



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, November 3, 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 October 6, 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 Case No.: #CP0-488

Site Location: 1290 Embarcadero, Morro Bay, CA

Project Description: Coastal Development Permit approval and adoption of Mitigated Negative Declaration (MND) for demolition and removal of 23 outlying structures and associated equipment necessary for elimination of security risk and attractive nuisance at the Morro Bay Power Plant. The project is located within the Coastal Commission Appeals Jurisdiction.

CEQA Determination: Mitigated Negative Declaration, (SCH#2015091073)

Staff Recommendation: Adopt the Mitigated Negative Declaration and Conditionally Approve Project

Staff Contact: Whitney McIlvaine, Contract Planner, (805) 772-6211

C. UNFINISHED BUSINESS -

- C-1 Discussion and Interpretation of Significant Public Benefit as a requirement within the Planned Development Overlay zone (MBMC 17.40.030)
Staff Recommendation: Adopt Resolution 44-15
Staff contact: Cindy Jacinth, Associate Planner, (805) 772-6577
- C-2 **Sign Ordinance Review/Update.** Review will cover current status and discussion of next steps in the update process.

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 November 24, 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 with the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$263 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: November 3, 2015

ACTION: _____

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

PRESENT:	Robert Tefft	Chairperson
	Katherine Sorenson	Vice-Chairperson
	Gerald Luhr	Commissioner
	Michael Lucas	Commissioner
	Richard Sadowski	Commissioner
STAFF:	Scot Graham	Community Development Manager
	Cindy Jacinth	Associate Planner
	Whitney McIlvaine	Contract 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/CSw0mXgmykM?t=3m19s>

Chairperson Tefft closed the Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=3m42s>

PRESENTATIONS – NONE

A. CONSENT CALENDAR
<https://youtu.be/CSw0mXgmykM?t=3m47s>

A-1 Approval of amended Planning Commission Resolution No. 34-15 with added findings and condition of approval for Burger King Restaurant at 781 Quintana; continued from the 9/15/2015 Planning Commission meeting.

Staff Recommendation: Approve Planning Commission Resolution No. 34-15

A-2 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.

MOTION: Vice-Chairperson Sorenson moved to approve the Consent Calendar. Commissioner Sadowski seconded. The motion passed 4-1 with Commissioner Lucas dissenting.

B. PUBLIC HEARINGS

B-1 Case No.: #UP0-359 *(continued from the 3-3-15 Planning Commission hearing)*
Site Location: 725 Embarcadero, Morro Bay, CA

Proposal: Concept Plan approval of Conditional use permit for construction of new gangway, dock, and seven (7) boat slips which will be 6 private month-to-month rentals and 1 public slip controlled by the Harbor Dept.

CEQA Determination: Mitigated Negative Declaration, State Clearinghouse #2015011002

Staff Recommendation: Continue the Project to a date uncertain

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

<https://youtu.be/CSw0mXgmykM?t=4m46s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Jacinth presented the staff report.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/CSw0mXgmykM?t=6m26s>

Chairperson Tefft closed Public Comment period.

<https://youtu.be/CSw0mXgmykM?t=6m31s>

MOTION: Commissioner Lucas moved to continue to a date uncertain. Vice-Chairperson Sorenson seconded the motion and the motion passed unanimously (5-0).

<https://youtu.be/CSw0mXgmykM?t=7m18s>

B-2 Case No.: CP0-419, UP0-383 *(continued from the 8-18-15 Planning Commission hearing)*

Site Location: 3420 Toro Lane, Morro Bay, CA

Project Description: Continued review from the 8-18-15 Planning Commission meeting of a proposal to grade for and construct a 1,538 square-foot dwelling and a 579 square-foot garage on a vacant 10,019 square-foot beach front parcel. Plans also show a 242.4 square-foot patio area. The proposed lot coverage is 21.2%. The project site is located in a Single Family Residential (R-1) zone with an S.2.A Overlay which limits the height of the structure to a maximum of 17 feet. The site contains areas of environmentally sensitive habitat and is subject to development standards for coastal bluff properties. This project is located in the Coastal Commission Appeals Jurisdiction.

CEQA Determination: The Community Development Director determined the project qualifies for a Mitigated Negative Declaration of Environmental Impact (MND). Mitigation is recommended to reduce any environmental impacts to a less than significant level.

Staff Recommendation: Adopt the Mitigated Negative Declaration and conditionally approve the project.

Staff Contact: Whitney McIlvaine, Contract Planner, (805) 772-6211

<https://youtu.be/CSw0mXgmykM?t=7m53s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
Commissioner Luhr spoke to the applicant’s representative over the phone.

McIlvaine presented the staff report.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/CSw0mXgmykM?t=40m48s>

Laura Cogan, Morro Bay resident, stated she supports the project.

Victoria Arthur, Morro Bay resident, stated she supports the project.

Phil Both, Morro Bay resident, stated he supports the project.

Betty Winholtz, Morro Bay resident stated her concerns on the issues stated in the Coastal Commission letter. She stated she would like to have the buildable area defined and noted there was no updated information on the geologists load and configuration report for the bluff. She also noted her concerns about the trail.

Carol Raines, Morro Bay resident, stated she and her husband have been using the designated parking lots and stairs for 15 years and have no issues with using them. She stated she is in support of the project.

Chairperson Tefft closed Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=46m19s>

MOTION: Commissioner Luhr moved to approve Resolution PC 28-15 with the deletion of planning condition 16 regarding fencing at the ESH boundary and amended language for planning conditions 19, 20, 21, 22 and 23 regarding the coastal access trail. Commissioner Lucas seconded the motion and the motion passed 4-1 with Commissioner Sadowski dissenting.

<https://youtu.be/CSw0mXgmykM?t=1h16m1s>

B-3 Case No.: #CP0-410 & UP0-369 (*continued from the 9-1-15 Planning Commission hearing*)

Site Location: 289 Main Street

Proposal: Coastal Development Permit & Conditional Use Permit to construct a 2,882sf single family residence with 503sf basement and 520sf garage on a vacant lot. This project is located inside the Coastal Commission appeals jurisdiction.

CEQA Determination: Categorically exempt, Class 3

Staff Recommendation: Conditionally approve

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

<https://youtu.be/CSw0mXgmykM?t=1h19m53s>

Chairperson Tefft recused himself because he lives within the 500 foot proximity of the project.

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –

- Vice-Chairperson Sorenson received an email correspondence from the applicant's representative.
- Commissioner Lucas received an email from the applicant's representative.
- Commissioner Luhr communicated on the telephone with the applicant's representative.

Jacynth presented the staff report.

Vice-Chairperson Sorenson opened Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=1h45m12s>

Cathy Novak, applicant's representative, presented her staff report.

Betty Winholtz, Morro Bay resident, stated there should be public access to the water or to Tidelands through the private driveway . Ms. Winholtz also noted her concerns with the bulk and scale of the project. She would like the Planning Commission to consider maintaining and keeping the character of the neighborhood.

Vice-Chairperson Sorenson closed Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=1h57m12s>

Vice-Chairperson Sorenson opened Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=1h57m21s>

Commissioner Luhr asked Novak for the elevation at the edge of asphalt on the west end of the driveway and also the distance to the front door entry from the closet corner of asphalt.

Novak responded, the elevation for the west end was 28.5 and the distance to the front door to closet corner of asphalt was 7 feet.

Vice-Chairperson Sorenson closed Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=1h59m47s>

Vice-Chairperson Sorenson opened Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=2h11m36s>

Commissioners discussed the proposed changes to the project and reviewed the bulk and scale of the home as well as lack of neighborhood compatibility.

Staff reviewed options for the Commission to choose. Planning Commission asked the Applicant's agent for their response.

Novak stated her clients have agreed to take Option 4, to have the Planning Commission deny the project and have the staff bring back findings.

MOTION: Commissioner Lucas moved to deny the project as proposed. Commissioner Sadowski seconded the motion and the motion passed unanimously (4-0).

B-4 Case No.: UP0-428

Site Location: 300 Shasta Ave., Morro Bay, CA

Proposal: The applicant proposes to add a 930 sq. ft. second-story addition to an existing 1,859 sq. ft. nonconforming residence. The existing single-story residence is considered nonconforming because it has a 10-foot front yard setback where 20 feet is required. The project is located outside of the Coastal Commission Appeals Jurisdiction.

CEQA Determination: Categorically exempt, Section 15301, Class 1

Staff Recommendation: Conditionally approve
Staff Contact: Whitney McIlvaine, Contract Planner, (805) 772-6211
<https://youtu.be/CSw0mXgmykM?t=2h17m53s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
None

McIlvaine presented the staff report.

Chairperson Tefft opened Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=2h31m48s>

Chairperson Tefft closed Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=2h33m23s>

Chairperson Tefft opened Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=2h34m58s>

MOTION: Vice-Chairperson Sorenson moved to approve Resolution PC 7-15.
Commissioner Sadowski seconded the motion and the motion passed 4-1 with
Commissioner Lucas dissenting.
<https://youtu.be/CSw0mXgmykM?t=2h42m40s>

B-5 Case Number: N/A

Site Location: Vacant Mindoro Street lot, West side of Highway 1 abutting the
HWY 1 right of way. APN: 065-113-066

Proposal: Planning Commission review of General Plan conformance in
association with City property disposal/sale. The City has listed the subject
property for sale and prior to any property sale, California Government
Code Section 65402 requires the Planning Commission to review and report on
the property disposition as to conformity with the City's General Plan.

CEQA Determination: Exempt Per Section 15061(b)(3)

Staff Recommendation: Continue item to a date uncertain to allow staff time to
prepare a site evaluation taking into consideration lot size and easement locations.

Staff Contact: Scot Graham, Community Development Manager, (805) 772-
6291
<https://youtu.be/CSw0mXgmykM?t=2h49m45s>

Graham presented staff report.

Chairperson Tefft opened Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=2h53m12s>

Lindsey Castro, a Bakersfield resident, stated she and her husband were very
interested in purchasing the property and has already placed an offer for it.

Chairperson Tefft closed Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=2h54m41s>

MOTION: Commissioner Luhr moved to continue item to a date uncertain.
Commissioner Lucas seconded the motion and the motion passed unanimously (5-0).
<https://youtu.be/CSw0mXgmykM?t=2h54m54s>

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

- Commissioner Lucas stated he was glad the Castros came in tonight to voice their interest in the Mindoro lot.
- Commissioner Sadowski stated he would like to have a future discussion on vacation rentals. Commission Luhr concurred and would also like the discussion to include fire code violations and health and safety issues.
- Commissioner Sadowski stated he would like the City Voice Survey to include what the public's opinion on what the value of Morro Bay is.
- Vice-Chairperson Sorenson commended staff on the new yellow noticing signs.
- Chairperson Tefft stated to staff the need to have a discussion about the concept of greater than normal public benefit.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

- Graham notified the Commissioners the City Voice Survey signs will be up until the 12th and collaborated on what type of questions are being asked on the survey.

G. ADJOURNMENT

The meeting adjourned at 9:16 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on October 20, 2015, at 6:00 p.m.

