



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 - Tuesday, July 7, 2015
Veteran's Memorial Building – 6:00 P.M.
209 Surf Street, Morro Bay, CA**

Chairperson Robert Tefft

Commissioner Gerald Luhr
Commissioner Richard Sadowski

Vice-Chair Katherine Sorenson
Commissioner Michael Lucas

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 not on the agenda may do so at this time. In a continual attempt to make the public process open to members of the public, the City also invites public comment before each agenda item. 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 Community Development at (805) 772-6264. 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 the Planning Commission meeting of May 5, 2015 and May 19, 2015.

Staff Recommendation: Approve minutes as submitted.

A-2 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

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 *Continued from the July 7, 2015 Planning Commission meeting*

Case No.: UP0-409

Site Location: 2455 Greenwood

Proposal: Conditional Use Permit approval for an addition exceeding 25% of existing floor area for a nonconforming single-family residence. The applicant proposes to add 1,112 sq. ft. of habitable floor area to an existing 1,039 sq. ft. residence, add 65 sq. ft. to the existing garage, and add 80 sq. ft. of deck. Specifically, the project will include 2,151 sq. ft. of habitable floor area, a 465 sq. ft. garage, and 200 sq. ft. of decking. The project is located within the R.1/S.2 zoning district and outside of the Coastal Commission Appeals Jurisdiction.

CEQA Determination: The project meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15303 Class 3. The exemption applies to new single-family residences in residential zones.

Staff Recommendation: Conditionally approve

Staff Contact: Joan Gargiulo, Contract Planner, (805) 772-6270

C. UNFINISHED BUSINESS

C-1 Interpretation Regarding Bayside Lateral Access

Staff recommendation: Review staff report and provide direction to staff

Staff contact: Cindy Jacinth, Associate Planner, (805) 772-6577

D. NEW BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

G. ADJOURNMENT

Adjourn to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on August 4, 2015 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 Community Development 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 Community Development 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 Community Development Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Community Development 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 Community Development 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 Community Development Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 for those projects that are in their appeals jurisdiction. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed. The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

AGENDA ITEM: A-1

DATE: May 5, 2015

ACTION: APPROVED

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MAY 5, 2015
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Robert Tefft	Chairperson
	Katherine Sorenson	Vice Chairperson
	Gerald Luhr	Commissioner
	Richard Sadowski	Commissioner
	Michael Lucas	Commissioner
STAFF:	Scot Graham	Community Development Manager
	Joan Gargiulo	Contract Planner
	Cindy Jacinth	Associate Planner
	Rob Livick	Public Works Director

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS
<https://youtu.be/cBSmkAwd0UA?t=2m44s>

Commissioner Sadowski announced he will be attending Webinar training for Assembly Bill 2516 regarding the Sea Level Rise Planning.

Vice-Chairperson Luhr asked Livick for clarification on the movement of the WWTP.

Livick discussed the steps to move forward with the WWTP.

PUBLIC COMMENTS

Chairperson Tefft opened Public Comment period and seeing none, closed Public Comment period.

<https://youtu.be/cBSmkAwd0UA?t=7m29s>

PRESENTATIONS – NONE

A. NEW BUSINESS

A-1 Review of Maritime Museum paving improvements and driveway reconfiguration plan for the Triangle Lot (City Parking Lot/Formal Dynegy Lot).

Staff: Rob Livick, Public Works Director/City Engineer

<https://youtu.be/cBSmkAwd0UA?t=7m58s>

Livick presented staff report.

B. CONSENT CALENDAR

<https://youtu.be/cBSmkAwd0UA?t=22m>

- B-1 Approval of minutes from the Planning Commission meeting of March 3, 2015.
Staff Recommendation: Approve minutes as submitted.
- B-2 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.

MOTION: Commissioner Sadwoski moved to approve the Consent Calendar and Current and Advanced Planning Processing List. Commissioner Sorenson seconded the motion and the motion passed unanimously (5-0).

<https://youtu.be/cBSmkAwd0UA?t=24m7s>

C. PUBLIC HEARINGS

- C-1** *Continued from the April 7, 2015 Planning Commission meeting*
Case No.: CP0-448 Appeal
Site Location: 845 Ridgeway
Proposal: Appeal of Director approval of an Administrative Coastal Development Permit for the demolition of an existing single-family residence and the subsequent construction of a 3,216 square foot single-family residence at 845 Ridgeway. Specifically, the project includes 2,420 square feet of habitable floor area with a 766 square-foot attached garage, a 30 square-foot front porch, and a 90 square-foot back porch in the R-1 zone.
CEQA Determination: Categorically Exempt, Section 15303, Class 3
Staff Recommendation: Deny the appeal and uphold the Director's approval of the project
Staff Contact: Joan Gargiulo, Contract Planner, (805) 772-6270
<https://youtu.be/cBSmkAwd0UA?t=24m26s>

Gargiulo presented staff report.

Chairperson Tefft opened Public Comment Period.

<https://youtu.be/cBSmkAwd0UA?t=30m9s>

Kenny Blackwell, appellant, presented his report on the modification to the Planning Commission.

Helen Torino, applicant, presented her information to the Planning Commission and responded to the appellant's questions.

KC Caldwell, resident stated her reasons for not signing the agreement.

Addison Hokma, resident and student stated he was here to observe but noted he agreed with KC Caldwell about not giving up her right as a resident to speak up about Planning Commission issues which come up.

Chairperson Tefft closed Public Comment Period.

<https://youtu.be/cBSmkAwd0UA?t=50m49s>

1st MOTION: Commissioner Sorenson moved to continue item C-1, Case No. CP0-448 after item C -2 has been discussed. Commissioner Lucas seconded the motion and the motion passed unanimously (5-0).

<https://youtu.be/cBSmkAwd0UA?t=1h12m59s>

Chairperson Tefft opened Public Comment Period.

<https://youtu.be/cBSmkAwd0UA?t=2h52m42s>

Helen Torino, applicant, stated they have signed an agreement with the appellant.

Chairperson Tefft closed Public Comment Period.

<https://youtu.be/cBSmkAwd0UA?t=2h53m18s>

2nd MOTION: Vice-Chairperson Luhr withdrew his previous motion and moved to continue the item on a date to be determined and directed staff to come back with a modified proposal and resolution to deny the appeal. Commissioner Lucas seconded the motion and the motion passed unanimously (5-0).

<https://youtu.be/cBSmkAwd0UA?t=3h1m20s>

C-2 Case No.: UP0-342 Precise Plan

Site Location: 901-915 Embarcadero

Proposal: Precise Plan approval of Conditional Use Permit #UP0-342 for waterside and landside improvements which would result in addition of 6 new floating docks, remodel of existing visitor-serving development including construction of a new 590sf retail unit, enlarge harbor walkway for pedestrian access, remodeling and enlarging two existing restrooms, restriping existing parking spaces and related building façade improvements.

CEQA Determination: Mitigated Negative Declaration adopted on October 16, 2013, SCH#2012091063

Staff Recommendation: Conditionally Approve

Staff Contact: Cindy Jacinth, Associate Planner, (805) 772-6577

<https://youtu.be/cBSmkAwd0UA?t=1h14m15s>

Jacinth presented staff report.

Chairperson Tefft opened Public comment period.

<https://youtu.be/cBSmkAwd0UA?t=1h52m17s>

Cathy Novak, consultant, presented Fire Condition 3 with the Planning Commission.

Gene Doughty, architect, spoke to the Planning Commission about the lateral access width and how it meets the requirements.

Mark Allen, Los Osos resident, expressed his dislike for the gable and would rather have the horizontal line improved.

Chairperson Tefft closed Public comment period.

<https://youtu.be/cBSmkAwd0UA?t=2h19m54s>

The Planning Commission agreed to add the following conditions for UP0-342 Precise Plan:

- Modify Fire condition #3 to clarify fire sprinkler requirements at walkway west of Lease Site 96W. Condition to read that fire sprinkler protection beneath existing walkway at Lease Site 96W shall be provided prior to vessel moorage at proposed boat slip 1 behind 96W.
- Existing metal gate northwest of property to be removed.
- Relocation of benches, trash & recycle bins to the southwest portion of lateral access where there is ten feet in width; with concurrence of the Coastal Commission.
- Lower the portion of gable side roofline on south-west elevation to be maintained at current height or below current height; with concurrence of the Coastal Commission.
- Add language for CEQA findings
- Signage announcing coastal access shall be placed on or adjacent to the front and rear of the center indoor atrium.
- Plans shall be revised to reflect project phasing as approved by City Council's lease amendment.

MOTION: Commissioner Lucas moved to approve Resolution PC 15-15 as amended. Commissioner Lucas seconded the motion and the motion passed unanimously (5-0).
<https://youtu.be/cBSmkAwd0UA?t=2h51m43s>

D. UNFINISHED BUSINESS – NONE

D-1 Design Guidelines Review.

Staff contact: Scot Graham, Community Development Manager
<https://youtu.be/cBSmkAwd0UA?t=3h3m54s>

E. PLANNING COMMISSIONER COMMENTS - NONE

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS - NONE

G. ADJOURNMENT

The meeting adjourned at 10:34 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on May 19, 2015, at 6:00 p.m.

Robert Tefft, Chairperson

ATTEST:

Scot Graham, Secretary

AGENDA ITEM: A-1

DATE: May 19, 2015

ACTION: _____

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MAY 19, 2015
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Robert Tefft	Chairperson
	Katherine Sorenson	Vice Chairperson
	Gerald Luhr	Commissioner
	Richard Sadowski	Commissioner
	Michael Lucas	Commissioner
STAFF:	Scot Graham	Community Development Manager
	Joan Gargiulo	Contract Planner
	Cindy Jacinth	Associate Planner

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS - NONE

PUBLIC COMMENTS

Chairperson Tefft opened Public Comment period.

<https://youtu.be/Z8o3Z8SM4g?t=2m7s>

Janice House, resident, stated her concerns with the Neighborhood Compatibility Guidelines being worked on by the Planning Commission.

Chairperson Tefft closed Public Comment period.

<https://youtu.be/Z8o3Z8SM4g?t=3m54s>

PRESENTATIONS – NONE

A. CONSENT CALENDAR

<https://youtu.be/Z8o3Z8SM4g?t=4m2s>

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

A-2 Adoption of Resolution 19-15 approving CP0-448 as amended
Staff Recommendation: Approve

MOTION: Vice-Chairperson Sorenson moved to approve the Current and Advanced Planning Processing List and Adoption of Resolution 19-15, CP0-448 as amended. Commissioner Sadowski seconded the motion and the motion passed unanimously (5-0).

<https://youtu.be/Z8o3Z8SM4g?t=4m29s>

B. PUBLIC HEARINGS

<https://youtu.be/Z8o3Z8SM4g?t=4m57s>

B-1 Case No.: UP0-413

Site Location: 2198 Main Street

Proposal: Conditional Use Permit approval for an occupancy change to allow the operation of a welding and metalworks shop located within 100 ft. of a residential use. The project site is located within the MCR/R-4/SP zone and outside of the Coastal Commission Appeals Jurisdiction

CEQA Determination: Categorically exempt, 15303, Class 3.

Staff Recommendation: Conditionally Approve

Staff Contact: Joan Gargiulo, Contract Planner, (805) 772-6270

Gargiulo presented staff report.

Chairperson Tefft opened Public Comment Period.

<https://youtu.be/Z8o3Z8SM4g?t=9m49s>

Mr. Morgan, applicant, presented his report and answered questions from the Commission.

Chairperson Tefft closed Public Comment Period.

<https://youtu.be/Z8o3Z8SM4g?t=14m15s>

MOTION: Commissioner Sadwoski moved to approve Resolution PC 20-15 as written. Commissioner Lucas seconded the motion and the motion passed unanimously (5-0).

