to consultant 1/10/12. Document returned to staff 1/12/12. Applicant challenging the environmental mitigations. MR - Reviewed concerns with mitigations; clarified issues in early August 2012 and sent email to	Not applicable	Not applicable	Not applicable
Project requiring coordination with another jurisdiction									

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
21	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	EIR	WWTP Upgrade. Submitted 7/1/08, Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent renoticing. Staff reviewing screencheck document. Public draft out for review and comments. Comment period open until 11/4/2010. Project scheduled for 12-6-2010 P.C. Project rescheduled for 12/20/2010. 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 October 2012 CCC meeting.	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
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive									
22	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.			
23	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.				
24	Hough	281 Main Street	07/03/12	UPO-372	Construction of 2,800 SF Residence	MR- Coastal Commission requested information regarding appeal by Dorothy Cutter and Betty Winholtz (CCC Appeal # A-3-MRB-12-026. Coastal is doing appeal.			
25	Redican	801/833 Embarcadero	08/20/12	UPO-212	Request to Rebuild Docks-Pre-Application meeting. No formal submittal at this time.	MR: RL and MR met with applicant regarding redesign of dock area. Parking study is complete, but final findings are still not confirmed - EB			

#	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
26	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.			
27	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.			
28	James Maul	530, 532, Morro Ave 534	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.	<i>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. City advised there will be a new applicant and to keep the application viable.</i>			
29	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 11/16/2010.1. Comment letter sent 2/6/2012. Applicant indicated to staff no longer using Agent Novak. MR- Applicant re-submitted plans on 8/3/12. In review. Submitted CDP in August.	BC- spoke with TF 6/7/2012, sent copy of planning corrections and ANG handout. TF to check in with SD before resubmitting.	Comments submitted 1/18/2011	
30	Hoover/Hough	301 Main	7/6/11	S00-108	Lot Line Adjustment. Received letter from agent requesting to place project on hold.	Ready to issue Lot Line Adjustment permit			
31	Valley	460 Olive	10/24/11	CP0-363	Demo/Rebuild. Resubmittal 11/11/11. Applicant resubmitted plans and archeological report on 8/28/12.	CJ/EBJ-- Comeplete and ready to move forward. To be scheduled for November 7, 2012 PC meeting	No Comments to date	comments submitted 11/22/11	No Comments to date
Projects in Building Plan Check									

#	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
32	LaPlante	3093 Beachcomber	11/3/11	B-29586	New SFR.	SD--Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012. MR: Met with applicant to go over environmental issues.	BC- Application on hold during planning process		
33	Morgan	2930 Dogwood	9/12/12	B-29764	Fire Sprinklers for new SFR		BC- routed to fire		
34	Whidbey	451 Embarcadero	6/1/20112	B-29715	Fire Sprinklers				
35	Yacht Club	541 Embarcadero	9/11/12	B-29765	Remove and replace gangway				
36	Imani	571 Embarcadero	4/23/12	B-29695	Commercial alteration, addition	SD - Incomplete memo 6/5/12. There are apparent lease issues and fire code violations associated with project.	BC- returned for corrections 8/30/2012		
37	Hall	2234 Emerald Circle	12/2/10	B-29359	New SFR	SD--Incomplete Memo 12/21/10.	BC- application extended, awaiting resubmittal.		
38	Degarimore	1001 Front	6/14/12	B-29723	Water site improvements		BC-RTI pending CCC conforming plans approval.		
39	Methodist Church	3000 Hemlock	8/16/12	B-29752	Construct new modular classroom, sitework.				
40	Sturgill	1885 Ironwood	12/29/11	B-29677	14 new townhouses		BC- returned for coorections 9/11/2012		
41	Ronquillo	421 Jamaica	7/24/12	B-29739	SFR Addition		BC- returned for corrections 9/17/2012		
42	Erwin	375 Las Vegas	7/23/12	B-29738	SFR Addition		BC- returned for corrections 8/22/2012		
43	Holcomb	3230 Main	8/6/12	B-29747	Commercial Change of Occupancy and Sitework for Montessori daycare.		BC- met with applicant, EB, MR to go over planning process 8/28/2012		
44	Harper	999 Main	5/16/12	B-29711	Commercial addition	KW - Incomplete Memo 5/29/12.	BC- returned for corrections 8-20-2012		
45	Storm	1029 Monterey	5/3/12	B-29702	Partial Demo/ Reconstruct of MFR dwelling	KW-under review	BC- returned for corrections 7/3/2012		
46	Markowity	589 Morro Avenue	8/17/11	B-29549	Roof Deck	SD--Resubmittal 9/20/11. A major modification shall be pursued. Plans returned to Brian, because the plans were incomplete. Incomplete memo 10/3/11.	BC- application on hold during planning process.		
47	Fennacy	500 Morro Bay	3/15/12	B-29667	Construct kitchen, walk-up serving window and site improvements	SD-under review. Project needs planning permit. Been in contact with applicant. Incomplete letter requesting use permit modification 5/24/12.	BC- Revised site plan submitted 9/14/2012		
48	City of Morro Bay	850 Morro Bay	8/20/12	B-29753	Remove and Replace communitactions tower		BC- conditionally approved, pending final construction plans.	BCR-Maintenance & Repair	