Robert Tefft, Chairperson

ATTEST:

Scot Graham, Secretary



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

This tracking sheet shows the status of the work being processed by the Planning & Building Divisions
 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: November 3, 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	Dyneyg	1290 Embarcadero	9/18/15	CP0-488	Demolition of various outlying buildings/ modulars, metal buidings, tanks & shed.	Project reviewed and intial study prepared and circulated.on 9-18-15.				wm
30 -Day Review, Incomplete or Additional Submittal Review										
2	Eisemann	535 Atascadero	10/12/15	CP0-490 & S00-125	Parcel map application & CDP to split 1 R-4 zoned lot in to two lots.					cj
3	Elliott/ Bernal	2620 Laurel Ave	9/30/15	CP0-489	Admin CDP for new 2,461sf Single family home w/ 710 sf garage and 1495sf of balcony	JG. Under Initial Review. Correction letter sent 10/27		PN- Conditionally approved per memo dated 10/22/15		jg
4	Garcia	500 Kings	8/20/15	CP0-487 & UP0-432	New 2,434 sf SFR with 672 sf garage and 228 sf of decking / Admin CDP and MUP for use of a common driveway.	WM Under initial Review. New SFR with common driveway		PN- Conditionally Approved - memo updated 10/27/2015		wm
5	Black Hill Villas	485 South Bay Blvd	8/7/15	A00-027	Precise Plan CUP modification to reflect Coastal Commission approved changes to CDP	Precise Plan requires modification for City approvals to be consistent with Coastal Commission approvals.. Under review. Traffic Study update to be performed.				cj
6	SLCUSD	235 Atascadero	7/20/15	CP0-485 / UP0-427	CDP & CUP for new pool and student services building at Morro Bay High School	Under initial review. Incomplete letter sent. Resubmitted 9-10-15 Incomplete letter sent 10-9-15. CJ.. Resubmittal received 10-27-15				cj
7	DeGarimore	1001 Front St.	7/14/15	A00-026	Amendment to CUP to modify project description to remove proposed new awning.	Letter sent to applicant 9-9-15 regarding public access requirements. In process.				cj
8	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. Correction letter sent 7/31. Partial resubmittal recv'd via email 10/6		PN- Conditionally approved per memo dated 7/8/15		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
9	Tobin	326 Panay	6/11/15	UP0-425/ CP0-480	New SFR in R-4 zone. AD0, CDP and MUP for 1486sf SFR and 446sf garage with setback variance request	WM Under review. Incomplete letter sent 9/30/15				wm
10	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. Incomplete letter sent 9/4/15.		PN-Plans Disapproved. Req. Stormwater determination form & plan update-8/25/15		wm
11	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	JG. Under review. Correction letter sent. Partial resubmittal rcv'd via email 10/6		ME- Conditionally approved per memo 4/22/2015		jg
12	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. Change in agent.				wm
13	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. Partial resubmittal rcv'd via email 9/18		JW approved		jg
14	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. Requested RF clarification via email 7-9-15. Received revised RF report		RPS approved		cj
15	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. Requested RF clarification via email 7-9-15. Received revised RF report.		ME conditionally approved per memo 2/3/15		cj
16	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. Applicant looking to move location to pole across the street		RPS disapproved on 12/15/14 since proposed pole site will be removed during undergrounding project		jg
17	Leage	833 Embarcadero	9/15/14	UP0-389	Demolish existing building. Reconstruct new 1 story building (retail/restaurant use) & outdoor improvements	Under review. Deemed incompletd. Letter sent 10-13-14. CJ Resubmittal received 2/17/15. Incomplete letter sent. Resubmittal received. Not compliant with view corridors requirements. Meeting with Applicant	BC- incomplete	RPS - Disapproved for plan corrections noted in memo of 10/14/14		cj
18	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. Correction letter sent. Resubmittal rcv'd 9/22/15. corrections required, letter sent 10/15/15.	BC- conditionally approved.	PN-Disapproved for plan corrections per memo dated 10/5/15		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
19	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. Reviewing initial study for pending route to State Clearinghouse. Stormwater Control Plan also being reviewed.	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- on hold until Sonic submits Preliminary Stormwater Requirements. RPS: Intial conditions provide by memos of 9/10/13 and 10/14. Met with Caltrans on 10/17.		cj
20	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		
Planning Commission Continued projects										
21	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. 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. 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 environmental 4/7 CJ. 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. CJ. MND complete. Anticipate routing to State Clearinghouse on 9/18/14. Coastal Comission 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. Received plans revisions and sent request for Coastal concurrence 9-2-15. CJ. Continued to a date uncertain to redraw ESH buffer setback.	Review complete, applicant to obtain building permit prior to construction.	No review since conditional approval of 11/20/12	Conditionally approved, per memo 9/22/15	cj

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22	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 Phase 1 arch report req'd. Continued to a date uncertain		PN - Conditionally approved with comments-6/1/15		wm
23	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 Phase 1 arch report req'd. Continued to a date uncertain		PN - Conditionally approved with comments-6/1/15		wm
24	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. CJ.	2/23/15 FD Cond App TP	BCR has for review 2/3/15		cj
25	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										
26	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
Grants										
27	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		

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28	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. 2016 Program year applications due 10/23/15	No review performed.	N/R		
29	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										
30	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		
31	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.		
Final Map Under Review										
32	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										

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33	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.		
34	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		
Projects going forward to Coastal Commission for review (Pending LCP Amendments) / State Department of Housing										

cj

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35	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
36	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 preformed.	N/A		sg
Projects Appealed or Forwarded to City Council										
37	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. hearing on August 18, 2015. Approved by PC on 10-6-15. Appealed to Council and pending hearing date.	BC-disapproved- need geologic and engineering geology report.FD/TP Approve2/24/14	RPS conditinoally approved per memo of 7/20/14		wm

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38	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										
39	Sangren	675 Anchor	11/28/12	B-29813	SFR Addition	Requested corrections 1/9/13. CJ. Resubmittal received and under review (November 14, 2013). Denial letter sent 4/24/14 GN	BC- Returned for corrections 1/9/13.	N/A		
40	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 processes of 4-2-2012	DH- Provide SW mgmt, drainage rpt, EC per memo of 1/18/12.		
41	Tays	982 Carmel	10/1/15	B-30684	SFR Alteration and 65sf addition (includes new bathroom)		Plans denied 10-05-2015 cdl	PN- Disapproved. Requires Sewer video & plan updates, per memo dated 10/12/15		
42	Diaz	365 Driftwood	8/14/15	B-30601	SFR Addition of 328sf upstairs to create Master bedroom and bathroom.	JG. Plans disapproved, incomplete.	Approved 10-13-2015 cdl	PN- Approved 10/5/15		
43	Held	901 Embarcadero	9/10/15	B-30622	Phase 1- Repair Building Façade, construct new awing and replace curb, gutter and sidewalk.		Approved 10-19-2015 cdl	PN- Disapproved, erosion control plan missing- 10/16/15		
44	Leage	1025 Embarcadero	9/10/15	B-30651	686sf second story addition		Plans Denied 09-24-2015 cdk	PN- Approved 10/1/15, no memo.		
45	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.		
46	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. Plans have been denied.	Memo of 11/29/13. CDP application should address soil revegetation		
47	Guldenbrein	481 Estero	9/22/15	B-30670	Remove & Replace 348sf sunroom to existing SFR		Permit Issued 10-21-2015 cdl	PN- Disapproved for plan correction, per memo 9/24/15		

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48	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	Building approved 08-04-15 cdl	RPS - No PW comments if street access is not required for storage bldg		
49	Decker	430 Fresno	6/8/15	B-30491	Convert existing laundry room into bathroom.		Plans approved. 07-02-15 cdl	PN- Disapproved, needs sewer video & bwv 6/12/15		
50	Reynolds	2509 Greenwood	6/25/15	B-30544	Demo burned down home & install new 26x46 manufactured house.	OK. JG. Noticed for CDP 8-3. Building plans approved.	Permit issued 8-27-2015 cdl	PN- Conditionally Approved. Req. new sewer. -8/25/2015		
51	Monie	2295 Greenwood	5/18/15	B-30471	2-story Addition to SFR: 935sf		Permit Application voided. 5-7-15 cdl	PN-Disapproved, needs sewer video & EC-6/8/15		
52	Jackson, Addis	2860 Greenwood	9/2/15	B-30639	Detached 160sf Guest cottage		Perit Denied 9-9-15 cdl	PN-Disapproved, needs sewer video & EC-9/8/15		
53	Barbis	165 Hatteras	8/27/15	B-30623	93sf Addition to front exterior of SFR		Plan Check Approved 10-09-15 cdl	PN- Conditionally approved -9/2/15		
54	Hurlless	2265 Hemlock	8/27/15	B-30477	SFR Garage converted to 492sf apartment with new bedroom and bathroom.		05-15-15 Plans denied. Cdl	PN- Disapproved needs sewer lateral video-		
55	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.	Plans approved 9-18-15 cdl	PN-Disapproved, needs swr video & plan corrections. 9/24/15		
56	Chivens	431 Kern		B30482	Demo Existing625 S.F. Residence Construct 2,274 S.F. SFR & 550 S.F. Garage	Conditionally approved 7-16. WM	Permit issued9-30-15 cdl			
57	Nisbet	500 Kings	10/20/15	B30710	New 2,434 sf SFR with 672 sf garage and 228 sf of decking & shared driveway with adjacent lot		Plans under review. 10-21-15 cdl	PN-Disapprovedper memo dated 10/27/15		
58	Nisbet	570 Kings		B30600	New 2,317sf SFR w/ 583sf garage and separate detached 735sf 3-car garage.		Plans denied 08-19-15 cdl	PN-Disapproved for plan corrections per memo dated 8/31/15		
59	Tobin	315 Las Vegas	6/16/15	B-30524	New two homes on one lot	Waiting for CDP approval. JG. Building plans approved	Permit issued 10-20-15 cdl	PN-Approved 10/9/15		
60	Tobin	325 Las Vegas	6/16/15	B-30533	New two homes on one lot	Waiting for CDP approval. JG. Building plans approved	Permit Issued. 10-20-15 cdl	PN- Approved 10/9/15		
61	Banuelos	350 Las Vegas	8/19/15	B-30613	Demo 832sf SFR & 384sf non-conforming detached garage. Build new 1,600sf SRF & 484sf garage.		Plans denied 10-16-15 cdl	PN-Disapproved for plan corrections per memo dated 10/9/15		
62	Ryan	1125 Las Tunas	10/8/15	B-30695	New SFR with 2185sf & 580sf garage		Plans denied 10-19-15 cdl	PN-Disapproved for plan corrections per memo dated 10/19/15		
63	Douglas	2587 Laurel	7/27/15	B-30352	Addendum to B-30074. Add 24 sq. ft., converting 1,020 sq. ft. to habitable space, add 120 sq. ft. porch, and 191 sq.ft. deck	Under Review. JG. Denial	Plans Denied 08-05-15 cdl	PN 9/30/15 Approved as submitted. No memo		
64	Peter	890 Main	10/15/15	B-30702	76sf concrete accessible ramp at building entrance			PN-Disapproved, 10/16/15		
65	Candy Fish Sushi	898 Main	2/23/15	B-30380	Demise wall to add inside seating in restaurant	Approved 2/26/15 JG				
66	Dyson	117 Main	8/18/14	B-30248	Covered Patio	Corrections. 9-5-14. WM.	BC-Returned for corrections 9/8/14.	NRR		
67	Boisclair	900 Main	8/5/15	B-30587	Commerical Interior Remodel, with new restrooms, removing existing driveway & street trees	Building plans approved 9/29/15. JG		PN- Disapproved, need update to Arborist Report, 10/12/15		

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68	Tobin	2500 Main	6/16/15	B-30534	New SFR	Waiting for CDP approval. JG. Building plans approved		PN- Approved, 10/12/15		
69	Zanovich	380 Marina	10/2/15	B-30685	Enclose existing deck on SFR			PN- Conditionally Approved, 10/16/15		
70	Tobin	2540 Main	6/16/15	B-30535	New SFR	Waiting for CDP approval. JG. Building plans approved		PN- Approved, 10/12/15		
71	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		
72	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	Approved 7-16-15. CL	PN- Plans Approved- 7/22/15		
73	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		
74	Humarian	781 Quintana	9/2/15	B-30470	Remodel exterior & interior w/ADA restrooms & parking lot upgrades.	Holding Building permit approval until approved on consent at 10/6/15 PC meeting		PN- Disapproved per memo 9/14/15		
75	Holland	990 Ridgeway	5/20/15	B-30488	Addition of 222sf bed/bath, remodel of 726sf & demo of non-permitted garage.	Disapproved 5-21-15. WM		PN- Approved 10/5/15		
76	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		
77	Dow	670 Shasta	10/12/15	B-30699	Addition to SFR of 238sf living space and Demo & reconstruct of 276sf garage			PN- Disapproved per memo 10/23/15		
78	Schmall	890 Shasta	9/29/15	B-30679	Remodel existing commercial space to expand on adjacent space.			PN- Plans Approved - 9/30/15		
79	Reddell	310 Trinidad	6/1/15	B-30508	New 1763sf SFR w/427sf garage & 150sf storage/deck.	JG. waiting on planning permit approval.		PN- Plans disapproved. Need lateral sewer video & plans update -9/14/15		
80	Barbis	166 Vashon	8/27/15	B-30623	186sf Addition to front exterior of SFR			PN- Plans disapproved for plan corrections - 9/30/15		
Projects & Permits with Final Action										
1	Strassel	976 Ridgeway	8/14/15	UP0-429	CUP for 735 sf addition to upper level of SFR, adding 126 sf of balcony to existing deck area	Reviewed and agendized for 10-20-15 PC meeting. Approved.		PN- Conditionally Approved - 9/1/2015		jg

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2	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. 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 and review complete for PC hearing. Denied at 10-6-15 hearing. Resolution for denial on 10-20-15 agenda. DENIED 10-20-15	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
3	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. Applicant consulting with Coastal staff regarding MND environmental 7-2015. CJ. Requested continuance at 10-6-15 PC meeting to modify project description. Continued to a date uncertain upon applicant request.	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



AGENDA NO: B-1

MEETING DATE: November 3, 2015

Staff Report

TO: Planning Commissioners **DATE:** November 3, 2015
FROM: Whitney McIlvaine, Contract Planner
SUBJECT: Coastal Development Permit (#CP0-488) and Mitigated Negative Declaration Request for demolition and removal of 23 outlying structures and associated equipment at the Morro Bay Power Plant. The project is located within the Coastal Commission Appeals Jurisdiction.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by adopting Planning Commission Resolution 43-15 which includes findings for adoption of the Mitigated Negative Declaration and findings, conditions, and environmental mitigation measures for approval of the project.