<https://youtu.be/Z8o3Z8SM4g?t=18m28s>

B-2 Case No.: UP0-390 and AD0-095

Site Location: 670 Shasta

Proposal: Conditional Use Permit and Parking Exception approval for the addition of a single-story addition totaling 238 sq. ft. to an existing 600 sq. ft. single-family residence and to allow for the second required parking space to be located in tandem in the driveway. The applicant proposes demolition of the existing garage and construction of a new garage towards the rear of the property. The project is located within the R-2 zoning district and outside of the Coastal Commission Appeals Jurisdiction.

CEQA Determination: A historical analysis was completed per CEQA requirements. The project meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15301 Class 1. The exemption applies to additions to an existing structure not exceeding 50% of the existing floor area.

Staff Recommendation: Conditionally Approve

Staff Contact: Joan Gargiulo, Contract Planner, (805) 772-6270

<https://youtu.be/Z8o3Z8SM4g?t=19m9s>

Gargiulo presented staff report.

Chairperson Tefft opened Public Comment Period.

<https://youtu.be/Z8o3Z8SM4g?t=25m20s>

Chris Christensen, applicant's father, presented his report for the Conditional Use Permit and Parking Exception application.

Chairperson Tefft closed Public Comment Period.

<https://youtu.be/Z8o3Z8SM4g?t=29m48s>

MOTION: Vice-Chairperson Sorenson moved to approve Resolution PC 18-15. Commissioner Lucas seconded the motion and the motion passed unanimously (5-0).

<https://youtu.be/Z8o3Z8SM4g?t=37m52s>

B-3 Case No.: UP0-058 Precise Plan

Site Location: 1215 Embarcadero

Proposal: Precise Plan approval of Conditional Use Permit #UP0-058 for landside improvements (Phase 2) associated with the previously approved concept plan for Harbor Hut, Great American Fish Company (GAFCO) and Morro Bay Landings (formerly known as Virg's) Redevelopment Project. Phase 2 improvements will include demolition of existing Morro Bay Landing (Virg's) buildings and existing Dockside 3 restaurant building with new construction of a 2 story commercial visitor-serving building along with rooftop deck, outdoor seating area, public access improvements as well as parking/ driveway improvements, and small pocket park.

CEQA Determination: Mitigated Negative Declaration adopted, SCH#2007091057

Staff Recommendation: Review and take action on the Precise Plan with favorable recommendation to City Council

Staff Contact: Cindy Jacinth, Associate Planner, (805) 772-6577

<https://youtu.be/Z8o3Z8SM4g?t=38m35s>

Jacinth presented staff report.

Chairperson Tefft opened Public Comment Period.

<https://youtu.be/Z8o3Z8SM4g?t=1h22m41s>

Cathy Novak, consultant, presented her report to the Commission. She focused on the conditions of approvals and answered questions from the Commission.

Chairperson Tefft closed Public Comment Period.

<https://youtu.be/Z8o3Z8SM4g?t=2h10m46s>

The Commissioners concurred to add the following additional conditions:

- Continuous bayside lateral access, a minimum of eight feet in width, shall be designed and shown on revised plans in a manner that connects with the lease sites to the north and south of the proposed project.
- The applicant shall provide a bayside lateral access design that would allow connection to any future lateral bayside access improvements incorporated into future redevelopment of the Harbor Hut lease site. The design shall address

feasibility of providing such a connection to the satisfaction of the Community Development Manager.

- Siting of tables on the second floor public view deck shall be such that eight (8') feet of clear area is maintained between the tables and the northern and western edge of the view deck.
- Signs announcing public coastal access shall be placed on or adjacent to the elevator and at the bottom of the staircase leading to the second floor view deck.

MOTION: Chairperson Tefft move to approve the amended Resolution PC 17-15. Vice-Chairperson Sorenson seconded the motion and the motion passed unanimously (5-0).
<https://youtu.be/4E2lfNvHSR0?t=1h14m57s>

C. UNFINISHED BUSINESS

C-1 Design Guidelines Review.

Staff contact: Scot Graham, Community Development Manager
<https://youtu.be/4E2lfNvHSR0?t=1h16m41s>

Chairperson Tefft opened Public Comment Period.
<https://youtu.be/4E2lfNvHSR0?t=1h25m42s>

Katherine Caldwell, resident, stated her concerns and feedback regarding the Design Guidelines Workshop.

Ted deMont, resident, stated he also attended the Design Guidelines Workshop and recommended the workshop be held again because there were still more issues to discuss. He also noted the residents were able to discuss items with an open mind and able to reach a consensus agreement on the issues discussed.

Chairperson Tefft closed Public Comment Period.
<https://youtu.be/4E2lfNvHSR0?t=1h29m55s>

D. NEW BUSINESS

D-1 Discussion of Site Posting Options for Public Noticing Requirements

Staff: Scot Graham, Community Development Manager

Chairperson Tefft opened Public Comment Period.
<https://youtu.be/4E2lfNvHSR0?t=2h29m16s>

Ted deMont, resident stated the 500 foot radius and plastic sign is a great idea. He feels any steps taken to help with notifying the public is very helpful.

Chairperson Tefft closed Public Comment Period.
<https://youtu.be/4E2lfNvHSR0?t=2h30m52s>

E. PLANNING COMMISSIONER COMMENTS

<https://youtu.be/4E2lfNvHSR0?t=2h39m14s>

Commissioner Sadowski announced there is a Central Coast Regional Water Quality Board meeting on May 28th at 8:30 a.m., at 895 Aerovista Place, Suite 101, San Luis Obispo. The Board will be discussing the Morro Bay Groundwater Sampling.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING –MAY 19, 2015

<https://youtu.be/4E2lfNvHSRo?t=2h41m47s>

Graham congratulated Chairperson Tefft for being appointed to the General Plan Advisory Committee.

G. ADJOURNMENT

The meeting adjourned at 8:42 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on June 2, 2015, at 6:00 p.m.

<https://youtu.be/4E2lfNvHSRo?t=2h42m12s>

Robert Tefft, Chairperson

ATTEST:

Scot Graham, Secretary



City of Morro Bay
 Community Development Division
 Current & Advanced Project Tracking Sheet

This tracking sheet shows the status of the work being processed by the Planning Division
 New Planning items or items recently updated are highlighted in yellow. Building items highlighted in green are pending action from the applicant.
 Approved projects are deleted on next version of log.

Agenda No: A-2

Meeting Date: July 7, 2015

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
Hearing or Action Ready										
1	Peck	2455 Greenwood	3/18/15	UP0-409	Conditional Use Permit for an addition over 25% to a nonconforming SFR	Under initial review. JG. Incomplete letter sent. Resubmittal received 4/28. PC meeting on 6/16. Continued to 7/7 meeting	4/22/15 FD Cond App TP	JSW conditionally approved per memo 5/29/2015		jg
2	Frye	3420 Toro Lane	1/13/14	CP0-419 & UP0-383	Coastal Development Permit and Conditional Use Permit for New 2,209sf SFR and 551sf garage w/ approx. 300 sf of decking on vacant lot.	WM. Revising MND. MND complete and routed to State Clearinghouse on 6-6-15. Anticipated PC hearing on August 4, 2015	BC-disapproved- need geologic and engineering geology report.FD/TP Approve2/24/14	RPS conditionally approved per memo of 7/20/14		wm
3	ST. Tim's	962 Piney	6/5/15	AD0-023	Modification to existing UP0-281 for minor addition and interior remodel	JG Under review. Noticed 6/19.				jg
4	James	2500/2540 Main St	5/11/15	CP0-474	Administrative Coastal Development Permit for new construction of duplex in MCR/R-4/SP zone	JG. Under initial review. Noticed 6/26		PN - Conditionally approved with comments-5/28/15		jg
5	James	315/325 Las Vegas	5/11/15	CP0-473	Administrative Coastal Development Permit for new construction of duplex in MCR/R-4/SP zone	JG. Under initial review. Noticed 6/26		PN - Conditionally approved with comments-5/28/15		jg
30 -Day Review, Incomplete or Additional Submittal Review										
	Tobin	326 Panay	6/25/15	UP0-425/ CP0-480	New SFR					
		Coleman Drive/ Morro Rock	6/22/15	UP0-424	CUP for placement of lifesize statue near Morro Rock.					
	Reynolds	2509 Greenwood	6/25/15	CP0-484	Admin. Coastal Development permit for demolition of burned home and replace with 26 x 26 manufactured home.					
1	Verizon Wireless	1401 Quintana	6/12/15	CP0-483/UP0-421	Coastal Development and Conditional Use Permits to construct unmanned telecommunications facility	JG - Under Initial Review				jg

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
	Whitaker	1170 Front St.	6/12/15	UP0-422	Request for extension of UP0-120/AD0-024 for 6 unit hotel					
2	Martin	454 Yerba Buena	6/8/15	UP0-420 & AD0-102	Conditional Use Permit and Parking Exception to add 195 sf as a second story addition to existing SFR for a total new square footage of 999 sf	JG - Under initial review		RPS approved with no PW conditions 6/12/15		jg
3	Reddell	310 Trinidad	6/1/15	CP0-479	Admin Coastal Development Permit for new SFR on a vacant lot	JG - Under initial review		PN- Conditionally approved with comments - 6/12/15		jg
4	Bellisario	1125 Las Tunas	5/28/15	CP0-478	Admin Coastal Development Permit for new SFR on a vacant lot	JG - Under initial review		PN- Conditionally approved with comments - 6/12/15		jg
5	Smothers/ Fortino	570 Kings	5/27/15	CP0-477	Admin Coastal Development Permit for new SFR and 3 garage on R-2 zoned lot with existing SFR.			PN- Conditionally approved with comments - 6/12/15		cj
6	Salwasser	220 Atascadero Road.	5/22/15	UP0-419	Temporary Use Permit for auction sales of surplus material in storage building. Sales to be held on alternating Saturdays between June - August	Spoke with Applicant 5/29 to request parking plan for auction events.				cj
7	Ocean View Manor Apartments	456 Elena Street	5/22/15	UP0-418	Minor Modification to conditional use permit to allow placement of solar panels.	Under review.				cj
8	Gambriel	405 Atascadero Rd.	5/13/15	CP0-475 / UP0-417	New construction of 10,000sf commercial retail on vacant lot	WM. Under review. Will need Arch and Traffic reports.		RPS returned incomplete per memo of 6/12/15		wm