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49	Frantz	499 Nevis	9/23/12	B-29510	New SFR		BC- application on hold during planning process.		
50	McGonagill	690 Olive	6/7/12	B-29248	SFR Addition		BC- spoke with applicant 8-30-2012, regarding outstanding items and intentions to proceed.		
51	McDonalds	780 Quintana	8/29/12	B-29757	Commercial Addition and Remodel				
52	Watson	467 Yerba Buena	6/25/12	B-29726	SFR second floor addition		BC- resubmitted 9/10/2012		
Final Map Under Review									
53	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. Biological Report approved by Planning as well as the CCRs.			
54	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. MR- Received letters from biologist regarding revegetation on 9/2/12. Letter sent to biologist.			
55	Strugill	1185 Ironwood		Map	Final Map: Submitted on 6/26/12 complete application.	MR - review map and gave corrections on CC&Rs		DH - reviewed map gave corrections on 8/15	
Projects & Permits with Final Action									
56	Hoover	301 Main	5/1/12	AD0-073	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.			
57	Wallick	235 Atascadero	5/14/12	UP0-218	<i>Modification to existing permit to reduce number of park models from 5 to 2. Ready for Administrative Notice.</i>	<i>KW- Applicant adding a 10 x 16 storage shed. May 7, 2012 applicant withdrew modification. Project noticed for adm. Processing.</i>			

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
58	Hough	281 Main	3/19/12	Appeal 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. Appeal scheduled for July 10, 2012 CC.	Building Comments-- 3/28/2012. Fire comments-4/23/2012	PW-Comments- 4/2/2012	Not applicable



City of Morro Bay
Public Services/Planning Division
Advanced Planning Work Program

Work Item	Requested by	Date Requested	Comments	Estimated Staff Hours	Planning Commission	City Council	Coastal Commission
Updating the Strategic plan matrix for managing the greening process	City Council	2009	Original green matrix went to P.C. on 7/6/09 and then to C.C. on 12/14/09. Now subject to annual updates	20 to 40	Annual Updates	Annual Updates	
Draft Urban Forest Management Plan	City Council	2007		200 to 300	TBD	TBD	
CEQA Implementation Guidelines	City Council	2006		120 to 160	TBD	TBD	NA
Downtown Visioning	City Council	2010		120 to 160	TBD	TBD	
PD Overlay	City Council	2006		80	TBD	TBD	
Annexation Proceeding for Public Facilities (Chorro Valley well sites)	City Council	2007		TBD		TBD	
North Main Street Parking Plan	City Council	2011	Text amendment to be review by Planning Commission and PC to make recommendation to City Council 4/18/12 PC mtg.	100	4/18/2012	TBD	TBD
Sign Ordinance Update	City Council	2010	Workshops Scheduled for September 29 and October 6, 2011. Update on the sign workshops and sign survey results brought to Council on January 24, 2012	150 to 250 + consultant hrs	2/16/11	11/1/11	
Pedestrian Plan	Planning Commission	2008	City of Morro Bay Bicycle and Pedestrian Master Plan. City hired consultant to draft the plan. Administrative Draft Plan was reviewed during a Public Workshop on August 30, 2011. The 2nd draft plan is currently on the October 21, 2011 PWAB agenda. Project is now being revised. Revised document submitted 1/10/2012 to Planning Department for review. Scheduled for February 15, 2012 P.C. meeting	550 Hours	TBD		
Subdivision Ordinance Clean up	Planning Commission	2011	Commissioner Irons is lead. Two meeting held on identifying issues. Irons/Nagy/Wold. Commissioner Napier replaced Irons.	100-150	TBD	TBD	TBD
Updated Zoning Ordinance	CC based on CCC letter	2010		1,800	TBD	TBD	TBD
Updated General Plan/LCP	CC based on CCC letter	2010	Subcommittee formed. Meetings held are: 11/9/11 to develop plan of action ecreation Element, 12/7/11 to review Access & Recreation Element. Changes were made but not yet finalized. 1/9/12 to review Harbor Resources Element Next meeting scheduled for 1/30/12 to discuss Visual Resources	1,800	TBD	TBD	TBD
Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations		
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. 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. Project on hold until staffing in the Planning division is whole.	Project went to P.C. on May 16, 2012. At this meeting staff was given several tasks to accomplish prior to the June 20, 2012 meeting including the following: bring back survey results differentiating between the surveys, a new matrix with all definitions including those new definitions provided by the Commission, bring back pictures of signs, clarification of the difference between internally and externally illuminated signs, limitations on materials, encourage increase in window signs, add a column for staff recommendations, define shopping center, enlarge the downtown area.		