APPLICANT: Rex Lewis, agent for Dynegy Morro Bay LLC

ADDRESS/APN: 1290 Embarcadero / 066-331-034

PROJECT DESCRIPTION:

The power plant that operated in Morro Bay since the 1950s officially shut down in February 2014. Outlying equipment and structures used for storage of materials at various phases of the plant operation are no longer necessary and pose a potential security risk. To eliminate them as an attractive nuisance, demolition and removal of 23 outlying structures and pieces of equipment is proposed. Building slabs and foundations will remain in place so no grading or significant ground disturbance is anticipated. Demolition will occur on weekdays only and is not expected to take more than 6 weeks to complete.

PROJECT SETTING:

The equipment, outbuildings and sheds to be demolished and/or removed surround the main building of the former Morro Bay power plant located near the bay on the inland side of Embarcadero. The plant site is 107 acres. The area affected by the project is approximately 30 acres. The industrial site is nearly level and most affected surfaces are paved or concrete.

Prepared By: WM

Department Review: _____

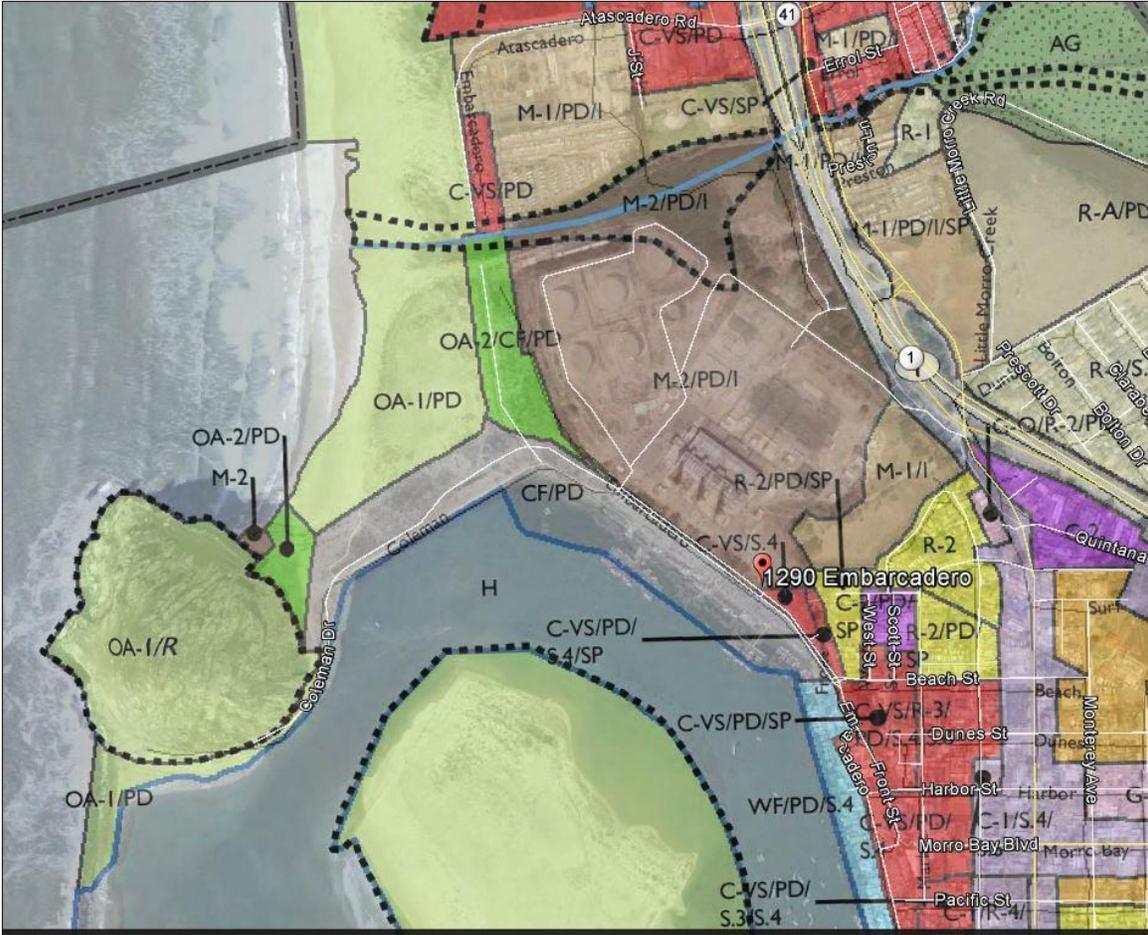
Vicinity Map



Site Plan



Zoning Map



Adjacent Land Use			
North:	Morro Creek	South:	Residential
East:	Undeveloped / Highway One	West:	Commercial / Harbor Front

Site Characteristics	
Project Site Area	Approximately 30 acres
Existing Use	Previously Morro Bay Power Plant
Terrain	Generally level
Vegetation	Minor ornamental landscaping
Archaeological Resources	Within 300 feet of subject parcel
Access	Embarcadero

General Plan, Zoning Ordinance, & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Industrial Coastal Development
Base Zone District	M-2 Coastal Dependent Industrial
Zoning Overlay District	PD/Planned Development and I/ Interim
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Located inside the Coastal Appeals Jurisdiction

PROJECT DISCUSSION:

Background

As part of the closure of the power plant the City and Dynegy have discussed the desirability of removing most of the power plant’s vacant outlying structures and unused equipment which might otherwise pose security and attractive nuisance concerns.

Coastal Development Permit Requirement

Zoning Ordinance subsection 17.12.199 includes demolition in the definition of development. Subject to the provisions of Chapter 17.58, development in the coastal zone which is not exempt from permitting or allowed with an administrative permit requires a regular coastal development permit. Approval of a coastal development permit requires a finding of consistency with the certified local coastal program.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act Guidelines (CEQA) allow a categorical exemption from preparation of environmental documents for demolition projects of 3 or fewer commercial structures. Because this project involves demolition of 23 structures and equipment and because the site is a known hazardous waste site included on the Cortese Knox list, it is not exempt from environmental review (CEQA Sections and 15301(i)(3) and 15300.2).

On September 21, 2015, the 30-day public review period began for a Mitigated Negative Declaration (MND) of Environmental Impact (SCH#2015091073). The MND identifies potentially significant impacts primarily associated with air quality, biological resources, cultural resources, and hazards/hazardous materials, and recommends mitigation measures that, if incorporated into the project, would reduce potential impacts to a less than significant level. The full text of the MND is available on line at <http://www.morrobay.ca.us/DocumentCenter/View/8843>. Attachment 1 to the resolution for approval lists project mitigation measures and monitoring requirements.

CONCLUSION:

The project is consistent with the Local Coastal Program because, as conditioned, the demolitions will not have any substantial adverse environmental effect. Furthermore the project is consistent with the orderly decommissioning of the power plant and consistent and with the stated goals of the zoning ordinance to promote public health safety and welfare.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Tribune newspaper on October 23, 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.

RECOMMENDATION:

Staff recommends the Planning Commission approve the requested Coastal Development Permit #CPO-488 for the proposed demolition of vacant outlying structures and equipment on the power plant site at 1290 Embarcadero, as depicted in the application submitted to the City on July 6, 2015, by adopting Planning Commission Resolution 43-15 which includes the Findings for adoption of the Mitigated Negative Declaration and Findings, Mitigation Measures, and Conditions of Approval for the project.

EXHIBITS:

Exhibit A: Planning Commission Resolution 43-15 including Attachment 1

Exhibit B: Site plan and list of buildings/equipment to be removed

Planning Commissioner packets include a hard copy of the MND

RESOLUTION NO. PC 43-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION ADOPTING A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND APPROVING COASTAL DEVELOPMENT PERMIT (CP0-488) FOR DEMOLITION OF VACANT OUTLYING BUILDINGS AND UNUSED EQUIPMENT ON THE MORRO BAY POWER PLANT SITE IN THE M-2/PD/I ZONE AND THE COASTAL APPEAL JURISDICTION AT 1290 EMBARCADERO

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 November 3, 2015, for the purpose of considering Coastal Development Permit CP0-488 and the associated Mitigated Negative Declaration for demolition of vacant outlying buildings and equipment on the Morro Bay power plant site in the Coastal Commission appeal jurisdiction; 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. For purposes of the California Environmental Quality Act, an Initial Study was prepared for the project which resulted in a Mitigated Negative Declaration (SCH#2015091073). The Mitigated Negative Declaration was routed to the State Clearinghouse for the required 30 day review and all other legal noticing and review requirements have been met. The project applicants agreed to all mitigations. With the incorporation of these mitigations the project will have a less than significant impact on the environment.

Coastal Development Finding

1. The project is consistent with applicable provisions of the Local Coastal Program because, as conditioned, the demolitions will not have any substantial adverse environmental effect. Furthermore, the project is consistent with the orderly decommissioning of the power plant and consistent and with the stated goals of the zoning ordinance to promote public health safety and welfare.

Section 2. Action. The Planning Commission does hereby adopt the September, 2015 Mitigated Negative Declaration (SCH#2015091073) and approve Coastal Development Permit CP0-488 for property located at 1290 Embarcadero subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated November 3, 2015, for the project at 1290 Embarcadero (the “Property”), as depicted on plans received by the City on July 6, 2015, as part of Coastal Development Permit CP0-488, on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Outlying buildings and equipment shall be demolished or removed substantially as shown on plans, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the demolition 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 “Manager”), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the “MBMC”), General Plan and certified Local Coastal Program (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 Manager, 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 Manager or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Manager, 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. Construction Hours: Pursuant to MBMC subsection 9.28.030.I and consistent with the project description for purposes of environmental review, 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 six p.m. on weekdays except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Community Development 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.
2. Dust Control: That prior to issuance of a Building Permit for demolition, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
3. Conditions of Approval on Demolition Plans: Prior to the issuance of a Building Permit for demolition, the final Conditions of Approval and the Environmental Mitigation and Monitoring Program shall be attached to the set of approved plans.

ENVIRONMENTAL CONDITIONS

1. The applicant shall comply with the environmental mitigation measures as detailed in the Mitigation and Monitoring Program which is attached hereto as Attachment 1.

PUBLIC WORKS CONDITIONS

1. Utilities:
 - a) Stub, cap and label remaining sewer laterals and water lines at each pad.
 - b) Terminate all gas, phone, power, internet, cable t.v., etc. lines following all applicable utility company policy and procedures.
 - c) Indicate the locations of all remaining utility terminations (i.e. gas, sewer, water etc.) including those that connect to each pad.
2. Clean-up: Verify all equipment, hazardous waste, paints, liquids, chemicals, etc. are safely removed prior to demolition. Provide measures to contain any possible spills and contamination of existing material during demolition.
3. BMP: Utilize Best Management Practices (BMP) to address any existing remnants/stains/residue of previously stored chemicals, paints, liquids, etc. left on slabs/pads, to ensure that storm runoff will not become contaminated.
4. Hazardous Material: All hazardous materials storage sites and hazardous waste management sites shall be cleaned or abandoned as directed by the San Luis Obispo County Environmental Health Division.
5. Storage Tanks: Former above or underground storage tank sites shall be restored as directed by the Central Coast Regional Water Quality Control Board.
6. Grading: If any incidental grading should become necessary, the Applicant shall provide Public Works with an erosion control plan to ensure adequate site restoration.

Add the following Notes to the Plans:

1. 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.

FIRE CONDITIONS

1. Fire Safety During Construction and Demolition: This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations (CFC Chapter 33). Compliance with NFPA 241 is required for items not specifically addressed herein. Applicant shall comply with CFC Chapter 33.
2. Precautions in hot work.: Hot work shall not be performed on containers or equipment that contains or has contained flammable liquids, gases or solids until the containers and equipment have been thoroughly cleaned, inerted or purged; except that "hot tapping" shall be allowed on tanks and pipe lines when such work is to be conducted by approved personnel. (CFC 3504.1.7)

3. Fire extinguishers: A minimum of one portable fire extinguisher complying with Section 906 and with a minimum 2-A:20-BC rating shall be readily accessible within 30 feet of the location where hot work is performed. (CFC 3504.2.6)
4. Underground LP-Gas tank: With the existence of a permitted, 250 gallon underground LP-Gas tank, located on the south side of the Marine Mammal Center, the applicant shall provide for the physical protection prior to demolition work at buildings 16 and 17. Applicant shall prohibit vehicle access on the south side, directly behind the Marine Mammal Center and the underground LP-Gas tank location shall be labeled and visible to construction personnel.
5. Access for firefighting: Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. (CFC 3310.1)

BUILDING CONDITIONS

1. Building Permit: Prior to construction, the applicant shall submit a complete Building Permit Application and obtain the required Permit.
2. Demolition Debris: Prior to requesting a final inspection, the contractor shall submit to the Building Department a Demolition Debris Disposal Report, including weigh tags, demonstrating that a minimum of 50% of the demolition debris, by weight, was recycled.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 3RD day of November, 2015 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson Robert Tefft

ATTEST

Scot Graham, Community Development Manager

The foregoing resolution was passed and adopted this 3rd day of November, 2015.