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
9	Robson	110 Orcas St.	4/24/15	CP0-471 & AD0-100	Coastal Development Permit & Variance for new SFR in S2A overlay. Variance to allow subterranean garage in zone which prohibits 2 story construction	Under review.				cj
10	Boisclair	900 Main St.	4/24/15	CP0-472 & UP0-416	Business change. Combine 2 separate uses, bar & restaurant	JG. Under initial review. Correction letter sent 5/14		JSW - Conditionally Approved with commetns		jg
11	Merrifield	1147 West St.	4/24/15	CP0- 469 & UP0-414	Coastal Development and Conditional Use Permits to construct new SFR subject to bluff development stds.	WM. Under review.		PN - Conditionally approved with comments-6/1/15		wm
12	Wright	1149 West St.	4/24/15	CP0-470 & UP0-415	Coastal Development and Conditional Use Permits to construct new SFR subject to bluff development stds.	WM. Under review.		PN - Conditionally approved with comments-6/1/15		wm
14	Combs	460 & 490 Errol St.	4/19/15	CP0-467	Removal of 2 residential structures on property	Project near archaeologically sensitive area. Incomplete letter sent to applicant 5/13/15. Spoke with Applicant 6/4/15 - Arch monitoring contract in process.				cj
15	Verizon / Knight	702 Morro Bay Blvd	4/15/15	UP0-412 & CP0-466	Conditional Use Permit & Coastal Development permit for new Verizon antenna and cabinets, associated facilities	Under review.		ME- Conditionally approved per memo 4/22/2015		jg
16	AT&T	590 Morro Street	4/10/15	UP0-411 & CP0-465	Conditional Use Permit & Coastal Development permit to modify 2006 Planning permit approval for unmanned cell site	WM. Incomplete letter sent 4/28/15.				wm
17	T-Mobile	1478 Quintana	1/30/15	UP0-403	Minor Use Permit to Modify existing wireless telecommunication site at church	JG - Under initial review. Correction letter sent 3/5/2015. JG		JW approved		jg
18	Volk	800 Quintana	1/29/15	CP0-461 & UP0-405	CDP / CUP for Verizon wireless telecommunications facility	CJ - under review. Incomplete letter sent 3-2-15. Revised RF report submitted 6-5-15		RPS approved		cj
19	Knight / Verizon	485 Piney Way	1/29/15	CP0-460 & UP0-402	CDP /CUP for Verizon wireless telecommunications facility (panel antennas & equipment cabinet)	CJ - RF Compliance Report under review. Incomplete letter sent 3-2-15. Revised RF report submitted 6-5-15		ME conditionally approved per memo 2/3/15		cj
20	Frederick/Haseley/Dunn	413 Shasta	1/14/15	CP0-458	Admin Coastal Development Permit for Demo and Reconstruction of 2,195 sq. ft. SFR w/546 sq. ft. garage	Under Review. JG. Correction letter sent 2/23. JG. Email correspondence w/ agent 3/2. JG. Resubmittal rcv'd. Under review. JG. Incomplete letter sent 4/23 Resubmittal received 6/17. Under review		RPS returned for clarification 2/20/15		cj
21	Chivens	431 Kern	1/6/15	CP0-456	Admin Coastal Development Permit. Demo existing structure. New 3,000+/- SF SFR. Development of 2nd home where previous CDP for 431 Kern approved 9-2014. WM	Incomplete letter sent 2/3/15. Resubmitted plans 5/15/15.	2/23/15 FD Cond App TP	RPS has approved plans 2/23/15 pending submission of sewer video and ECP prior to Building Permit.		wm

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
22	Verizon / Knight	184 Main	11/19/14	UP0-394	Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.	Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG		RPS disapproved on 12/15/14 since proposed pole site will be removed during undergrounding project		jg
23	Leage	833 Embarcadero	9/15/14	UP0-389	Demolish existing building. Reconstruct new 1 story building (retail/restaurant use) & outdoor improvements	Under review. Deemed incomplete. Letter sent 10-13-14. CJ Resubmittal received 2/17/15. Incomplete letter sent. Resubmittal received.	BC- incomplete	RPS - Disapproved for plan corrections noted in memo of 10/14/14		cj
24	Wordeman	2900 Alder	7/28/14	CP0-447	Admin Coastal Dev. Permit for new construction of duplex in R-4 zone. Unit A: 1965 sf w/605 sf garage. Unit B: 1714 sf w/605 sf garage.	Under Review. Correction letter sent 8-27-14. Resubmittal received 1-26-15. JG. Correction letter sent. Partial resubmittal rcv'd 2/23. Under Review. JG. Correction letter sent 1/30 JG. Resubmittal received 6/8/15. Under review.	BC- conditionally approved.	PN-Disapproved for plan corrections per memo dated 6/12/15		jg
25	Hough	289 Main	10/16/13	CP0-410 & UP0-369	CDP and CUP to construct a 2,578sf single family home on vacant lot	CJ- under review. Met with Applicant's representative 11-21-13. Project subject to bluff development standards. Met w/ Applicant representative 3-3-14 regarding bluff determination per LCP maps. Letter sent 4-1-14 re completeness and bluff standards. CJ. Visited site to review project 10-24-14. Concurrent request sent re bluff to Coastal Commission 10-27-14. Discussed project with Coastal staff 11-18-14 with referral to CCC Geologist 1-2015. Met w/ Coastal geologist 2-12-15 on site. Resubmittal received.	BC- conditionally approved. TP-Disapprove 12/6/13.	BCR: Conditionally approved: ECP and sewer video required per memo of 10/28/13. Began resubmittal review 3/18/15		cj
26	Sonic	1840 Main St.	8/14/13	UP0-364 & CP0-404	Conditional Use Permit and Coastal Development Permit to develop Sonic restaurant.	Under initial review. Comment letter sent 9/10/13. CJ. Spoke w/ applicant 10/3 re: traffic study. CJ. Public Works & Fire comments received & forwarded 10/8/13 to applicant. Comments from Cal Trans received 10/31 and forwarded to Applicant. Applicant requested meeting w/ City staff & Cal Trans to review project requirements. Had project meeting-discussed traffic study requirements on 11-21-13. Requested fee estimate from environmental consultant for CEQA purposes. CJ. Resubmitted 5/27. Environmental Review in process. Correction letter based on environmental review sent 8-6-14. Resubmittal received 1-23-15 and correction sent 2-23-15. Resubmittal received 5/8/15.	Bldg -- Review complete, applicant to obtain building permit prior to construction.FD-Disapprove UPO 364/CPO 404 9/11/13.9/9/14 FD App TP. 2/10/15 FD Not App TP.	PN- Conditionally approved per memo dated 6/3/2015; RPS: Initial conditions provide by memos of 9/10/13 and 10/14. Met with Caltrans on 10/17.		cj
27	Perry	3202 Beachcomber	9/8/2011 & 10/25/2012	AD0-067 / CP0-381	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.	Variance approved at 8/15/12 PC meeting. Appealed by 3 parties to City Council. Appeal to be heard. City Attorney reviewing.Appeal in abeyance until coastal application complete. Incomplete letter for CDP sent 12/13/12. No response since 2012. Sent Intent to Deem Withdrawn Letter 9-2-14. JG. Applicant responded with Request for Meeting to keep CDP application open. SG.	Review complete, applicant to obtain building permit prior to construction.	No review since conditional approval of 6/11/12		

#	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	Project Planner
28	LaPlante	3093 Beachcomber	11/3/11	CP0-365	Coastal Development Permit for New SFR in appeals jurisdiction. Proposed SFR of 3,495sf w/ 500 sf garage on vacant land.	SD-- Incomplete Letter 12/12/11. Phase 1 Arch Report required and Env. Document. Environmental in process. Letter sent 4/11/2012 requesting environmental study. MR-Met with Applicant and discussed potential impacts of project and CEQA information requested to complete MND. Applicant is preparing Bio. Report. Bio. report received 3/13 and under review. Project referred to env. consultant and Coastal. MND in process. Applicant revising bio report and snail study. Spoke w/ Applicant Representative 3-13-14. Snail study complete and sent to Dept of Fish and Wildlife for concurrence review. Spoke w/ env. consultant re completion of environmental 4/7 C.J. Met with application 7-18-14 to request addendum to bio report in order to complete CEQA. Bluff determination and snowy plover report submitted 8-14-14. C.J. MND complete. Anticipate routing to State Clearinghouse on 9/18/14. Coastal Commission comment letter received 10-20-14. City responded to Coastal on 10-27. Applicant working to address comments. Discussed project with Coastal staff in meeting 11-18-14 and met with applicant 12/4/14 and 1/20/15. Waiting on plan revisions. C.J.	Review complete, applicant to obtain building permit prior to construction.	No review since conditional approval of 11/20/12	No Comments to date	cj
Planning Commission Continued projects										
29	Seashell Estates, LLC	361 Sea Shell Cove	1/26/15	CP0-459/ UP0-401	Coastal Development Permit/Conditional Use Permit for new SFR. Lot 4 of 1305 Teresa Subdivision	Reviewing CC&R Design Guidelines. Deemed complete 3-2-15. Anticipate 4/21 PC hearing. Project continued to a date uncertain. C.J.	2/23/15 FD Cond App TP	BCR has for review 2/3/15		cj
30	Redican	725 Embarcadero Rd.	6/26/13	UP0-359	Use Permit for seven boat slips and gangway	Under review. Incomplete letter sent 7-23-13. Resubmittal received on October 1, 2013. Additional info requested and resubmittal received 12-2-13. Incomplete letter sent 12-30. Meeting with Applicant on 2-13-14. Emailed Applicant 2-26-14 to clarify eelgrass study requirements for environmental review. Info hold letter sent 9-2-14. Resubmitted 10-28-14. Initial Study/MND complete & routed to State Clearinghouse 1-2-15. Anticipate 2-17-15 PC hearing. Comments received from Coastal Commission regarding eelgrass mitigation. Dock revision in progress. Project continued to 3-17-15 mtg to ensure legal noticing. Applicant submitted revised dock plans based on Coastal Commission feedback re: MND. Supplemental info sent to Coastal on 5/12/15. Revised plan received 6-10-11. C.J.	Bldg -- Review complete, applicant to obtain building permit prior to construction. Disapproved 4/21/14TP-Disapprove 11/19/13.	PW requirements will be addressed with Building Permit review	Harbor conditions: 1. one slip to be reserved for public use; 2. southern-most end tie to remain vacant in order to not encroach on neighboring lease site. Note-water lease line will need to be extended out to accommodate slips. EE 12/16/13	cj

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
33	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	Environmental documents for Nutmeg Tanks. 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 out for public notice and 30 day review as of 11/19/12. 30 day review ends on 12/25/12. No comments received. Scheduled for 1/16/13 Planning Commission meeting and then to be referred back to SLO County. Planning Commission continued this item to address concerns regarding traffic generated from the removal of soil. In applicant's court, they are addressing issues brought up by neighbors during initial P.C. meeting. Project has been redesigned and will be going forward with concrete tanks. Modifications to the MND are in process. Neighborhood meeting conducted with Engineering on 9/27/2013. Revising project description and MND.	No review performed.	BCR- New design concept completed. Needs new MND for concrete tank, less truck trips. Neighborhood mtg held 9/27. Neighbors generally support new design that reduces truck trips by 80%. Concrete batch plant set up on site will further reduce impact. 5/5/14 - Cannon contract signed to finish permit phase. Construction will be delayed to FY15/16		?
Environmental Review										
34	City of Morro Bay	N/A		UP0-423	MND for Chorro Creek Stream Gauges	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj
Pre-application										
35		570 Kings			Multi-family in R-2 / WUI	Coordinating with applicant and Fire Department regarding fire protection for property adjacent to a wildland urban interface (WUI).				cj
36		Morro Mist			Final Map questions on 23 lot community housing project.	Received property inquiries from interested parties regarding conditions of approval on final map.				cj
37		Black Hill Villas			Final Map questions on 16 lot tract map approved by Coastal	Coordinating with applicant regarding conditions of approval relative to recent Coastal Commission approval of CDP.				cj
Grants										
38	Coastal Conservancy, California Coastal Commission, California Ocean Protection Council	City-wide			\$250,000 Grant Opportunity for funding for LCP update to address sea-level rise and climate change impacts.	Application submitted July 15, 2013. Awaiting results. Agency requested additional information and submitted 10-7-13. Notice received application was successful for amount requested. City funded \$250,000. Staff in contact with CA Ocean Protection Council staff to commence grant contract.	No review performed.	N/A		

#	Applicant/ Property Owner	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
39	City of Morro Bay	City-wide				Community Development Block Grant/HOME Program - Urban County Consortium	Staff has ongoing responsibilities for contract management. 2012 contracts in progress. 2013 contracts in progress. City Council approval 6/10/14 for City participation in Urban County consortium for Fiscal Years 2015-2017. Needs Assessment Workshop scheduled for 9/11/14 in tandem with Cities of Atascadero and Paso Robles at Atascadero City Hall 5pm. Draft 2015 CDBG funding recommendation approved by Council 12/9/14.	No review performed.	N/R		
40	City of Morro Bay	City-wide				Climate Action Plan - Implementation	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				
Project requiring coordination with another jurisdiction											
41	City of Morro Bay	Outfall				Original jurisdiction CDP for the outfall and for the associated wells	Coastal staff is working with staff. Coastal letter received 4/29/2013. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	City provided response to CCC on 7/12/13. Per Qtrly Conference Call CCC will take 30days to respond		
42	City of Morro Bay Desal Plant	170 Atascadero				Project requires a Coastal Development Permit for upgrades at the Plant. Final action taken Sent to CCC but pursuant to their request the City has rescinded the action.	Waiting for outcome from the CDP application for the outfall. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15/13. Phase 1 complete and finalized. Phase 2 on hold as of 7/22/14.		
Preapplication projects - None currently											
Final Map Under Review											
43	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. Recent Submittal reviewed and memo sent to PW regarding deficiencies. Initial review shows resubmitted map does not meet the 50 foot ESH buffer setback requirement. Creek restoration required per Planning condition #4 prior to recordation of the final map.	No review performed.	DH - resubmitted map and Biological study on Dec 19th 2012. PW has completed their review. Received a letter from Medina's lawyer and preparing response. PW comments sent to RS to be included with his response letter. RS said to process map for CC. Letter being prepared to send to applicant to submit mylars for CC meeting.		sg/cj
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive											