Attachment 1 to PC Resolution 43-15

**SUMMARY OF REQUIRED MITIGATION MEASURES
FOR CP0-488 at 1290 EMBARCADERO
DEMOLITION OF OUTLYING BUILDINGS AND EQUIPMENT**

AIR QUALITY

AQ Impact 1 Diesel idling associated with the proposed demolition project would result in short-term emissions of DPM, potentially affecting sensitive receptors.

AQ/mm-1 Prior to issuance of a demolition permit, the applicant shall submit plans including the following notes, and shall comply with the following standard California Diesel Idling Regulations mitigation measures for reducing diesel particulate matter (DPM) emissions from construction equipment:

a. *On-road diesel vehicles* shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

b. *Off-road diesel equipment* shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.

c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5 minute idling limit.

d. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: arb.ca.gov/msprog/truck-idling/2485.pdf and arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

AQ/mm-2 Diesel Idling Restrictions Near Sensitive Receptors (residential dwellings):
In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
- c. Use of alternative fueled equipment is recommended; and
- d. Signs that specify the no idling areas must be posted and enforced at the site.

AQ Impact 2 Construction activities associated with development of the proposed project could generate fugitive dust that could be a nuisance to adjacent sensitive receptors.

AQ/mm-3 Projects that may generate fugitive dust within 1,000 feet of any sensitive receptor (residential dwellings) shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD's 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. **Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.** For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook;
- c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. All PM₁₀ mitigation measures required should be shown on grading and building plans; and,
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

AQ Impact 3 Demolition of structures coated with lead based paint could result in the release of lead based particles from the site.

AQ/mm-4 Prior to issuance of a demolition permit the applicant shall submit evidence of an approval from APCD of a lead work plan.

AQ Impact 4 Improper handling of asbestos containing material (ACM) could have potential negative air quality impacts.

AQ/mm-5 Prior to issuance of a demolition permit the applicant shall submit evidence of having filed completed Notification of Demolition and Renovation Form to the satisfaction of the APCD.

Dynegy Outbuilding and Equipment Demolition
CASE NO. CP0-488 MND (SCH#2015091073)
PC Hearing Date: 11/3/15

Monitoring:

Copies of regulatory forms will be submitted to the APCD for review and approval, consistent with existing regulations. The applicant is required to submit approval documentation from APCD to the City Community Development Director/Planning Manager. Monitoring or inspection shall occur as necessary to ensure all construction activities are conducted in compliance with the above measures. Measures also require that a person be appointed to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. All potential violations, remediation actions, and correspondence with APCD will be documented and on file with the City Community Development Director.

BIOLOGICAL RESOURCES

BIO Impact 1 Development of the project could potentially adversely affect birds nesting on structures to be removed or in close proximity to the area affected by demolition.

BIO/mm-1 Prior to ground disturbance, to minimize impacts to nesting bird species, including special status species and species protected by the Migratory Bird Treaty Act, demolition shall be limited to outside the nesting season and focused during the time period between September 1 and February 1 as feasible. If demolition cannot be conducted during this time period, a pre-demolition survey for active bird nests onsite shall be conducted by a qualified biologist. Surveys shall be conducted within two weeks prior to any demolition activities. If no active nests are located, demolition activities can proceed. If active nests are located, then all demolition work shall be conducted outside a non-disturbance buffer zone to be developed by the qualified biologist based on the species (i.e., 50 feet for common species and upwards of 250 feet for special status species), slope aspect and surrounding vegetation. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist.

Monitoring: Prior to issuance of a demolition permit, the qualified biologist conducting the survey for active bird nests prior to the start of demolition shall provide the City of Morro Bay Community Development Department with a written copy of survey results.

CULTURAL RESOURCES

CR Impact 1 Ground disturbance associated with the construction of the residence and all associated facilities may result in the inadvertent discovery of previously undocumented archaeological resources.

CR/mm-1 *Prior to issuance of a demolition permit, the applicant shall submit to the City of Morro Bay Department of Planning and Building an Archaeological Monitoring Plan for review and approval. The plan shall include, at minimum:*

- a) *Archaeological and Native American monitoring of all initial site disturbance and initial grading. Archaeological and Native American monitors shall be approved by the City.*
- b) *A list of all personnel involved in the monitoring activities.*
- c) *Clear identification of what portions of the project (e.g., phases, areas of the site, types of activities) would require monitoring.*
- d) *Description of how the monitoring shall occur.*
- e) *Description of monitoring frequency.*

Dynergy Outbuilding and Equipment Demolition
CASE NO. CP0-488 MND (SCH#2015091073)
PC Hearing Date: 11/3/15

- f) *Description of resources expected to be encountered.*
- g) *Description of circumstances that would result in work stoppage or diversion in the case of discovery at the project site.*
- h) *Description of procedures for stopping or diverting work at the project site and notification procedures.*
- i) *Description of monitoring reporting procedures.*

CR/mm-2 *In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other construction activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, the onsite archaeological and Native American monitors shall be notified, and the resource shall be evaluated to ensure the discovery is adequately recorded, evaluated and, if significant, mitigated.*

CR/mm-3 *Upon completion of all monitoring and mitigation activities, and prior to final inspection, the Applicant shall submit to the City of Morro Bay Department of Planning and Building a report summarizing all monitoring and mitigation activities and confirming that all recommended mitigation measures have been met.*

Monitoring: The City Community Development Director shall verify compliance with this measure.

HAZARDS/HAZARDOUS MATERIALS

HAZ Impact 1 industrial **Because of the age of the structures to be demolished and their former use on an site, there is a potential for encountering and handling and transporting hazardous waste/materials.**

HAZ/mm-1 *Utilities: Stub, cap and label remaining sewer laterals and water lines at each pad. Terminate all gas, phone, power, internet, cable t.v., etc. lines following all applicable utility company policy and procedures, including those that connect to each pad.*

HAZ/mm2 *Clean-up: Verify all equipment, hazardous waste, paints, liquids, chemicals, etc. are safely removed prior to demolition. Provide measures to contain any possible spills and contamination of existing material during demolition.*

HAZ/mm-3 *BMP: Utilize Best Management Practices (BMP) to address any existing remnants/stains/residue of previously stored chemicals, paints, liquids, etc. left on slabs/pads, to ensure that storm runoff will not become contaminated.*

HAZ/mm-4 *Prior to issuance of a demolition permit, the applicant shall submit a demolition execution plan similar to the one submitted by Silverado Contractors, Inc. (December 19, 2013) to the satisfaction of the Community Development Director.*

HAZ/mm-5 *Prior to actual demolition, the contractor in charge of the project shall survey all structures to be removed and certify to the satisfaction of the City of Morro Bay Fire Chief and the Public Works Director that all hazardous materials have been removed and all affected utilities have been appropriately stubbed, capped, or terminated.*

Monitoring: Conditions of approval and mitigation measures shall be included as part of the plan set submitted for a demolition permit. The project will be subject to regular inspection by City staff to ensure compliance with conditions and mitigation measures.

Dynegy Outbuilding and Equipment Demolition
CASE NO. CP0-488 MND (SCH#2015091073)
PC Hearing Date: 11/3/15

Acceptance of Mitigation Measures by Project Applicant:

Applicant, Title

Date

EXHIBIT B



Morro Bay Power Plant
Building Demolition Project

Building #	Name	Use	Construction	ACM	Insulation	Dimensions
1	Peregrine	Office Building	Wood trailers	non detect	Y	140'x60'
2	#2 fire house	Fire Pumps & equipment	metal w steel over plywood roof	N	N	30'x60'
3	Shed	Storage	metal	N	N	20'x24'
4	Shed	Storage	metal	N	N	20'x25'
5	Haz Waste Building	Haz Waste Storage	metal	N	N	30'x36'
6	Butler Building	Storage	metal w/ 1x12 wood truss and T-1	N	N	40'x100'
7	Lube oil Storage	Oil Storage	metal	N	N	40'x30'
8	#5 Load Center	Electrical switchgear	metal, back wall sheet rock	N	N	30'x53'
9	Shed	Gas Cylinder Storage	metal	N	N	10'x20'
10	Sand Blast Building	Sand blast facility	metal	N	N	20'x50'
11	Blowdown Tank	Water Storage	metal	N	N	56' dia x 16' h
12	#16 Load center	Electrical switchgear	metal	N	N	16'x16'
13	Evap Building	Storage	metal	N	N	103'x40'
14	#6 Load Center	Electrical switchgear	metal	N	N	76'x40'
15	#2 Distilled water tank	Water Storage	metal	N	N	28 dia x 36'6" h
16	Old Paint Building	Storage	metal	N	N	32'x16'
17	Shed	Storage	wood	N	N	32'x16'
18	Guard Shack	Security	metal w insulation	N	fiberglass	8'x10'
19	CEMS Shelter	Unit 1 & 2 CEMS	fiberglass	N	fiberglass	10'x16'
20	Old EDG Building	Concrete	metal	N	N	10'x15'
21	O2 scavenging equip.	Boiler H2O treatment	metal	N	N	18x10
22	Fuel Oil Additive	Storage Tank	metal	N	N	14' dia x 13'
23	Concrete Bunker	No use- existing	concrete	N	N	12'x11'

Note: Building #1 was sampled in May of 2006 when part of the building was demolished. Included are the sample results
No other suspect materials were noted.



AGENDA NO: C-1

MEETING DATE: November 3, 2015

Staff Report

TO: Planning Commissioners

DATE: October 29, 2015

FROM: Cindy Jacinth, Associate Planner

SUBJECT: Interpretation of Greater than Normal (Significant) Public Benefit Requirement in Zoning Ordinance and Waterfront Master Plan (MBMC 17.40.030)

RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution 44-15 for Interpretation of Greater than Normal Public Benefit as described in the Zoning Ordinance under the Planned Development (PD) overlay zone at 17.40.030.

BACKGROUND/DISCUSSION:

At the October 20, 2015 meeting, the Planning Commission reviewed and had discussion regarding interpretation of the Planned Development (PD) overlay zone's "Greater than Normal" Public Benefit (also referred to as significant public benefit in the Waterfront Master Plan). In addition, the Waterfront Master Plan Design Guidelines, Chapter 5 also refers directly to provisions for the PD overlay district with reference to findings of "significant" public benefit required in order to allow a deviation or modification of standards of the base zoning district.

Upon review of the ordinance language, the consensus of the Commission was that this section requires a nexus between alteration in standards and achievement of the proposed benefit. The Planning Commission's discussion included that a claim of a greater than normal benefit that is offered would not include the base project, but rather the amenities in addition to the project offered. For example, new construction or a remodel of a building on the Embarcadero where City lease terms dictate new work, would not in and of itself qualify as a "greater than normal" benefit, because it is already required. In this example, a new or remodeled building that increases base height requirements or requests a reduction in view corridor should be accompanied by an equivalent offset elsewhere on the project. In other words, improve public access or views in some substantial way to establish the nexus between what is offered and the requested exception.

A copy of Chairperson. Tefft's interpretation notes as discussed at the October 20, 2015 Planning Commission meeting is attached as Exhibit B.

Prepared By: CJ

Department Review: SG

CONCLUSION:

A variety of projects in past years have come forward for City approval with various forms of public benefit. However, the requirement is benefit that is greater than normal, or significant. It is important to clarify project requirements in order to ensure the intent of the Zoning Ordinance and Waterfront Master Plan is met. Therefore, staff recommends that Planning Commission review and adopt Resolution 44-15.

EXHIBIT:

- A. Resolution 44-15
- B. Interpretation Notes: Requirements for modifications of development standards in the PD overlay zone, submitted by Chairperson Robert G. Tefft, MD

RESOLUTION NO. PC 44-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION AFFIRMING THE COMMISSION'S INTERPRETATION REGARDING GREATER THAN NORMAL PUBLIC BENEFIT ALSO KNOWN AS SIGNIFICANT PUBLIC BENEFIT AS DEFINED IN THE CITY OF MORRO BAY ZONING ORDINANCE SECTION 17.40.030 AND THE WATERFRONT MASTER PLAN (WMP) DESIGN GUIDELINES CHAPTER 5.