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
44	Maritime Museum Association (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. Resubmitted additional material on 9/30/09. Applicant working with City Staff regarding lease for subject site. Applicants enter into agreement with City Council on project. Applicant to provide revised site plan. Staff processing a "Summary Vacation (abandonment)" for a portion of Surf Street. Staff waiting on applicant's resubmittal. Meeting held with applicant 2/23/2011. Staff met with applicant 1/27/11 and reviewed new drawings, left meeting with 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. Sent Intent to Deem Withdrawn letter 9-2-14. JG.	Please route project to Building upon resubmittal.	An abandonment of Front street necessary. To be scheduled for CC mtg.		
45	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.	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.MR: Received letter from applicant's rep 11/15/12 requesting project remain open. Called B. Elster for further information. Six month extension granted. Sent Intent to Deem Withdrawn Letter 8-28-14. Applicant requested to keep project open 9-25-14.	Please route project to Building upon resubmittal.	N/A		cj
Projects going forward to Coastal Commission for review (Pending LCP Amendments) / State Department of Housing										
46	City of Morro Bay	Citywide	10/16/13	A00-013	Zoning Text Amendment - Second Unit	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. 6-11-13 City Council direction to staff to bring back to Planning Commission for review of ordinance. At 10-16-13 PC meeting, Commission recommended changes to maximum unit size and tandem parking design where units over 900 sf and/or tandem parking design of second unit triggers a CUP process. Council accepted PC recommendation at 2-11-14 meeting and directed staff to bring back revised ordinance for a first reading and introduction. Item continued to 4/22/14 Council meeting to allow time for Coastal staff comment regarding proposed changes. Council approved Into and First Reading on 4/22/14. Final Adoption of Ord. 585 at 5/13/14 Council meeting. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission.	No review performed.			wm

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
47	City of Morro Bay	Citywide	2/1/13	Ordinance 556	Wireless Amendment - LCP Amendment CHAPTER 17.27 Amendment for "Antennas and Wireless Telecommunications Facilities" AND MODIFYING CHAPTER 17.12 TO INCORPORATE NEW DEFINITIONS, 17.24 to MODIFY primary district matrices to incorporate the text changes , 17.30 to eliminate section 17.30.030.F "antennas", 17.48 modify to eliminate section 17.48.340 "Satellite dish antennas".	Application for Wireless Amendment submitted to Coastal Commission 9-11-13. Received comments back from CCC 11-27-13, working on addressing issues.	No review performed.	N/A		sg
Projects Appealed or Forwarded to City Council										
48	Fowler	1185-1215 Embarcadero	10/6/14	UP0-058	Precise Plan submittal for landside improvements	Under review. Incomplete letter 11-5-14. C.J. Fire comments emailed to applicant 11-26-14. Resubmittal received 12/29/14. Correction sent 1-29-14. Resubmittal 3-19-15. PC Agenda 5/19/15. Council date 6/23/15.		RPS provided comments for revision of Precise Plan on 2/11/15		cj
49	City of Morro Bay	Citywide	6/19/13	A00-015	Sign Ordinance Update. Text Amendment Modifying Section 17.68 "Signs"	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. PC made recommendations and forwarded to Council. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. A report brought to PC on 2/7/2011. Workshops scheduled 9/29/11 & 10/6/11. -Workshop results going to City Council 12/13/11. Continued to 1/10/12 CC meeting. Staff Report to PC. Project went to 5/2/2012. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13. Continued to 7/3/13 PC meeting for further review. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 Final Draft of Sign Ordinance approved at 9/4/13 PC meeting with recommendation to forward to City Council. Council directed staff to do further research with local businesses. First workshop held 11/14 with approx. 12 Quintana area businesses. Downtown workshop held March 2014, North Main business workshop held 4/28/14 and Embarcadero business workshop held 5/19/14. Result of sign workshops to be agendized for Planning Commission.	No review performed.	N/R		sg
Projects in Building Plan Check										
50	Sangren	675 Anchor	11/28/12	B-29813	SFR Addition	Requested corrections 1/9/13. C.J. Resubmittal received and under review (November 14, 2013). Denial letter sent 4/24/14 GN	BC- Returned for corrections 1/9/13.	N/A		
51	Gannage	185 Azure Street	5/11/15	B-30465	SF Additon of 44sf , relocated new kitchen, remodel bathrooms, replace façade, doors, windows, roof & water heater.			PN- Plans disapproved, Needs sewer video per memo- 6/1/15		
52	Wiseman	671 Bernardo	6/5/15	B-30429	SFR Interior Remodel	JG-2nd submittal under review. Approval 6/23. JG		JSW-second submittal denied, no changes made from 1st submittal		

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
53	Scott	465 Dunes	6/8/15	B-30427	SFR interior alteration with new additional bathroom.	JG resubmittal under review. Planning approval 6/25		PN- Plans disapproved. Needs lateral sewer easement.-6/15/15		
54	LaPlante	3093 Beachcomber	11/3/11	B-29586	New SFR: 3,495sf w/ 500 sf garage on vacant land.	SD--Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012. Building Permit on hold until Planning process complete. CJ.	BC- Application on hold during planning process	DH- Provide SW mgmt, drainage rpt, EC per memo of 1/18/12.		
55	Caldwell	801 Embarcadero	8/18/14	B-30250	Commercial Hood System		BC- returned for corrections 10/8/14.	NRR		
56	Fowler	1213 Embarcadero	9/11/14	B-30126	Phase 1-B Water Site Improvements	Requested correction 10-7-14 - Received resubmitted - applicant will need pre-construction eelgrass survey prior to issuance	BC- under review.	PN- Approved 5/2/15, no memo.		
57	PG&E	1290 Embarcadero	10/2/13	G-040	Soil Removal	CJ- Monitoring Well location partially in Coastal original jurisdiction. Coastal Commission processing consolidated permit. Waiver granted by Coastal 9-14-1491-W	BC- on hold pending planning process.	Memo of 11/29/13. CDP application should address soil revegetation		
58	Buquet	647 Estero	3/14/14	B-30129	New SFR: 1662 sf living, 577 sf garage, 564 sf unfinished space, and 230 sf deck	GN- conditionally approved, need to add conditions as a separate plan sheet. 3/27/14	BC- RTI 5/12/14.	DH - approved 5.8.14		
59	Appleby	381 Fresno	7/31/14	B-30227	Carport& Storage Shed	Correction sent 8-7-14. WM. Will require a CUP prior to building. JG. Corrections sent 2/23 JG	BC-on hold pending Planning process.	RPS - No PW comments if street access is not required for storage bldg		
60	Decker	430 Fresno	6/8/15	B-30491	Convert existing laundry room into bathroom.			PN- Disapproved, needs sewer video & bwv 6/12/15		
61	Montecalvo	510 Fresno	5/16/14	B-30212	New 2car gargaie (508 sf) w/ storage (383 sf) above, and 93 sf deck	Corrections sent 8-11-14. WM.	BC- returned for corrections 8/22/14.	Assigned to ME/DH for review		
62	Monie	2577 Greenwood Ave.	5/18/15	B-30471	2-story Addition to SFR: 935sf			PN- Disapproved, needs sewer video & EC 6/8/15		
63	Conrad	2820 Greenwood	12/30/13	B-30079	SFR Add/ Second Unit: 300 sf attached studio (27 new sf and convert 273 sf)	Under review. 2nd unit will require CDP.	BC- returned for corrections 2/28/14.	NRR		
64	Sotello	420 Island	6/30/14	B-30192	New SFR: 1678 sf living, 482 sf garage, 106 sf decking	Sent corrections 3/18/15. 2nd corrections sent 5/12/15. 3rd correction memo sent 5-28 - met w/ Applicant to review outstanding items.	Corrections 3/23/15. CL.	BCR conditionally approved plans per memo of 9/10/14		
65	Gonzalez	481 Java	10/6/13	B-30029	SFR Addition/ Remodel: add 578 sf living and 112 sf decking	WM. Expecting Admin Use Permit application for minor revision to approved design.	BC- on hold pending planning process.	Return for resolution of Planning issues. BCR - Conditionally approved per memo of 10/9/14		
66	Najarian	2295 Juniper	5/5/15	B-30471	New SFR: 2,216sf living, 522sf garage, 121sf patio & entry, and permeable paver driveway.			PN- Plans conditionally approved pending plan corrections 6/5/15		
67	Herrera	2820 Juniper	2/19/15	B-30375	New 203 sf deck addition to front of residence	Approved 3/4/15 JG				
69	Chivens	431 Kern		B30482	Demo Existing 625 S.F. Residence Construct 2,274 S.F. SFR & 550 S.F. Garage	Corrections June 23, 2015	Returned for corrections June 23, 2014			
68	Rockenbach	2670 Juniper	3/4/15	B-30387	Bathroom remodel	Approved 3/5/15. CJ.	Corrections 3/25/15. CL.	Approved. RS 3/4/15		
69	Tobin	315 Las Vegas	6/16/15	B-30524	New SFR	Waiting for CDP approval. JG.		PN- Disapproved, needs sewer video & corrections. 6/19/15		
70	Tobin	325 Las Vegas	6/16/15	B-30533	New SFR	Waiting for CDP approval. JG.		PN- Disapproved, needs sewer video & corrections. 6/19/15		
71	Candy Fish Sushi	898 Main	2/23/15	B-30380	Demise wall to add inside seating in restaurant	Approved 2/26/15 JG				