WHEREAS, the Planning Commission is authorized, by the Morro Bay City Zoning Ordinance, section 17.48.020, to make interpretations of ambiguities found in the Zoning Ordinance; and

WHEREAS, the Planning Commission of the City of Morro Bay reviewed the language and significant public benefit examples regarding the Planned Development Overlay requirements in the Zoning Ordinance 17.40.030 and as also discussed in the Waterfront Master Plan Design Guidelines, Chapter 5 at their regularly scheduled meeting of October 20, 2015; and

WHEREAS, the Planning Commission desired to clarify requirements for greater than normal public benefit also known as significant public benefit for future and pending application so as to avoid confusion in the future, requested staff return with a policy resolution clarifying the intent and meaning of greater than normal public benefit requirements found in the Zoning Ordinance; and

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

Section 1. Zoning Ordinance Section 17.40.030.D describes the Planned Development Overlay requirements and reads in part as “**Modifications of standards shall only be approved upon a finding that greater than normal public benefits may be achieved by such deviations. Such benefits may include, but are not limited to improved or innovative site and architectural design, greater public or private usable open space and provisions of housing for the elderly or low/moderate income families, provision of extraordinary public access, provision for protecting environmentally sensitive habitat (ESH) areas, but in all cases these provisions shall meet the coastal land use policies.**” Said “greater than normal” public benefit also referred to as “significant” public benefit in the Waterfront Master Plan Design Guidelines shall be defined” as a feature of a project concept, design, or configuration which contributes significantly to the health, safety, enjoyment, or quality of life of members of the general public.

Deviation or modification of standards of the base zone district which requires greater than normal public benefit also known as significant public benefit shall have a nexus where the request for modification of development standards based upon a claim of greater than normal public benefit shall be granted only if it is determined by the City that such modifications are necessary to achieve the desired public benefits, and that such benefits cannot be obtained if usual development standards are applied.

Any applicant who requests a modification of standards based upon a claim of greater than

EXHIBIT A

normal public benefit shall provide to the Community Development Department a report detailing all benefits proposed with supporting justification as to why the requested modifications are necessary to allow the proposed public benefit to be accomplished and why such benefits cannot be achieved if usual standards are applied. Justification based on financial feasibility shall be supported by specific accounting detailing the projected project costs and income figures with and without the requested modification of standards.

Section 2. Waterfront Master Plan Design Guidelines, Chapter 5 refers directly to provisions for the PD overlay district and shall be interpreted to intend to maintain the standards for modification of development standards imposed by MBMC Section 17.40.030 (i.e. greater than normal public benefit and nexus between benefits and requested deviation from standards.

In accordance with the provisions of the Waterfront Master Plan (WMP) and with MBMC Section 17.40.030, building heights that are greater than the standard building heights specified on page 5-2 of the WMP shall only be allowed by a conditional use permit as approved by Planning Commission upon demonstration of the following:

- a.) An enumeration of the specific significant, greater than normal public benefits to be provided together with a finding that such expected public benefits are both greater than normal and significant;
- b.) A finding that the requested increase in building height is necessary to achieve the desired significant, greater than normal public benefits;
- c.) A finding that, as a result of the proposed project, the overall viewshed characteristics will be improved or, at least not diminished, from public viewing locations as defined on page 5-1 of the WMP and illustrated in Figure 5-4 of that document; and
- d.) A finding that the project complies with additional requirements, as set forth on page 5-3 of the WMP.

Section 3. Based upon the staff report and other evidence and information considered by the Planning Commission regarding this matter, the foregoing interpretation (i) will not negatively impact the public health, safety and general welfare of neighborhoods that do or may contain storage sheds or the City at large, (ii) will not have any effect upon traffic conditions within the City and (iii) will have a positive effect upon the orderly development of the areas in which storage sheds do and may exist and the City at large in regard to general planning of the whole community.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 3rd day of November, 2015 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

EXHIBIT A

Robert Tefft, Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 3rd day of November, 2015.

NOTES: Requirements for modifications of development standards in the PD overlay zone

Robert G. Tefft, MD

Requirements of Paragraph D, MBMC 17.40.30:***Public benefit provided must be “greater than normal”***

- Interpretation: Modification of standards cannot be granted if a proposed project offers only “normal” public benefits. Two important categories of “normal” public benefit include:
 - Intrinsic public benefits – Benefits which are inevitably associated with any new construction or with replacement of an older building with a newly-built structure. Examples of intrinsic public benefit would include compliance with current building and fire codes, improved energy efficiency, and improved appearance.
 - Statutory public benefits – Benefits which are required by the City’s general or specific plans, ordinances or guidelines, by State or Federal law, by the terms of a city-administered lease, or by conditions of a Conditional Use Permit. Examples of statutory public benefits include provision of required inclusionary housing, required view corridors in the Embarcadero area, and ADA access.
 - Other – Per Planning Commission discussion
- Suggested elements of resolution
 - Definition of “greater than normal public benefit”:

A “greater than normal public benefit” shall be defined as a feature of project concept, design, or configuration which contributes significantly to the health, safety, enjoyment, or quality of life of members of the general public who do not reside in nor patronize business located within the proposed project, and which exceeds or is in addition to positive attributes arising merely from the intrinsic nature of new (vs. older) construction and which exceeds of is in addition to any relevant requirements of the City’s general or specific plans, ordinances or guidelines, by State or Federal law, by the terms of a city-administered lease, or by conditions of a Conditional Use Permit.
 - Applicant’s responsibility:

Any applicant who requests a modification of standards based upon a claim of greater than normal public benefit shall provide to the Community Development Department a report detailing all benefits proposed, together with an analysis of the manner and degree in which the proposed benefits exceed or augment those required by applicable City, State, and/or Federal statute.

Greater than normal public benefit must be “achieved by” the modifications of development standards

- Interpretation: Section 17.40.30 allows for modifications of usual development standards *only* when such deviations are directly required to achieve a greater than normal public benefit. Specifically, this section requires a nexus between alterations in standards and achievement of the proposed benefit and does not authorize the City to engage in “horse trading” of relaxed development standards for unrelated public benefits. For example, the City cannot approve a reduction in required setbacks in exchange for a donation to a proposed Maritime Museum, as such a donation could be made just as readily without the requested modification in development standards.
- Suggested elements of resolution
 - Requirement for a nexus:

A requests for modification of development standards based upon a claim of greater than normal public benefit shall be granted only if it is determined by the City that such modifications are necessary to achieve the desired public benefits, and that such benefits cannot be obtained if usual development standards are applied.
 - Applicant’s responsibility:

Any applicant who requests a modification of standards based upon a claim of greater than normal

EXHIBIT B

public benefit shall provide to the Community Development Department a detailed explanation as to why the requested modifications are necessary to allow the proposed public benefit to be accomplished and why such benefits cannot be achieved if usual standards are applied. Any assertion that modification of development standards is necessary to render the proposed public benefits financially feasible must be supported by specific accounting detailing the projected project costs and income figures with and without the requested modification of standards.

Requirements of Chapter 5, Waterfront Master Plan:

Provisions of MBMC Section 17.40.30 apply to development standards (including building height) in the Waterfront Master Plan area

Page 5-3, Waterfront Master Plan: "Standard building heights" will be the maximum allowable height unless there is a use permit or planned development approved by the Planning Commission allowing for greater height pursuant to the Planned Development (PD) Overlay district. (emphasis added)

- Interpretation: Because the Waterfront Master Plan (WMP) refers directly to provisions for the PD Overlay district, the WMP clearly intends to maintain the standards for modification of development standards imposed by MBMC Section 17.40.30 (i.e., greater than normal public benefit and nexus between benefits and requested deviations from standards). In addition, the WMP adds the requirement that the public benefits provided should be "significant."
- Suggested elements of the resolution

– Clarification of requirements for modified building height:

In accord with the provisions of the Waterfront Master Plan (WMP) and with Section 17.40.30 of the Morro Bay Municipal Code (MBMC), building heights that are greater than the Standard Building Heights specified on page 5-2 of the WMP only if allowed by a use permit or planned development approved by the Planning Commission and containing the following:

- a.) An enumeration of the specific significant, greater than normal public benefits to be provided, together with a finding that such expected public benefits are both greater than normal and significant;
- b.) A finding that the requested increase in building height is necessary to achieve the desired significant, greater than normal public benefits;
- c.) A finding that, as a result of the proposed project, the overall viewshed characteristics will be improved or, at least not diminished, from public viewing locations as defined on page 5-1 of the WMP and illustrated in Figure 5-4 of that document; and
- d.) A finding that the project complies with additional requirements a) through e), as set forth on page 5-3 of the WMP.

– Clarification of requirements for consideration of "extraordinary public access" as a greater than normal public benefit in the WMP area:

Within the areas of the City that are covered by the WMP, the approval of "extraordinary public access" as the basis for modification of design standards under provisions pertaining to the Planned Development Overlay requires access features that meet and significantly exceed the base requirements of the WMP. Consequently, consideration will be given to "extraordinary public access" as a potential greater than normal public benefit only if a proposed project provides continuous lateral access along the bayfront and incorporates view corridors in compliance with page 5-2 of the WMP. When commercial fishing operations, fueling facilities, or other coastal-dependent industry prevent immediate bayfront access, continuous lateral access will be deemed to have been provided if the proposed project includes permanent and attractively-demarcated lateral access which allows members of the public to view commercial operations in progress, which is as close to the bayfront as is consistent with public safety and efficient operation of the commercial facility, and is connected at either end to adjacent lateral or vertical bay access.



AGENDA NO: C-2

MEETING DATE: November 3, 2015

Staff Report

TO: Planning Commissioners **DATE:** October 29, 2015

FROM: Scot Graham, Community Development Manager

SUBJECT: Sign Ordinance Review/Update. Review will cover current status and discussion of next steps in the update process.

RECOMMENDATION:

Review staff report, associated material and presentation from staff and provide comment/direction.

BACKGROUND:

The sign ordinance update was last before the Planning Commission on September 4, 2013, where the Planning Commission voted (3-2) to forward the ordinance to the City Council for adoption (See PC Minutes from September 4, 2013 attached as Exhibit 1). The City Council subsequently reviewed the sign ordinance on both October 8th and October 22nd of 2013, subsequently making the decision to send it back to the Planning Commission for additional consideration. The Council also directed staff to conduct sign district meetings with the four (4) identified commercial business districts in conjunction with the Chamber of Commerce. The October 22, 2013 Staff report and meeting minutes are attached as Exhibits 2 & 3 respectively.

Staff conducted sign workshops in conjunction with the Chamber as directed by Council on the following Dates and at the following locations:

- November 11, 2013, Quintana Businesses
 - Interested in feather or blade signs
- March 10, 2014, Downtown Business
 - Interested in A-frame signs
- April 28, 2014, North Main Businesses
 - Interested in Highway oriented signage
- May 19, 2014, Embarcadero Businesses
 - Businesses that don't have direct frontage on the Embarcadero want signage opportunities that face the street.

Prepared By: __SG__

Department Review: __SG__

One of the overarching themes discussed at all four sign workshops was the fact that business owners wanted a clear and easy to follow permitting process, where permits were issued quickly.

The process stalled after the 2013/2014 workshops due to staff turnover and the item never returned to the Planning Commission for review. Staff has since met with downtown business owners back in early summer of 2015 and they responded with some additional requested changes, mostly focused on allowance of A-frame signs.

SIGN ORDINANCE.

The latest version of the updated Draft Sign Ordinance can be found in Attachment A of Exhibit 2. For comparison purposes, the current Sign Ordinance can be found in Chapter 17.68 of the City of Morro Bay Municipal Code and more specifically at the following link: https://www.municode.com/library/ca/morro_bay/codes/code_of_ordinances

NEXT STEPS

Given the amount of time that has elapsed since the 2013/2014 workshops, staff would like to prepare updated language that addresses the requested changes noted above and then conduct additional workshops in all four districts to review proposed changes. Staff would once again work with the Chamber of Commerce on workshop facilitation. After completing the four workshops, staff will return to the Planning Commission with recommended language changes.

Exhibits

1. Planning Commission minutes for September 4, 2013
2. City Council Staff Report for October 22, 2013
3. City Council minutes for October 22, 2013.

EXHIBIT 1

AGENDA ITEM: A- 1

DATE: September 18, 2013

ACTION: APPROVED

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 4, 2013
VETERANS MEMORIAL HALL – 6:00 PM

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

PRESENT:	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	John Fennacy	Commissioner
	Michael Lucas	Commissioner
	Robert Tefft	Commissioner
STAFF:	Rob Livick	Public Services Department
	Kathleen Wold	Planning Manager
	Erik Berg-Johansen	Planning Intern

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

Chairperson Grantham announced the City will be hosting a Thanksgiving Day dinner from 1 pm to 3 pm at the Morro Bay Community Center.