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
72	Dyson	117 Main	8/18/14	B-30248	Covered Patio	Corrections. 9-5-14. WM.	BC-Returned for corrections 9/8/14.	NRR		
73	Tobin	2500 Main	6/16/15	B-30534	New SFR	Waiting for CDP approval. JG.		PN- Disapproved, needs sewer video & corrections. 6/19/15		
74	Tobin	2540 Main	6/16/15	B-30535	New SFR	Waiting for CDP approval. JG.		PN- Disapproved, needs sewer video & corrections. 6/19/15		
75	Meisterlin	315 Morro Bay Blvd.	9/12/14	B30275	Commercial Alteration-Handicap restroom	Approved 9/25/14. CJ.	BC-returned for corrections 10/2/14.	RPS returned for corrections per memo of		
76	Hammond	2621 Nutmeg	1/13/15	B-30355	Remove top half of retaining wall due to stem wall failure and new wood deck			ME conditionally approved pending detail of drainage system at retaining wall per memo		
77	Wikler	405 Pacific	12/11/14	B-30338		Corrections 12-18-14. WM		BCR returned for corrections per memo of 12/19/14		
78	Dennis	270 Piney	2/13/15	B-30383	New SFR	Under review 2/26 JG. Waiting for conditions of approval to be included in plan set. 3/5 JG Approved 3/17 JG. Building permit approval 6/25/15		ME - Needs Erosion control plan & sewer		
79	Dennis	280 Piney	2/13/15	B-30384	New SFR	Under review 2/26 JG. Waiting for conditions of approval to be included in plan set. 3/5 JG Approved 3/17 JG		ME - Needs Erosion control plan & sewer		
80	Dennis	290 Piney	2/13/15	B-30382	New SFR	Under review 2/26 JG. Waiting for conditions of approval to be included in plan set. 3/5 JG Approved 3/17 JG		ME approved 4/16/2015		
81	Nagy	371 Piney	8/11/14	B-30237	New SFR: 3,022 square-foot SFR and garage, plus deck and balcony.	WM. CDP and building pans approved.	BC-out for corrections.	JW returned for corrections per memo of 8/14/14 w/ Sample Offer of Dedication. Reviewed Findings & Conditions of Approval 11/13/14. Provided Sample Covenant to Defer Public Improvements		
82	St. Tim's	962 Piney	6/5/15	B-30470	Addition and interior remodel	JG. Needs modification to existing planning permit. Adjustment AD0-023 approved, noticed 6/19.				
83	West	341 Rennel Street	5/5/15	B-30408	New SFR: 917sf floor area & 283sf garage.			PN- Plans conditionally approved pending plan corrections 6/5/15		
84	Salin & Torino	845 Ridgeway	6/12/15	B-30156	Demo/Reconstruct SFR.	JG Under review. Approved.		PN- Plans disapproved. Need lateral sewer video & plans update -6/15/15		
85	Frye	244 Shasta	5/7/13	B-29910	Garage to Second Unit conversion	KM - Needs to comply with or amend existing CDP. 2006 Planning permit modified to allow non-conforming structure. No activity since 2014 on this building permit.	BC- on hold pending planning process.	BCR-approved 5/13/13		
86	Lindsey	413 Shasta	1/14/15	B-30357	Demo / Reconstruct SFR.	Needs CDP. Under review. JG		PN- Plans disapproved. Need lateral sewer video & plans update -6/26/15		
87	Wammack	505 Walnut	12/31/13	B-30076	New SFR: 2611 sf living, 489 sf garage, 190 sf decks and covered porch	WM. CDP and building pans approved.	BC-on hold pending Planning process.	BCR sidewalk deferral agreement		
88	Turner	356 Yerba Buena	5/21/15	B-30490	SF Additon & Alteration addition of 2,026sf	Under review. CJ				
Projects & Permits with Final Action										

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
13	DVP, LP	350 Las Vegas	4/21/15	CP0-468	Demo/ reconstruct. Demolish 832 sf SFR and reconstruct 1600sf with 484 sf garage	Under Initial Review. JG. Noticed 6/2/15. FLAN mailed 6/26		DH - Conditionally Approved with commetns		jg
1	T-Mobil e West LLC	1245 Little Morro Creek Rd (aka 750 Radcliffe)	1/8/15	Modification of UP0-245 & CP0-279	Upgrade of existing wireless facilities at PG&E lattice tower.	Requested proposed visual simulation 2-11-15. Resubmitted 4/2/15. Project noticed and permit modification issued 6-1-15. CJ.		RPS - Encroachment Permit required for Work w/ ROW		cj



AGENDA NO: B-1

MEETING DATE: July 7th, 2015

Staff Report

TO: Planning Commissioners

DATE: July 7th, 2015

FROM: Joan Gargiulo, Contract Planner

SUBJECT: **Conditional Use Permit (#UP0-409)** Request to allow an addition exceeding 25% of existing floor area for a single-family residence with a nonconforming side-yard setback at 2455 Greenwood Avenue, located in the R.1/S-2 zoning district and outside of the Coastal Commission Appeals Jurisdiction.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by approving Planning Commission **Resolution 21-15** which includes the Findings and Conditions of Approval for the project depicted on site development plans dated stamp received April 28, 2015.

APPLICANTS: Stephen and Sharon Peck

ARCHITECT: RRM Design Group

LEGAL DESCRIPTION/APN: 068-249-031

PROJECT DESCRIPTION:

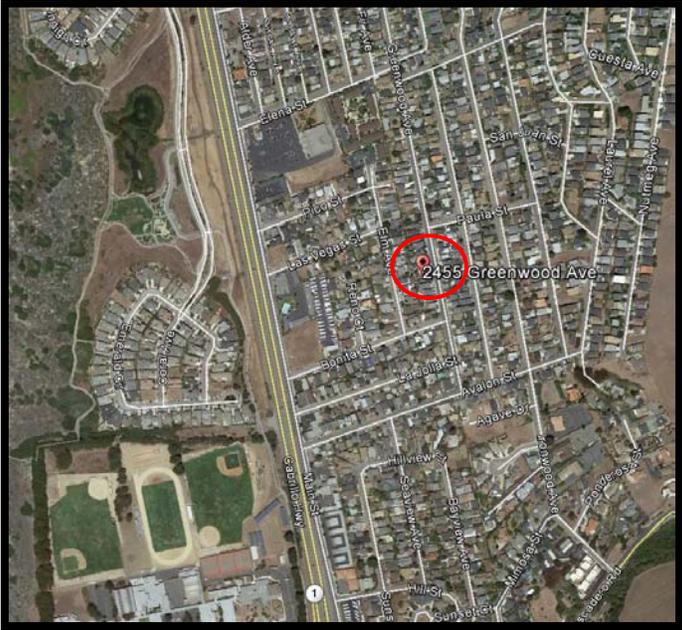
The Applicant is requesting Conditional Use Permit approval for an addition exceeding 25% of the existing floor area for a nonconforming single-family residence. The applicant proposes to add 1,112 sq. ft. of habitable floor area to an existing 1,039 sq. ft. residence, add 65 sq. ft. to the existing garage, and add 80 sq. ft. of decking. Specifically, the project will include 2,151 sq. ft. of habitable floor area, a 465 sq. ft. garage, and 200 sq. ft. of decking. The residence is considered nonconforming because it has an inadequate side-yard setback and a nonconforming driveway discussed below in the 'Project Analysis' section.

Prepared By: JG

Department Review: _____

PROJECT SETTING:

The project is located in the Del Mar residential neighborhood, designated as Planning Area 3 in the Local Coastal Plan. The parcel at 2455 Greenwood Avenue lies to the east of Highway 1, north of Highway 41, and south of San Jacinto Street. The mostly level, rectangular-shaped 3,808 square-foot lot is in the R-1/S.2 Single-Family Residential Zoning District. Housing in the surrounding area includes a variety of one- and two-story homes. The site is located outside of the Coastal Commission Appeals Jurisdiction.



Adjacent Zoning/Land Use			
North:	R-1/S.2 Single-Family Residential Use	South:	R-1/S.2 Single-Family Residential Use
East:	R-1/S.2 Single-Family Residential Use	West:	R-1/S.2 Single-Family Residential Use

Site Characteristics	
Site Area	Approximately 3,808 square feet
Existing Use	Single-Family residential
Terrain	Virtually level and developed
Vegetation/Wildlife	Ornamental landscaping
Archaeological Resources	No significant resources within 300 feet of subject parcel
Access	Greenwood Avenue

General Plan, Zoning Ordinance, & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Low-Medium Density Residential
Base Zone District	R-1
Zoning Overlay District	n/a
Special Treatment Area	S.2
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Located outside the Coastal Appeals Jurisdiction

PROJECT ANALYSIS:

Background

County Assessor records indicate the original 767 square-foot home was built in 1961 with an approximate 275 square-foot addition built before 1977, resulting in the current residence of 1,039 square feet. The residential use is consistent with the General Plan designation of Low-Medium Density Residential and with the Single-Family Residential (R-1) Zoning designation.



Zoning Ordinance Consistency

Current requirements of the Morro Bay City Zoning Ordinance (the “Zoning Ordinance”) for setbacks and driveway width render the existing structure nonconforming. However, additions to nonconforming structures may be permitted with approval of a conditional use permit, subject to certain findings (Morro Bay Municipal Code (MBMC) section 17.56.160).

Zoning Ordinance Standards			
	Standards	Existing	Proposed
Front Setback	15 feet	17.5 feet	15 feet
Side-Yard Setback	3.5 feet	2.75 feet	2.75 feet /3.5 feet
Rear Setback	5 feet	7 feet	15 feet
Height	Max. 25 Feet	21.5 feet	22.5 feet
Lot Coverage	Max. 50%	39%	48.6%
Driveway Width	Min. 10 feet	9 feet	16 feet
Parking	2 Car Garage	2 Car Garage	2 Car Garage

Driveway Width

The existing driveway does not meet the current standards for driveway width as expressed in Section 17.44.030 of the Zoning Ordinance. Currently, the existing driveway is 9 feet wide where a minimum of 10 feet is required. The driveway as proposed conforms to MBMC standards.

Setbacks

The existing residence does not conform to the current setback requirements as set forth in Section 17.40.050 of the Zoning Ordinance. The side-yard setback requirement in the S-2 Overlay Zone is 10% of the average width of the lot. As the lot is 35 feet wide, a 3.5 foot setback is necessary. The north side-yard setback, measured at 2.75 feet does not meet this requirement. The proposed addition is in conformance with all setback standards.

Conditional Use Permit Requirement

The Zoning Ordinance, subsection 17.56.160B, requires approval of a conditional use permit for projects proposing additions in excess of 25% of the existing floor to a nonconforming structure. The project proposes to add 1,112 square feet to an existing 1,039 square-foot structure. As noted above, the structure is nonconforming with regard

to the side-yard setback and the width of the driveway. Approval of a Conditional Use Permit requires the following findings to be made:

1. The enlargement, expansion, or alteration is in conformance with all applicable provisions of the Zoning Ordinance.

The proposed remodel and additions are consistent with Zoning Ordinance requirements.

2. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use.

The applicant is required to submit a complete building permit application and obtain the required building permit prior to construction.

3. The project is suitable for conforming uses and will not impair the character of the zone in which it exists.

The project proposes additions to a single-family dwelling, which is an allowed use in the R-1 zone. The surrounding neighborhood is developed with modest one- and two-story homes.

4. It is not feasible to make the structure conforming without major reconstruction of the existing structure.

Major reconstruction would be necessary to meet the required side-yard setback along the north property line.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Tribune newspaper on June 27th, 2015, and all property owners and occupants of record within 500 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

ENVIRONMENTAL DETERMINATION:

Environmental review was performed for this project and staff determined it meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15303 Class 3. The exemption applies to additions to new single-family residences located within residential zones and the project will have no potentially significant environmental impacts.

CONCLUSION:

The project is consistent with the General Plan and Local Coastal Plan which establish five residential land use categories to provide for a wide range of densities and to ensure residential land is developed to a density suitable to its location and physical characteristics. The project is consistent with the Zoning Ordinance because housing is a principally allowed use in the Low/Medium Density land use designation and because the Zoning Ordinance allows additions to nonconforming structures upon approval of a conditional use permit (MBMC section 17.56.160).

RECOMMENDATION:

Staff recommends the Planning Commission approve the requested Conditional Use Permit #UPO-409 for the proposed addition to a nonconforming structure for the project at 2455 Greenwood, as shown on plans date stamp received April 28, 2015, by adopting Planning Commission **Resolution 21-15** which includes the Findings and Conditions of Approval for the project.

EXHIBITS:

Exhibit A – Planning Commission Resolution 21-15

Exhibit B – Graphics/Plan Reductions

Exhibit C – Application Narrative Date Stamp Received April 28, 2015

RESOLUTION NO. PC 21-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT (UP0-409) TO ALLOW AN ADDITION EXCEEDING 25% OF THE EXISTING FLOOR AREA TO A NONCONFORMING RESIDENTIAL STRUCTURE AT 2455 GREENWOOD AVENUE

WHEREAS, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on July 7th, 2015, for the purpose of considering Conditional Use Permit UPO-409 for a proposed addition to a nonconforming single-family home at 2455 Greenwood Avenue; and

WHEREAS, notice of the public hearing was provided at the time and in the manner required by law; and

WHEREAS, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

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

Section 1: Findings. Based upon all the evidence, the Commission makes the following findings:

California Environmental Quality Act (CEQA) Finding

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15301, Class 1 for additions to existing structures of less than 50% of existing floor area and will have no potentially significant environmental impacts.