Commissioner Fennacy announced the Morro Bay Margarita and Avocado festival will be held on September 14-15, 2013.

Commissioner Lucas announced the Commissioners now have City email addresses, which are listed on the City's webpage, and he directed the public to use the new email addresses when contacting the Commission.

PUBLIC COMMENT

Chairperson Grantham opened Public Comment period.

Gary Hixon, Morro Bay resident, complimented the Commission for their good work at the meetings.

Nikki Turner, Morro Bay resident, explained why she has been unable to attend previous Planning Commission meetings regarding the project located at 360 Cerrito Place. She also stated there were discrepancies in the information that was presented at the last hearing; she

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 4, 2013

stated she has always submitted the materials requested of her, and has never asked for an exception on her home project. Turner asked the Commission to review all of the information for the September 18, 2013 Planning Commission meeting.

Michael Tott, Los Osos resident, stated he constructed the fence on Tuner's property (360 Cerrito Place) according to the Volbrecht survey, therefore, it became the benchmark for Turner's project. Tott stated the lot line discrepancy has been resolved.

Chairperson Grantham closed Public Comment period.

PRESENTATIONS

None.

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

CONSENT CALENDAR

- A-1 Approval of minutes from Planning Commission meeting of August 21, 2013
Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Fennacy moved to approve the Consent Calendar.

Commissioner Tefft noted one correction on p. 5 of the minutes. Instead of "Commissioner Tefft suggested requiring a minimum sign size," Tefft stated he would like the minutes to read "...minimum *allowable* sign size." His intention was that a business with an unusually small façade might not be able to erect an effective sign, so he suggested a minimum instead.

Chairperson Grantham seconded and the motion passed (4-0), with Commissioner Lucas abstaining.

A. PUBLIC HEARINGS

- B-1 **Public hearing continued from August 21, 2013.**
Case No.: Zoning Text Amendment #A00-015 (project originally noticed for a Public Hearing on June 17, 2013 and subsequently continued to additional meetings).
Site Location: Citywide
Proposal: The City of Morro Bay is proposing a Municipal Code Amendment modifying Section 17.68 "Signs"
CEQA Determination: To be determined.
Staff Recommendation: Review draft ordinance, take public testimony, and provide direction to staff.
Staff Contact: Erik Berg-Johansen, Planning Intern (805) 772-6291

Berg-Johansen presented the staff report.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
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Chairperson Grantham opened Public Comment period.

John Elliott, Morro Bay business owner, asked staff why the following signs are prohibited under the proposed ordinance: barber poles (rotating signs), digital signs, signs advertising brand names, vehicle displays, and A-frame signs. He also stated sidewalks are wide enough in the downtown area to erect A-frame signs.

Kim van Nordstrand, Morro Bay business owner, stated business owners along the Embarcadero will probably want more flexibility than what is proposed regarding the placement of signs on the Embarcadero. She stated the City should ask Embarcadero business owners for their input regarding signage in the Embarcadero District. Nordstrand also suggested installing a kiosk on the Embarcadero, with a map on one side and a directory on the other.

Chairperson Grantham closed Public Comment period.

Berg-Johansen addressed Elliott's concerns:

- Barber poles – An exception could be made for barber poles if desired by the Commission, but under the proposed ordinance, they would be prohibited if they are indeed moving.
- Digital signs – These signs would be prohibited if the proposed ordinance passes. Berg-Johansen explained the intention is to maintain the “small-town feel” of the City. He suggested making an exception for such signs on public buildings, though, because they are helpful for tourists.
- Brand names – Berg-Johansen encouraged the Commission to discuss this issue in more detail. He suggested regulating brand name signs more stringently, but not prohibiting them outright.
- Vehicle displays – Such signs are not allowed to be erected in front of businesses, but he clarified delivery vehicles with logos would be allowed under the proposed ordinance.
- A-frame signs – Under the proposed ordinance, these signs would be allowed in the Downtown District but not along the Embarcadero.

Chairperson Grantham responded to Nordstrand's comment regarding public input and stated City staff and the Commission have provided many opportunities (in the form of public hearings and online surveys) for the public to provide their opinion regarding the proposed ordinance.

Commissioner Solu seconded Grantham's comment. He also asked staff if the existing barber poles would be allowed to remain under the proposed ordinance. Wold clarified barber poles are exempted under the proposed ordinance, so it is not an issue. Other examples of code exemptions are “Main Street” clocks and time and temperature signs on bank buildings.

Commissioner Solu asked staff for clarification regarding how the City is regulating the size and content of the digital sign at the Visitor Center. Wold explained the City only intends to regulate larger street, sidewalk, and directional signs, and the City generally does not regulate signs that are difficult to see from the car, such as the one on display at the Visitor Center. She stated live

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
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feed content is difficult to regulate because it changes so quickly, but she said she would investigate the sign at the Visitor Center.

Commissioner Tefft expressed concern that there is no mechanism for an exception or a conditional use permit in the proposed ordinance that would allow business owners to install a sign that happens to not fit into any of the proposed categories. Wold clarified the purpose of the ordinance update is to simplify the ordinance and make it more user-friendly so that such exceptions would not be necessary. She stated, however, applicants are always allowed to request a variance, but the sign must meet certain standards in order for the application to be approved.

Commissioner Fennacy complimented Craig Schmidt for doing a great job at informing the business community about the various ways they have been able to provide input during the update process. Grantham and Lucas seconded Fennacy's comment.

Commissioner Tefft suggested removing the section regarding lodging establishments because the character of each of the districts in the City is so distinctive that it should preclude the fact that it is a lodging establishment. He stated there are different provisions that need to be made for lodging establishments in different areas of the City, and those provisions should be included in the section for the respective districts where the establishment is located.

Commissioner Solu stated it is important to include language regulating lodging establishment signs so as to prevent price wars and because lodging is the only industry in the City that has 24-hour service.

Commissioner Fennacy stated it is important to remain consistent and linear with State regulations, otherwise the City may run into problems when the proposed ordinance is brought before City Council and the Coastal Commission. He stated lodging is generally treated distinctly in other municipalities, so the City should consider including this section in order to be linear with the state.

Commissioner Lucas seconded Tefft's comment regarding locational differences between lodging establishment signs. Wold clarified the separate lodging section was developed because not all motels are located in commercial districts; some motels are in residential districts where the signs need to be regulated more strictly, so they are a somewhat special use that needs more attention. Wold stated it may be redundant to include language regarding lodging establishments in each district, but it may be more user-friendly to do so.

Commissioner Solu stated if any districts are to be consolidated, it should be the North Main and Quintana Districts because they are so similar. Lucas seconded Solu's comment.

Livick stated keeping the lodging establishment table as a separate section may be more effective if language is added which states *architectural* and *pole signs* may be allowed only if they are allowed in their base district. On the other hand, it may be beneficial to move lodging establishment sign regulations to separate zones because it would be easier to make changes when necessary.

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MOTION: Commissioner Fennacy moved to approve the draft Zoning Text Amendment #A00-015 and forward it to City Council.

Chairperson Grantham seconded the motion.

Commissioner Tefft asked staff for clarification regarding the definition of attraction boards. Berg-Johansen clarified they are used to display services and amenities offered by a hotel. Tefft suggested expanding the definition of attraction signs to encompasses restaurants, theaters, churches, and other establishments in the City, and not just hotels.

The motion passed (3-2), with Commissioners Solu and Tefft dissenting.

UNFINISHED BUSINESS

- C-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.
Upcoming Projects: To be determined.

Wold reviewed the Work Program with the Commission.

NEW BUSINESS

None.

DECLARATION OF FUTURE AGENDA ITEMS

None.

ADJOURNMENT

The meeting adjourned at 7:03 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, September 18, 2013 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA NO: B-2

MEETING DATE: October 22, 2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** October 15, 2013

FROM: Kathleen Wold, Planning Manager

SUBJECT: Zoning Text Amendment A00-015 Draft Sign Ordinance (Municipal Code Section 17.68)

RECOMMENDATION

Staff recommends that the City Council:

1. Open the public hearing and receive testimony;
2. Direct staff to prepare an environmental document based on the draft Sign Ordinance as forwarded by the Planning Commission on September 4, 2013 and return with the environmental document and the draft Sign Ordinance for the first reading on December 10, 2013.

ALTERNATIVES

1. Review the draft Sign Ordinance and return the Ordinance to Planning Commission for additional changes based on public testimony and Council direction.
2. Take no action to change the Sign Ordinance and direct staff to not pursue a Zoning Text Amendment.
3. Direct staff to bring back sections of the Ordinance to allow a more in depth review of the document.

FISCAL IMPACT

Costs associated with a drafting of an amended Sign Ordinance are as follows:

- Environmental—staff's time to prepare a Negative Declaration
- Noticing Costs—noticing the draft Sign Ordinance environmental review and the Public hearing for adoption.
- Staff time—staff costs including time to process the project through to the Coastal Commission is estimated to be approximately 400 staff hours including Planning staff, Public Services Director, City Attorney, administrative support staff.

Prepared By: KW

Dept Review: RL

City Manager Review: _____

City Attorney Review: _____

DISCUSSION

Recommendations from the Public, Staff and City Council:

Comments from City Council members at their October 8, 2013 meeting were also noted and discussed among staff. Based on this discussion staff drafted the following language:

➤ **Add “Historical and Commemorative Plaques” to the list of exempt.**

9. Historical and Commemorative Plaques. Plaques placed by historical agencies recognized by the City of Morro Bay and County of San Luis Obispo or the State of California, consisting of noncombustible material (e.g. bronze or stone). Such plaques shall display no advertising.

➤ **Add language to address new technology such as signs consisting of QR-codes (quick response codes).**

These codes can be scanned with smart phones, and are capable of providing important information to consumers. Staff recommends that QR-code signs be permitted, but that their maximum size be regulated (e.g. shall be not larger than 2 sq. ft.). Photo on right shows a QR-code billboard in Japan.



Expansion of the Embarcadero Tourism-Oriented Directional Sign Plan (TODSP)

At the City Council’s request, staff has analyzed issues associated with expanding the Embarcadero TODSP to incorporate the Downtown District. As currently proposed, the TODSP recommends sign structure placements at five locations along the Embarcadero. Somewhere between 80-90 visitor-serving businesses occupy the Embarcadero District.

The Downtown District is larger in area than the Embarcadero, and supports a collection of businesses spread out over many blocks. However, businesses are relatively dense along Main Street and Morro Bay Boulevard, and the implementation of sign structures could benefit small businesses. So, how many businesses would be eligible for a directional sign in the Downtown? Estimates on this number depend solely on the eligibility criteria prescribed in the program. If all

businesses were allowed to have a directional sign, hundreds of businesses would be eligible. If, however, only tourist-serving businesses are eligible, the number of eligible businesses could be reduced to less than 120. The TODSP for the Embarcadero states the following types of businesses are eligible:

- *Clothing and shoe stores, surf shops, restaurants, cafes, pubs, bars, wine shops, hotels/motels, wine tasting rooms, art galleries, museums, gift shops, and recreation/entertainment-based businesses (such as kayak rental shops or charter sportfishing businesses).*

If the program was modified to include the Downtown District, staff recommends that all uses in the above list be included with the following additions: Beauty shops, barber shops, massage therapy, music stores, antique/furniture stores, real estate services, and convenience stores/food marts. These are all uses present in the Downtown District that could appeal to tourists. The lists discussed above can be expanded or reduced according to Council direction.

Another issue with expanding the Tourism-Oriented Directional Sign Plan to the Downtown is selecting locations to place sign structures. Due to the limited number of parks in the downtown, it is assumed that the majority of placements would occur within the public right of way on sidewalks. If this is the case, staff would need to locate areas where implemented sign structures do not interfere with pedestrian or vehicular traffic.

CONCLUSION

Staff recommends that the Council review the entirety of the new draft Ordinance and the above comments, and give direction to staff regarding further processing of the Ordinance.

ATTACHMENTS

- A. Draft Sign Ordinance, September 2013
- B. Previous City Council staff report October 8, 2013

ATTACHMENT A

Chapter 17.68 Sign Regulations

Sections:

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17.68.010 Purpose

The purpose of this Chapter is to regulate signs so that they express and enhance the character and environment of the City of Morro Bay and its community. These regulations recognize the importance of business activity to the economic vitality of the City. Specifically, these regulations are intended to:

1. Encourage communications which aid in the identification of businesses and activities.
2. Preserve and enhance the aesthetic character of the City.
3. Restrict signs that overload the public's capacity to receive information or that violate privacy.
4. Prohibit signs which increase the probability of automobile accidents.
5. Provide distinct regulations for different districts and lodging establishments.