Conditional Use Permit Findings

1. The project is consistent with the General Plan and Local Coastal Plan which establish five residential land use categories to provide for a wide range of densities and to ensure that residential land is developed to a density suitable to its location and physical characteristics.
2. The proposed additions are in conformance with all applicable provisions of the Morro Bay City Zoning Ordinance (the “Zoning Ordinance”), including building height, setbacks, and lot coverage.
3. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use since the applicant is required to submit a complete building permit application and obtain the required building permit prior to construction.

4. The project is suitable for conforming uses and will not impair the character of the zone in which it exists because it proposes additions to a single-family dwelling, which is an allowed use in the R-1 zone and the surrounding neighborhood is developed with one- and two-story custom homes.
5. It is not feasible to make the structure conforming without major reconstruction of the existing structure. Major reconstruction would be necessary to meet the required side-yard setback along the northeastern property line and to accommodate a two-car garage.

Section 2. Action. The Planning Commission does hereby approve Conditional Use Permit UPO-409 for property located at 2455 Greenwood Avenue subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated July 7th, 2015, for the project at 2455 Greenwood Avenue depicted on plans date stamped April 28th, 2015, 2015, on file with the Community Development 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 Resolution 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. Any extension may be granted by the City's Community Development Manager (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified 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 Community Development Manager. Any changes to this approved permit determined, by the Director, not to be minor 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, the City, 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 MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.

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 applicant's failure to comply with conditions of approval. Applicant understands and acknowledges the 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 or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of 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 MBMC and is a misdemeanor.
7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

PLANNING CONDITIONS

1. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.
2. Construction Hours: Pursuant to MBMC subsection 9.28.030.I, Construction or Repairing of Buildings, the erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Public Services Department, which permit may be granted for a period

- not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.
3. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
 4. Conditions of Approval: 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.
 5. Future Additions: Any future additions to the residence shall require review and approval by the Planning Commission, with specific emphasis placed on review of providing compliant parking.

BUILDING CONDITIONS

1. Building Permit: Prior to construction, the applicant shall submit a complete Building Permit Application and obtain the required Permit.

FIRE CONDITIONS

1. Automatic fire sprinklers. An automatic fire sprinkler system, in accordance with NFPA 13-D, California Fire Code (Section 903), California Residential Code (Section R313), and Morro Bay Municipal Code (Section 14.08.090(4) (b)) is required.

Applicant shall submit sprinkler plans to Morro Bay Community Development Department for review.

2. Carbon monoxide alarms in new dwellings and sleeping units. An approved carbon monoxide alarm shall be installed in dwellings having a fossil fuel-burning heater or appliance, fireplace or an attached garage. Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. (CRC R315.2)

Applicant shall install Carbon Monoxide Detection Alarms in required locations.

3. Fire Safety During Construction and Demolition shall be in accordance with 2013 California Fire Code, Chapter 33. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations.

Applicant shall include above language on Building Plan submittal.

PUBLIC WORKS CONDITIONS

1. Prior to Construction: The applicant shall submit a complete grading and utility plan set for plan review in order to obtain the required Building Permit. Grading plan shall include driveway plan and profile
2. Frontage Improvements Encroachment Permits: A standard encroachment permit shall be required for the proposed driveway removal; the sidewalk, curb and gutter, and sidewalk shall comply with City Standard drawings B-1, B-5, and B-6.
3. Sewer Lateral: Note and show sewer laterals on the utility plan. If a new lateral(s) is/are being proposed, include a note on the plans and abandon existing sewer lateral(s), per City Standard, if necessary.
4. Sewer Lateral: If an existing lateral is used, perform a video inspection of the lateral and submit to Public Works. Lateral shall be repaired if necessary. A sewer backwater valve and downstream cleanout, extended to grade, shall be installed on the sewer lateral.
5. Sewer Backwater Valve: A sewer backwater valve shall be installed on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project. Please indicate on the plans.
6. Sewer Encroachment Permits: A sewer encroachment permit shall be required for the installation of the sewer lateral. When utility connections require pavement cuts a traffic control plan indicating appropriate signing, marking, barricades and flaggers must be submitted with the Encroachment Permit application.
7. Storm water Management: The City has adopted Low Impact Development (LID) and Post Construction requirements to protect water quality and control runoff flow from new and redevelopment projects. The requirements can be found in the Engineering Standards. Projects with more than 2,500 sq. ft. of new or redeveloped impervious area are subject to these requirements.

Therefore, based on the project narrative submitted, this project is exempt from LID post construction requirements.

Add the following Notes to the Plans:

1. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.
2. Any damage to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 7th day of July, 2015 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Tefft, Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 7th day of July, 2015.

EXHIBIT B

SHEET INDEX:
COVER SHEET: T1
PLAN SHEET: T2

PROJECT INFORMATION

OWNER:
STEPHEN AND SHARON PECK
2455 GREENWOOD AVE
MORRO BAY, CA 93442
P: 559.731.5778

ARCHITECT:
RRM DESIGN GROUP
3765 SOUTH HIGUERA ST. SUITE 102
SAN LUIS OBISPO, CA 93401
P: 805.543.1794

ZONING: R-1/S.2

LEGAL DESCRIPTION: APN: 068-249-31; LOT 30;
TRACT: MORRO DEL MAR

ALLOWED HEIGHT: AVG NATURAL GRADE 25'-0"
PROPOSED HEIGHT: 25'-7"

LOT AREA: 3,808 SF

ALLOWABLE LOT COVERAGE: 50%

LOT COVERAGE EXISTING: 1,492 SF (39.2%)

LOT COVERAGE PROPOSED: 1,850 SF (48.6%)

EXISTING IMPERMEABLE SURFACES: 2,898 SF

PROPOSED IMPERMEABLE SURFACES: 2,113 SF

EXISTING LANDSCAPE AREA: 910 SF

PROPOSED LANDSCAPE AREA: 842 SF

PROPOSED PERMEABLE PAVERS/SURFACES: 887 SF

EXISTING FLOOR AREAS:

LIVING: 1,039 SF
GARAGE: 400 SF
DECK: 120 SF

MAIN: 1,287 SF
UPPER: 514 SF
LOWER: 360 SF

TOTAL LIVING: 2,151 SF
GARAGE: 473 SF
DECKS: 220 SF

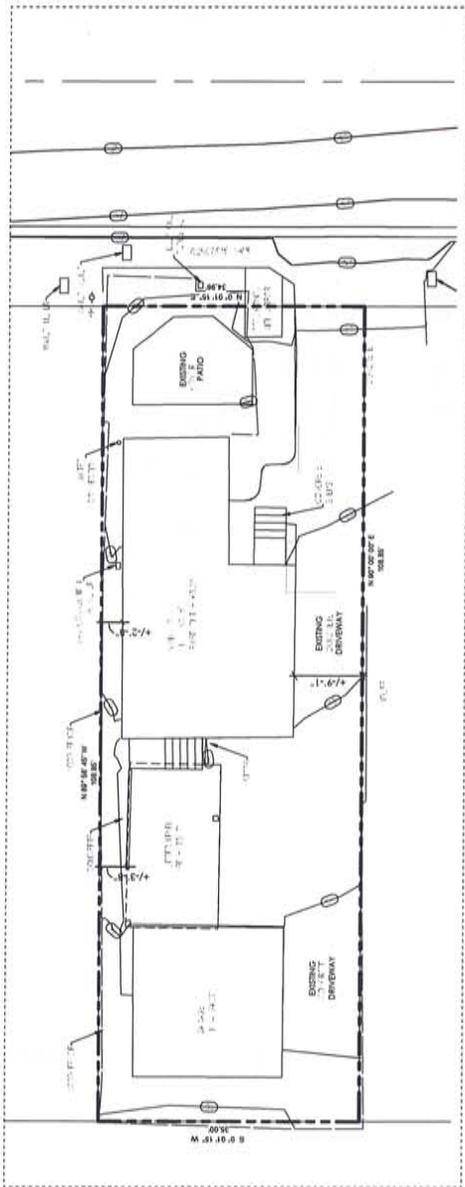
VICINITY MAP



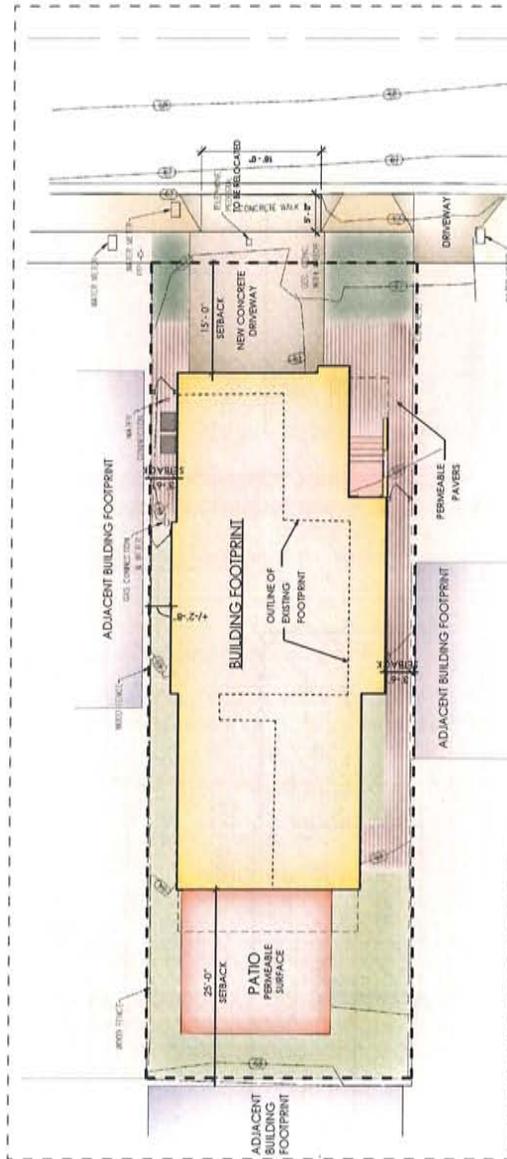
COVER SHEET

DATE: APRIL 27, 2015
#1013022

SCALE: 1/8"=1'-0" (250x sheet)



EXISTING SITE PLAN 1/8" = 1'-0"



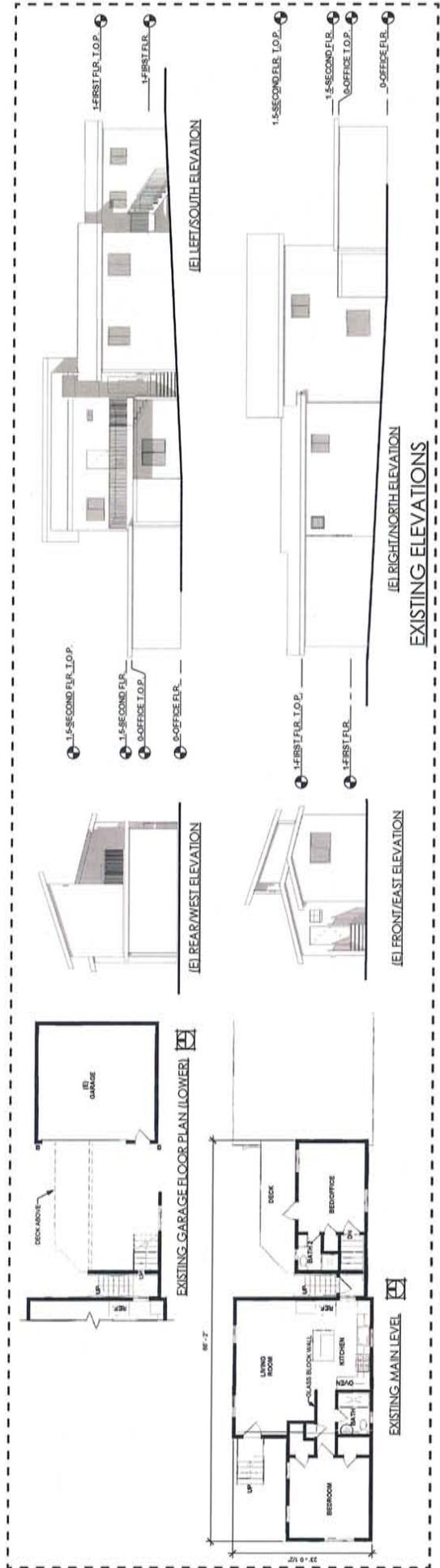
PROPOSED SITE PLAN 1/8" = 1'-0"

PECK RESIDENCE

2455 GREENWOOD AVE MORRO BAY, CA 93442



EXHIBIT B



PLAN SHEET T2

DATE: APRIL 27, 2015
101.3022

SCALE: 1/8" = 1'-0" (2204 sheet)

PECK RESIDENCE

2455 GREENWOOD AVE MORRO BAY, CA 93442



EXHIBIT C

Application Narrative

Request to Allow an Addition Exceeding 25% of Existing Floor Area
for a Single-Family Residence with a Nonconforming Side Yard
Setback at 2455 Greenwood Street

RECEIVED

APR 28 2015

City of Morro Bay
Community Development Dept.

APPLICANTS: Stephen and Sharon Peck;

ARCHITECT: RRM Design Group

APN: 068-249-031

PROJECT DESCRIPTION:

We are requesting a conditional use permit to construct a 1,112 net square foot addition to a 1,050 square foot house on a lot which has a side yard setback set back that is below standard. The modifications to the existing structure(s) would be the demolition of the rear garage, demolition a 240 square foot bedroom, construction and enclosure of a 347 square foot laundry and study below the existing second story, construction of a second floor bedroom, and construction of a ground floor garage with a master bedroom above. It would also include the construction of decks off the master bedroom and other bedrooms. The project would also include the widening of the living room by approximately 6 feet, into the area now occupied by the driveway along the south side of the lot. The current structure is the result of several additions and remodels, including a one-room upper story addition in the 1970s, and the addition of a bedroom to the front the structure prior to that.

The CUP is necessitated by the fact that the side yard setback on the north side of the original structure (which was constructed in 1961) is 2.8 feet whereas 3.5 feet is called for in the zoning ordinance. The 1970's addition of the upper floor bedroom is in compliance with the city's setback requirements. This reduced setback is for the original structure. This particular wall is also the kitchen wall where all appliances are located. It also serves as an exterior structural bearing wall. The reduced lot width is the result of a lot line adjustment/quit claim that occurred to resolve construction of the house on the adjacent lot five feet across the common property line.

There were several constraints on the project that affected the ultimate design. These included:

1. The demolition on the front of the structure was limited by several structural walls and utility walls. The kitchen utility and structural wall is located along the northern part of the house, along the area that has a non-conforming setback. It is not feasible to relocate this wall 8 inches to achieve compliance.
2. The existing downstairs bathroom also limits the front yard setbacks and garage dimensions. The bathroom will be reconfigured slightly to allow full 20 feet of depth in the garage and 15 feet of front yard setback.

EXHIBIT C

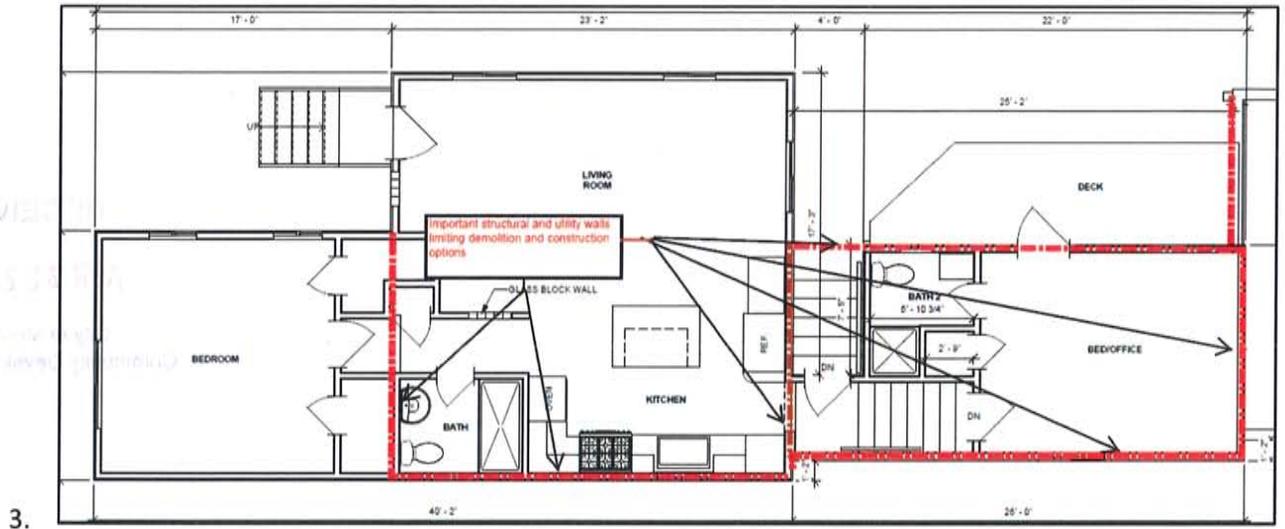


Figure 1--Location of Structural and Utility Walls Limiting Demolition

The house currently has a two-car garage in the rear of the lot (which is typical of older houses along the west side of Greenwood), but the garage's location and the resulting long backup maneuver limit its actual usage for vehicle storage. Typical vehicle storage now occurs in the driveway. The project would seek to do the following:

1. Demolish the existing garage that is in the rear of lot and replace with a garage on the front of the lot which would have a drive approach and driveway that are typical of recent remodels along the block. Approximately 30 percent of the site area is currently devoted to the garage and driveway. The modification would reduce this to less than 10 percent. The new garage would have rolling automatic sectional door with a power garage door opener. The area of the demolished garage would be converted to a 900 square foot rear yard area, increasing the total landscaped area of the lot.
2. A new master suite would be constructed above the new garage.
3. A second upper floor bedroom would be constructed, and the area beneath it would be enclosed for a laundry and study.
4. The existing living room would be widened into the existing driveway to the permitted side yard setback.
5. The exterior of the structure would be remodeled to tie the different elements together with a Contemporary design theme.
6. The remodel would eliminate the front landscape patio area. As planned and planted by the previous owner, this area is somewhat overgrown and reduces visibility up and down the street. The fence and arbor that were installed by the previous owner are also partially in the public right of way and may exceed front yard height limitations. The modifications would make the front yard more consistent with neighboring properties, and conforming to city regulations.

EXHIBIT C



Before



After

PROJECT SETTING:

The project is located in an R-1/S.2 Single Family Residential neighborhood in the north Morro Del Mar area of the City. The site is outside the Coastal Commission appeal jurisdiction. Housing in the surrounding area includes a mix of one- and two-story homes and a mix of older homes and newly remodeled homes. Lots on the east side of Greenwood are shallower than those on the west side. As a result, lot coverages for remodeled homes appear to be approximately 50-60 percent, with standard 14-20 foot setbacks. Recently remodeled units on the west side of Greenwood have front yards of 14 to 20 feet as well, with driveways located at the front of the house. The subject house is flanked by two single story units. The unit to the north (2445 Greenwood) has reached the end its useful life and has been a rental for many years. The house to the north at 2461 Greenwood is undergoing some interior remodeling and the owner is contemplating a second story addition to that structure to increase its functionality and scenic views. Approximately two-thirds of the units along this portion of Greenwood are two story units. The property's base zoning is R-1 (Single Family Residential) with an S.2 Overlay Zone provides development standards for small lots, and/or lots which need special standards to permit development of properties which, because of their location, size or configuration, require unusual or unique design criteria (See Table 1).

EXHIBIT C



Figure 2--Houses in Vicinity to the South of Subject

Older cottage units are typically one story and are 750 to 1,100 square feet. Remodels, reconstructions and replacements are principally two stories and range in size from 1,700 square feet to 2,600 square feet. Floor area ratios (FAR) for newer two-story units on the block range from 0.45 to 0.65 on the larger lots on the west side of Greenwood, to 0.60 to 0.65 on the smaller lots on the east side of Greenwood. The FAR for the proposed project is 0.59.



Figure 3--Houses North of Subject

EXHIBIT C



Figure 4--Housing in Vicinity of Project (Across the Street)

The height of the street walls of the structures on Greenwood varies. However, many of the remodeled or reconstructed structures have 20-25' high full two story elements at or near the front yard setback line. Other two story units have garages with gabled roofs and/or upper patios and decks, with total street wall height for these structures of approximately 15-20 feet. Maximum height for the street wall for the proposed project is approximately 20 feet (not including the 3.5-foot wide architectural projection between the porch and garage door, which is 25 feet in height from ground level).

Most of the properties along Greenwood in the immediate vicinity are 40 feet wide. However, properties have been merged, expanded and reduced in size over the years for various reasons. One property to the east is 30 feet wide, and the subject property was reduced in width to 35 feet to accommodate the construction of the structure at 2445 Greenwood across the property line.

The structures in the immediate vicinity are of different architectural character. There are a number of older original single "cottages", but most lots have been remodeled with two-story wood- or stucco-sided modern structures. Several have Contemporary architecture, like that proposed for the subject property.

EXHIBIT C



Figure 5--Contemporary Structure in Vicinity

Table 1
Zoning Ordinance Requirements and Compliance
R-1/S.2 Zone

	Standards	Existing	Proposed
Front-Yard Setback	15 feet	17.5 feet	15 feet
Side-Yard Setback	10% of lot width (3.5 ft.) to a maximum of 5 ft.	2.75 feet/9.5 feet	2.75 feet/3.5 feet
Rear-Yard Setback	5 feet	7 feet	15 feet
Lot Coverage	50%	39.2%	48.6%
Height	25 feet	21.5	22.5
Min Driveway Width	10 feet	9 feet ²	16 feet
Max Driveway Width	20 feet	9 feet	16 feet
Driveway Width as % of Lot Width	60%	26%	46%
Garage Width/Space	9 feet	10 feet	11.2 feet
Garage Depth/Space	20 feet	20 feet	20 feet ¹
Parking	2 covered and enclosed spaces	2 covered and enclosed spaces	2 covered and enclosed spaces

¹ Stair encroachment does not conflict with needed parking area.
² Existing shared driveway.

EXHIBIT C

PROJECT DESIGN AND NEIGHBORHOOD COMPATIBILITY:

Design and Materials: A Contemporary architectural style was chosen. The finishes will have smooth colored stucco, horizontal concrete siding, simple open punch windows, flat or slightly sloped rooflines with overhangs, and simple horizontal and vertical lines. This style was chosen for a number of reasons:

1. It is easy to match the style of any adjacent structure with similar materials or roof pitches.
2. The flat/slightly sloping roof avoids the use of gables or pitched roof lines which tend to accentuate and increase the height. The height of the front element at the front setback line is estimated to be approximately 20 feet, less than the 25 feet permitted and less than that for similar structures with living spaces above the street-front garages.
3. The architectural style and the associated roof line has the least impact on views from properties to the east.
4. This architectural style allows the existing middle part of the structure to remain substantially as it is. This part of the structure is adjacent to the existing neighboring one-story structures and makes the transition to those structures less than severe than in if the entire structure was a two story unit.

Many of the structures in the immediate vicinity have a walk-up entry. This unit would include a half-floor walkup to the entry that will be visible from the street.

In order to reach out to the neighbors and get their input on the proposed exterior design and plan, a neighborhood open house was held on December 27, 2014. Neighbors within 400 feet of our house were invited to view the proposed exterior elevations and to provide comments. All attendees were positive and enthusiastic about the proposed changes.