Morro Bay's General Plan states, "The commercial areas of Morro Bay are composed of a variety of commercial uses as well as motels and some residential uses. These areas include Downtown, the Embarcadero, Quintana Road, and North Main Street. Each has its own special character and function." This Chapter provides different sign regulations for each individual district as defined by the General Plan, as well as a custom set of regulations for lodging establishments. It must be noted that *sign districts* as defined by this Chapter are different than the *zone districts* as defined by Morro Bay's Municipal Code.

This Chapter is also consistent with the City's Local Coastal Land Use Plan. Chapter XIII of the City's Coastal Land Use Plan includes the following provisions under Policy 12.05:

- a. Require monument and surface mounted signs and discourage roof mounted and pole signs;
- b. Require that view protection and the nighttime characteristics of the sign be mandatory considerations of any sign installation;
- c. Prohibit billboards;
- d. Reduce allowable height and size where they interfere with views to and along State Highway One.
- e. Develop and adopt sign criteria for signs appropriate for Morro Bay's commercial districts.

17.68.020 Commercial Signs and Calculations

Figure 17.021: Sign Types



- 1 Roof Sign
- 2 Wall Sign
- 3 Monument Sign (externally illum.)
- 4 Pole Sign
- 5 Sidewalk Sign
- 6 Directory Sign
- 7 Suspended (Hanging) Sign
- 8 Wall Sign (Channel Letters)
- 9 Awning Sign
- 10 Projecting (Pub) Sign
- 11 Window Sign

a. **Sign Types**

1. **Attraction Board** means a device used to display information regarding conveniences and services offered by facilities providing temporary accommodation.
2. **Architectural Signs.** Freestanding signs situated on two (2) or more supporting structures.
3. **Awning and Canopy Signs.** Signs painted on awnings, canopies, arcades, umbrellas or similar attachments or structures. Sign area for awning and canopy signs is calculated as the area within a single continuous enclosure around only the copy area of the lettering or logo of the sign.
4. **Banners.** A temporary sign of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame, and which is suspended, mounted, or attached to buildings or poles at two ends or continuously across its longest side so as to allow movements of the sign by atmospheric conditions.
5. **Changeable Copy sign** means a sign designed so that characters, letters or illustrations can be changed or rearranged without substantially altering the face or the surface of the sign.
6. **Directory Sign.** A collection of signs which list names of individual businesses located in a single building, courtyard, or property.
7. **Dock Sign.** Any sign that is placed on a floating dock structure or gangway.
8. **Externally Illuminated Signs.** A sign that is illuminated by a light source not attached to the sign.
9. **Fence Signs.** Signs on fences or free-standing walls, not part of a building.
10. **Hanging (Suspended) Signs.** A sign that hangs parallel to the building's façade.
11. **Internally Illuminated Signs.** A sign which radiates light from any internal source or is backlit.
12. **Marquee Sign.** A projecting sign that is part of a permanent entryway or canopy and traditionally associated with theaters. A marquee may include a projecting vertical sign extending above the cornice line of a building. See "Projecting Signs" below.
13. **Monument Signs.** A sign erected on the ground or on a monument base designed as an architectural unit (and not attached to a building). Monument signs shall not interfere with safety sight angles on corners and at driveways.

14. **Pole Signs.** A freestanding sign erected on top of a pole (and not attached to a building) that is taller than 8 feet.
 15. **Projecting Signs (Pub Signs).** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall.
 16. **Roof Signs.** Signs erected upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the eave line of a roof.
 17. **Shopping Center Identification Signs.** A sign structure located in front of a shopping center that advertises the name of the center and associated businesses.
 18. **Sidewalk Signs.** Signs not permanently attached to the ground or any other permanent supporting structure. These signs are sometimes referred to as A-frame signs. Where permitted, sidewalk signs are subject to special regulations and permits.
 19. **Snipe Sign.** An off-site sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects.
 20. **Temporary Sign.** A sign or advertising display designed or intended to be displayed for a short period of time.
 21. **Wall Signs (Surface).** Wall surface signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a false or mansard roof.
 22. **Window sign** means any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.
- b. **Determining Computable Sign Area**
1. **Single-faced Signs.** The sign face on a single plane and viewable from only one side of the plane shall be measured as the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color.
 2. **Double-faced Signs.** Double-faced signs with sign faces that are parallel (back-to-back) and a distance of less than three feet apart, or sign faces that have an interior angle of 45 degrees or less, shall be counted as a single sign with only one face measured in calculating sign area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.
 3. **Multi-faced Signs.** The sign area of signs with three or more sign faces, or signs with two sign faces with a distance greater than three feet apart or an interior angle greater than 45 degrees, shall be calculated as the sum of all the sign faces.

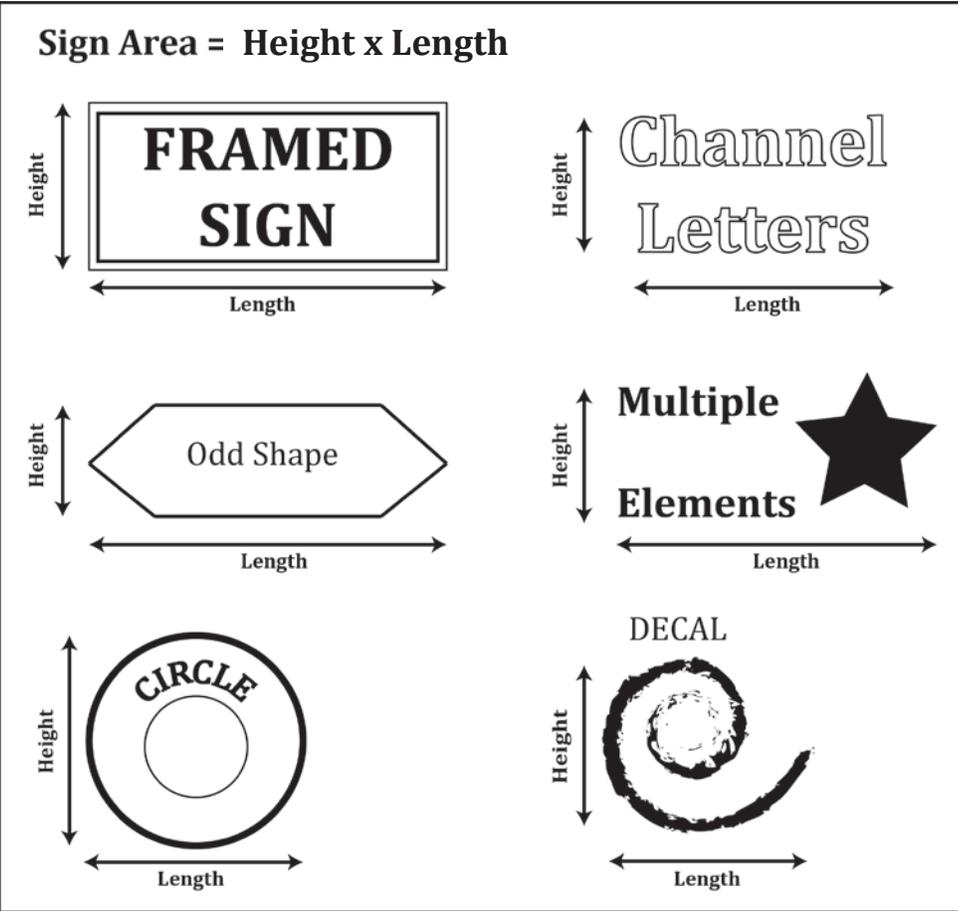
4. Three-dimensional Signs. Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of two adjacent sides or sign faces.

Allowable sign area and sign types are designated by *District*. See Figure 17.031 to determine what district your business is located in. If your business is located on or near the border of a district, please contact the Morro Bay Planning Department.

**For Lodging Establishments see section 17.68.080
For businesses located in Industrial Zones see section 17.68.090**

DRAFT

Figure 17.023: Measurement of Sign Area



Three-Dimensional Signs

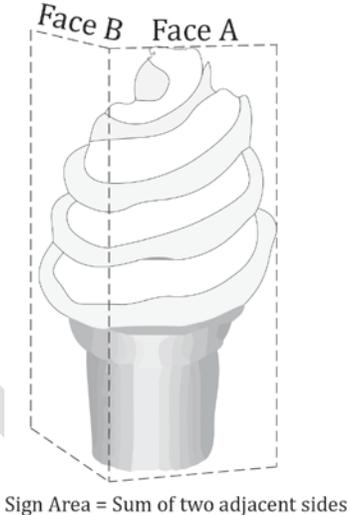
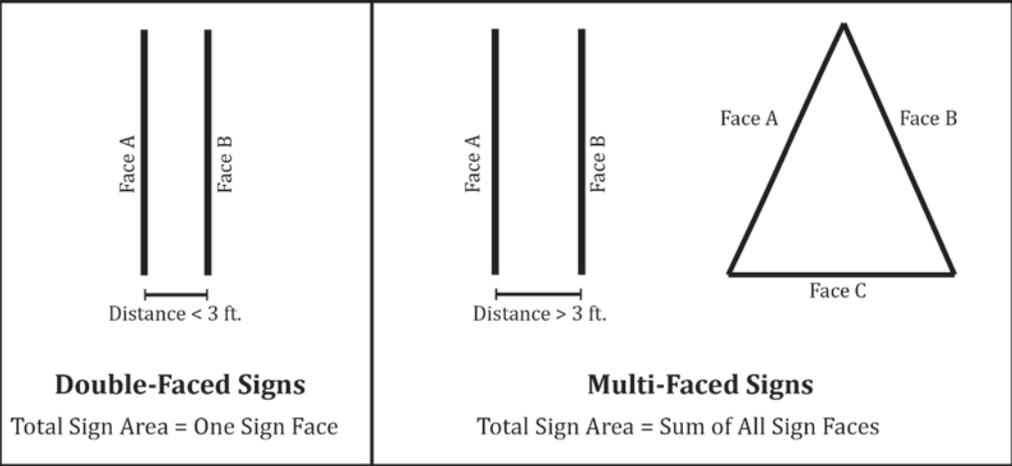


Figure 17.024: Measurement of Double and Multi-Faced Signs



c. Computation of Facades

“Façade” = (Façade Length x Façade Height)

*For the purposes of this Ordinance, “Façade Height” shall not include the roof

*For definitions of “Façade Length and Façade Height” see Section 17.68.120.

Figure 17.025: Single-Tenant Façade Calculation

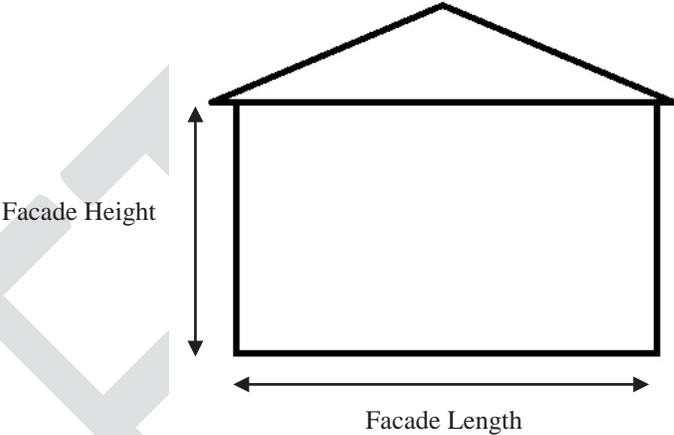


Figure 17.026: Multi-Tenant Façade Calculation Example #1

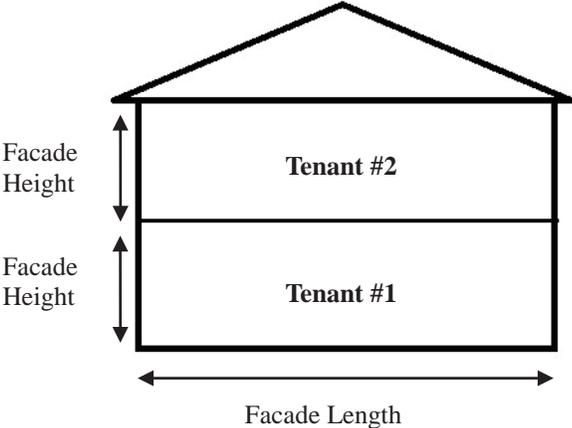
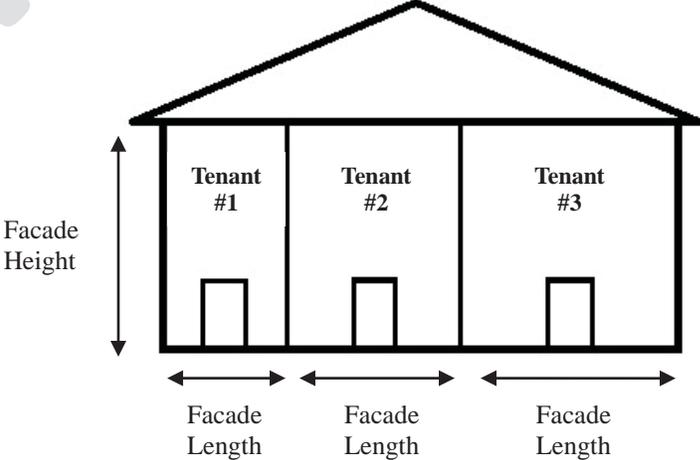


Figure 17.027: Multi-Tenant Façade Calculation Example #2



17.68.030 Standards for All Districts and Zones

The following principles and regulations apply to all areas within the City. No area in the City is exempt from the provisions listed in the following section. See other applicable commercial sign standards by following these steps: (1) Determine appropriate sign district (using Figure 17.031) (2) View table that applies to the appropriate district (Sections.17.68.040-17.68.070). For Lodging Establishments see Section 17.68.080.