CONCLUSIONS AND RECOMMENDED FINDINGS

Approval of a use permit for additions of more than 25% of floor area to a nonconforming structure requires the following findings to be made. Suggested findings follow.

1. The enlargement, expansion, or alteration is in conformance with all applicable provisions of the Zoning Ordinance.

The proposed remodel and additions are consistent with Zoning Ordinance requirements. The project will remove non-conforming portions of the structure (although not all) and the improvements would reduce the severity of non-conformance. All new construction complies with the requirements for the R-1 zone and S.2 Overlay Zone.

2. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use.

The applicant is required to submit a complete building permit application and obtain the required building permit prior to construction. Due to the extent of the proposed construction, the project will require conformance with current building codes. The project will also result in the installation of

EXHIBIT C

sidewalk and other frontage improvements that will bring the property into full compliance with current drive standards, site distances, fence heights, and other applicable regulations.

3. The project is suitable for conforming uses and will not impair the character of the zone in which it exists.

The project proposes additions to a single-family dwelling, which is an allowed use in the R-1 zone. The surrounding neighborhood is developed with one- and two-story homes. The bulk and scale of the proposed construction is consistent with that in the surrounding neighborhood, including the prevailing range of floor area ratios, street wall heights, and permitted and prevailing lot coverages in the neighborhood. A neighborhood outreach meeting was conducted in December of 2014 that resulted in no adverse comments on the proposed design of the project.

4. It is not feasible to make the structure conforming without major reconstruction of the existing structure.

Major reconstruction would be necessary to correct the non-conforming side yard setback. The wall on the north side yard setback is the primary kitchen and utility wall and moving this wall 10 inches to comply with the setback requirements is neither reasonable nor necessary for public health and safety. Further, as part of the project, 17 linear feet to the structure that is non-conforming will be demolished and reconstructed per City codes and ordinances, reducing the severity of the non-conforming condition. All other construction (including the 1970's addition, and the proposed new construction is in conformance with applicable city codes and ordinances.



AGENDA NO: C-1

MEETING DATE: July 7, 2015

Staff Report

TO: Planning Commissioners

DATE: July 1, 2015

FROM: Cindy Jacinth, Associate Planner

SUBJECT: Interpretation of Continuous Bayside Lateral Access Requirement in Zoning Ordinance and Coastal Land Use Plan (CLUP)

RECOMMENDATION:

Staff recommends the Planning Commission review the requirements for Bayside Lateral Access as required in the City's LCP and Zoning Ordinance and provide direction for staff to return with an interpretation resolution.

BACKGROUND/DISCUSSION:

At the May 19, 2015 meeting, the Planning Commission reviewed and deliberated a proposal for development along the north Embarcadero waterfront area with consideration that included project requirements for continuous bayside lateral access. The consensus of the Commission at this meeting was that the City's Local Coastal Program (LCP which includes both the CLUP and the Zoning Ordinance) are clear with respect to the requirement of continuous lateral access.

Both Chapter 3 of the City's Coastal Land Use Plan (CLUP), "Shoreline Access and Recreation" and the Zoning Ordinance describe the requirement for physical provisions of continuous lateral access.

Lateral access is defined in Zoning Ordinance Section 17.12.346 as:

"Lateral access" means public access along and parallel to the shoreline and coastal bluffs through the use of but not limited to pedestrian trails and boardwalks.

Section 17.48.280 of the Zoning Ordinance (Attachment B), as the implementation plan of the City's LCP, requires for new development adjacent to the Bayfront or ocean, "open and unobstructed public access shall be provided from the nearest public roadway to the shoreline and along the coast." This section described both lateral access requirements and vertical access requirements.

Under lateral access requirements, Section 17.48.280 paragraph A.2 states that "provision for continuous lateral access...along the Bayfront portion of a parcel shall be required for any development or improvement which results in...change in use, additional floor area or improvements...increase in height...[or] significant nonattached structures. Paragraph A.3

Prepared By: CJ

Department Review: SG

further states that lateral access along the waterfront revetment may be achieved in the following manner:

- a. *Walkways: in the form of open or enclosed unobstructed walkways a minimum of eight feet wide across the bayward side of the proposed development.*
- b. *Decking and/or boardwalks: open and unobstructed exterior decking and/or boardwalks extending bayward a minimum of twelve feet.*
- c. *Breezeways and/or walkways: designated open, and unobstructed breezeways and/or walkways within the structure, provided such breezeways are located as close as possible to the bay and are designed to provide the most direct, convenient connection between adjacent existing or potential lateral accessways. Exterior access is preferred over interior access."*

Chapter 3 of the City's CLUP also requires via Policies 1.20 and 1.26 that "...a physical provision for continuous lateral access along the Bayfront portion of the parcel" shall be provided.

However, the CLUP Policy 1.20 also includes provisions for exceptions to required lateral access upon justification with an engineering analysis that such access would be infeasible based on site and topographical constraints. This language is included in Policy 1.20 as excerpted in paragraphs 2 and 3 below (*emphasis added*):

Policy 1.20

"(1) Each application for new development or lease which would result in an increase in intensity of use, change of use, or expansion of an existing structure seaward or an increase in height shall include a physical provision for continuous lateral access along the bayfront portion of the parcel. Developments which require this access provision are defined as improvements which would result in a change in use, an increase of 10 percent or less where an improvement of the structure had previously been undertaken, increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.

(2) Each applicant for development as defined in part (1) above shall be required to provide lateral access unless the applicant can demonstrate based on engineering analysis that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety and fragile coastal resources.

(3) If continuous lateral access across the bayward portion of the parcel is found to be [in]feasible*(sic) due to topographical or site constraints as defined in part (2) above, the applicant shall contribute an in-lieu fee (equivalent to the cost of construction of an accessway along the bayward edge of the structure proposed) to the City. Fees shall be used to coordinate the bayfront lateral and vertical access program, and shall be used to link lateral access where feasible and to improve vertical access provisions."

**Original LCP language uses the word "feasible" where based on context of written paragraph, "infeasible" would have been the intended word.*

ZONING ORDINANCE AUTHORITY:

The Planning Commission is authorized, by the Morro Bay City Zoning Ordinance, (the “Zoning Ordinance”) section 17.48.020, to make interpretations of ambiguities found in the Zoning Ordinance. Pursuant to that section, through a reference to section 17.08.020, the Planning Commission shall consider the following factors as criteria for their determination:

- A. Effect upon the public health, safety and general welfare of the neighborhood involved and the city at large,
- B. Effect upon traffic conditions, and
- C. Effect upon the orderly development of the area in question and the city at large in regard to general planning of the whole community.

CONCLUSION:

The requirement for continuous lateral access both as specified in the Zoning Ordinance and also as identified via policies in the City’s CLUP provide clear direction on the types of projects that trigger provision of lateral access and when. It also provides for the manner in which continuous lateral access shall be provided. As contained in the CLUP Policy 1.20, there are also occasions where exceptions may be warranted based on site or topographical constraints subject to an engineering analysis. Staff recommends that Planning Commission review the information and attachments presented in this staff report and provide direction to staff to return with a resolution for interpretation.

ATTACHMENTS:

- A. Zoning Ordinance Section 17.48.280
- B. Link to Chapter 3, Shoreline Access and Recreation of the Coastal Land Use Plan
<http://www.morro-bay.ca.us/DocumentCenter/Home/View/1540>

ATTACHMENT A

17.48.280 - Public access to and along the shoreline.

For new development (defined by the Coastal Act) adjacent to the bayfront or ocean, open and unobstructed public access shall be provided from the nearest public roadway to the shoreline and along the coast as required herein.

A. Lateral Access Requirements.

1. Easements. For new developments on properties adjacent to the mean high-tide line, easements or offers of dedication for open and unobstructed public accessways along the shoreline between the mean high-tide line and the first line of vegetation shall be required, except as provided herein.
2. Lateral Public Access. Open and unobstructed lateral public access along the waterfront revetment (or shoreline, pursuant to subsection (A)(1) of this section if no revetment exists) shall be provided in all new development or additions on properties adjacent to the bayfront consistent with the provisions herein, and with public safety needs and the need to protect public rights, rights of private property held by leaseholders and natural resource areas from overuse. Provision for continuous lateral access, pursuant to this section, along the bayfront portion of a parcel shall be required for any development or improvement which results in:
 - a. Change in use: a change in the category of land use, a change in intensity of use or change of use.
 - b. Additional floor area or improvements: an increase of ten percent or more of internal floor area of an existing structure or an additional improvement of ten percent or less where an improvement to the structure has previously been undertaken.
 - c. Increase in height: any increase in height by more than ten percent of an existing structure.
 - d. Significant nonattached structures: any significant nonattached structure such as garages, fences, shoreline protective works or docks.
3. Lateral Access. Lateral access along the waterfront revetment may be achieved in the following manner:
 - a. Walkways: in the form of open or enclosed unobstructed walkways a minimum of eight feet wide across the bayward side of the proposed development.
 - b. Decking and/or boardwalks: open and unobstructed exterior decking and/or boardwalks extending bayward a minimum of twelve feet.
 - c. Breezeways and/or walkways: designated open, and unobstructed breezeways and/or walkways within the structure, provided such breezeways are located as close as possible to the bay and are designed to provide the most direct, convenient connection between adjacent existing or potential lateral accessways. Exterior access is preferred over interior access.

B. Vertical Access Requirements.

1. Vertical Access to Shoreline. New development adjacent to the bay or ocean shall include provisions for open and unobstructed vertical access to the shoreline, except as provided in subsection C of this section. Where feasible, vertical access should line with lateral access.
2. Parking. Parking shall be provided in conjunction with new or improved vertical accessways whenever feasible and consistent with the site constraints to ensure use of the accessway. The number of spaces shall be determined by the director, who shall consider the carrying capacity of the public recreation area to which access is provided, environmental constraints and safety considerations.

ATTACHMENT A

C. Exceptions.

1. Lateral Access. The lateral access requirements specified in subsection A of this section may be waived in the following situations:
 - a. When the applicant can demonstrate, based on an engineering analysis, that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety and fragile coastal resources.
 - b. If continuous lateral access across the bayward portion of the parcel is found not to be feasible due to topographical or site constraints as defined in subsection (C)(1)(a) of this section, the contribution of an in-lieu fee, equivalent to the cost of construction of an accessway along the bayward edge of the structure proposed, shall be paid to the city. Fees shall be used to coordinate the bayfront lateral and vertical access program, and shall be used to link lateral access where feasible and to improve vertical access provisions.
 - c. For coastal-dependent development where provisions of continuous lateral access would conflict with the day-to-day operations of the use, such lateral access may not be required; provided, however, that maximum provisions for public viewing areas and/or walkways are provided in suitable locations in the development.
2. Vertical Access. The vertical access requirements specified in subsection B of this section may be waived in the following situations:
 - a. The provisions of new accessways are inconsistent with public safety, military security needs or the provision of fragile resources; or
 - b. Adequate access exists nearby; or
 - c. Agriculture would be adversely affected.

D. Prescriptive Rights. Development shall not interfere with the public's right of access to the sea where required through use or legislative authorization. Such access shall be protected through permit conditions or permitted development including easements, dedications or continued access way maintenance by a private or public association. Existing identified trails or other access points shall not be required to remain open, provided that they are consolidated or relocated to provide public access on the same site and provides the same or comparable access benefits as existed before closure and meet all other applicable access requirements as provided in this section.

E. Public Use And Posting.

1. Public Accessways. All public accessways shall be properly signed and conform to coastal conservancy/coastal commission access standards and guidelines.
2. Dedicated Accessways. Dedicated accessways shall not be required to be opened to public use until a public agency or private association approved by the city council agrees to accept responsibility for maintenance and liability of the accessway.

F. Other Access Requirements. Notwithstanding the requirements of this section, additional public access provisions on the southern WF/PD district will be required as stated in Policy 1.29 of the coastal land use plan.

(Ord. 445 § 3 (part), 1995)