A. Construction, Maintenance, Abandonment and Removal

1. Construction and Maintenance

- a. Unless exempt, signs and supporting structures shall be installed in accordance with the Building Code.
- b. All signs, together with all supporting structures, shall be maintained in the following manner:
 - i. Signs shall be kept free of rust, dirt and chipped, cracked or peeling paint.
 - ii. All hanging, dangling, torn or frayed parts of signs shall be promptly repaired and graffiti and unauthorized attachments shall be removed.
 - iii. Burned-out illumination shall be replaced immediately.
 - iv. Sign areas shall be kept free and clear of all noxious substances, rubbish, and weeds.
- c. If a sign is removed from its supporting structure for longer than 60 days, the supporting structure shall be removed.
- d. Any sign deemed unsafe by a Building Official shall be removed or fixed within 3 days of written notice.
- e. Every sign, including those signs for which no permit is required, together with all supports braces, guys and anchors shall be maintained in a safe, presentable and good structural condition at all times. The display surfaces of all signs shall be kept neatly painted, posted or otherwise maintained at all times. The owner of property on which the sign is located shall be responsible for the condition of the area in the vicinity of the sign, and shall be required to keep this area clear, sanitary and free from noxious or offensive substances, rubbish and flammable waste materials.

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

- a. **Located on Property.** Any sign which is located on property that becomes vacant and is unoccupied for a period of 60 days or longer.
- b. **Unrelated to Property.** Any sign which was erected for an occupant or business unrelated to the present occupant or business.
- c. **Time, Event or Purpose Sign.** Any sign which pertains to a time, event or purpose which no longer exists.
- d. **Exceptions**
 - i. **Temporarily Suspended Business.** Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of 60 days or more.

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

B. Provisions for Nonconforming and Illegal Signs

1. **Existing Nonconforming Signs.** Signs existing at the time of adoption of this Title, that do not comply with the provisions of this Chapter but that were legally erected pursuant to applicable state and city ordinances in effect at the time of construction, but which do not comply with the provision of this Chapter shall be regarded as nonconforming signs, subject to the following:
 - a. **Use Change.** Whenever the type of business or use changes with which a nonconforming sign is associated, the nonconforming sign associated with business shall be removed or otherwise made to conform to the provisions of this Chapter. An example of a change in use is a traveler-serving amenity (such as a gas station or convenient store) becoming a resident-serving amenity (such as a furniture or clothes store).
 - b. **Change of Business.** Whenever a business leaves a location and new business occupies a property, the nonconforming sign associated with the previous business shall be removed or otherwise made to conform to the provision of this Chapter.
 - c. **Sign Maintenance.** When a nonconforming sign becomes deteriorated or dilapidated to the extent of over fifty percent (50%) of the physical value it would have if it had been maintained in good repair, it must be removed within sixty (60) days after receiving notice from the Public Services Department.
 - i. If an ill-maintained sign cannot be adequately valued and assessed, the Public Services Director may require that such sign be removed or repaired.
 - d. **Limited Expansion.** A nonconforming sign may not be expanded, extended, reconstructed, or altered in any way in its location or orientation to enable it to be read or viewed from a different direction than its original position, except in the following cases:
 - i. Changes in sign face, copy, graphic design or color are permitted provided that such sign not be removed.
 - e. **Other Requirements.** Nonconforming signs are also subject to the provisions of Chapter 17.56: Nonconforming Uses and Structures.

2. **Illegal Signs.** Whenever a sign is found to be erected or maintained in violation of any provision of this Chapter, this Title, or any other Federal, State, or local law, and such sign is not a nonconforming sign (e.g. it was a legal sign under the sign regulations in effect prior to adoption of the ordinance codified in this Chapter), the Public Services Director shall order that such sign be altered, repaired, reconstructed, demolished or removed, as may be appropriate, to abate such condition or the Director may initiate proceedings to abate the sign as a public nuisance under the provisions of the Business and Professional Code (Sections 5499.1 to 5499.16). Any work required to be done shall be completed within ten days of the date of such order, unless otherwise specified in writing.
 - a. An illegal sign that conforms to the provisions of this Chapter may become legalized if the owner submits a sign permit application within five days of illegal sign notification. If said sign permit is granted the sign may remain in its current state.

C. General Sign Standards (Commercial and Non-Commercial)

1. **Architectural Signs.**
 - a. Maximum Height: 8 feet (from the ground to top of sign).
 - b. Shall be supported by two (2) or more posts or beams.
 - c. Minimum Setbacks: One foot from setback line.
 - d. Sign faces: Maximum of two sign faces permitted.
 - e. If one architectural sign proposed, sign shall count towards allowable signage for the *Primary Façade*. If a second architectural sign is proposed, sign shall count towards nearest secondary façade.
 - f. Landscaping. Signs shall be placed in a landscaped planter or berm. As a condition of any sign permit for a monument sign, additional landscaping of the site may be required to better integrate sign appearance with the site.
2. **Awning and Canopy Signs.**
 - a. Maximum Height. 25 feet above a sidewalk or public right-of-way
 - b. Sign copy and/or logos may not extend beyond the area of the awning or canopy.
3. **Clearance from Utilities.** Signs and their supporting structures shall maintain clearance and not interfere with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.
4. **Community Promotional Display Programs.** Community promotion signs advertising, directing or informing pedestrian of community events and services not related to or located on the site shall be permitted on private property in all commercial districts, and on public land with the granting of an encroachment permit.
5. **Dock Signs.** Any sign placed on a dock shall not in any way impede the right-of-way for pedestrians or watercraft. A dock sign may only be placed on docks or gangways owned

by the subject property.

6. **Drainage.** The roofs of canopies or marquees exceeding 25 square feet shall be drained to prevent dripping or flow onto public sidewalks or streets and shall be connected to an approved disposal source of adequate conductors.
7. **Encroachment into Public Street or Sidewalk.** For signs projecting over a public street or sidewalk refer to “Title 14: Buildings and Construction” within the City’s municipal code.
8. **Equipment Signs.** Signs, not more than eight square feet in sign area, incorporated into displays, machinery, or equipment by a manufacturer, distributor, or vendor that identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, menu boards, and umbrellas. If a vending machine is visible from the street, the sign area shall be included in the total sign area allowed for the use.
9. **Hanging (Suspended) Signs.**
 - a. Bottom of sign must maintain a minimum clearance of 8 feet above the public right-of-way or sidewalk.
 - b. Shall not be internally illuminated.
10. **Illumination.** Signs with any type of illumination are subject to all of the following standards:
 - a. All lighting is subject to necessary electrical permits.
 - b. All newly fabricated signs shall incorporate light-emitting diodes (LEDs) or an equally energy efficient light source.
 - c. Illuminated signs that are larger than 10 square feet in area shall not be switched ON during daylight hours. All newly fabricated signs larger than 10 square feet in area shall incorporate an automatic on/off switch.
 - d. All illuminated signs shall be turned off at 10 PM or at the time the business closes.
 - e. External lighting shall be properly shielded to prevent glare upon an adjacent public right-of-way or adjacent property.
 - f. Illumination shall be constant in intensity and color and shall not consist of flashing, animated or changing lights.
 - g. Illumination shall not be distracting to pedestrians, motorists, or neighboring property.
 - h. No sign shall emit or reflect light exceeding ten foot-candle power at ten feet from the face of the sign.
11. **Marquee Signs.** Marquee signs may not project above the marquee face.
 - a. Removable copy may be changed on the face of permitted sign without securing a sign permit.
12. **Materials.** All signs shall be made of substantial materials that are not subject to rapid deterioration, as determined by the Public Services Director.

13. Monument Signs

- a. Maximum Height. 5 feet
- b. Minimum Setbacks: One foot from setback line.
- c. Sign faces: Maximum of two sign faces permitted.
- d. Number of signs: Maximum of two monument signs per business.
- e. If one monument sign proposed, sign shall count towards allowable signage for the *Primary Façade*. If a second monument sign is proposed, sign shall count towards nearest secondary façade.
- f. Landscaping. Signs shall be placed in a landscaped planter or berm. As a condition of any sign permit for a monument sign, additional landscaping of the site may be required to better integrate sign appearance with the site.

14. Pole Signs

- a. Landscaping. Pole signs shall be placed within a landscaped planter with at least 28 square feet of planting area. As a condition of any sign permit for a pole sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.
- b. Maximum Height. 15 feet;
- c. Pole signs shall count towards allowable signage for the *Primary Façade*.
- d. Subject to Conditional Use Permit and shall meet the following conditions:
 - i. Business is traveler-serving.
 - ii. Proposed sign does not degrade or block scenic views (professional viewshed study may be required).
 - iii. If oriented towards Highway 1, sign shall be legible from a distance that will allow drivers to comprehend information and safely exit the highway (professional engineering study may be required).
 - iv. Sign design shall be compatible with neighborhood character, and shall not degrade the overall aesthetic quality of the subject property and surrounding area.

15. Projecting (Pub) Signs.

- a. Minimum Height. 8 feet above a sidewalk or other public right-of-way.
- b. Maximum Height. 20 ft. above a sidewalk or other public right-of-way, but not above an eave or roof.
- c. Shall not be internally illuminated.

16. Roof Signs. The top of the sign may not extend above the maximum building height for the zone in which the business is located.

17. Sign Orientation. No sign, other than a projecting sign, shall be permitted that is so oriented as to be viewed primarily across an adjacent private property line. All signs must be visible directly from a public right-of-way, other public open space or parking lot or courtyard on the same site as the sign, without view lines extending over private property different from that on which the sign is located.

18. **Substitution of Sign Message.** The owner of a permitted sign may substitute a non-commercial message for a commercial message or a commercial message for a non-commercial message.

19. **Wall Surface Signs** (“Wall” Signs). Wall signs are subject to the standards in the following table. No wall surface sign may cover wholly or partially any required wall opening.

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

D. Exempt Signs

The following signs are exempt in ALL districts and do not count towards total allowable sign area:

1. **Announcement Signs.** One sign, not exceeding 16 square feet in area and 6 feet in height, per street frontage on real property where construction, structural alteration or repair is to take place, or is taking place, which contains information regarding the purpose for which the building is intended and the individuals connected with the project, including names of architects, engineers, contractors, developers, finances and tenants. Announcement signs are exempt only for the duration of the construction of the building and shall be removed prior to issuance of a certificate of occupancy.
2. **Automatic Teller Signs.** Any business owning one or more ATM machines is allowed one (1) single-sided automatic teller sign.
 - a. Maximum area. 3 square feet.
3. **Businesses Outside of Defined Districts.** In the case a business does not exist within any of the sign districts as defined by this Chapter, the business shall conform to the regulations of the sign district it best fits in, as determined by the Public Services Director.
4. **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed no longer than 30 days following the change of ownership or activity for which the sign is intended, or up to 90 days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.

5. **Civic Event Signs.** One temporary sign announcing a campaign drive or event of a civic, public, quasi-public, philanthropic, educational or religious organization is allowed.
 - a. **Maximum Sign Area.** 32 square feet.
 - b. **Maximum Time Period.** Shall not be displayed for a period exceeding thirty calendar days previous to such event. An establishment shall not display such signs more than 60 days each year. Such signs shall be removed immediately after the event.
6. **Fence Signs.** One fence sign allowed per property to advertise community and non-profit events. Such signs shall not be displayed for a period exceeding thirty calendar days previous to such event. An establishment shall not display such signs more than 60 days each year. Such signs shall be removed immediately after the event.
7. **Flags.** Flags and insignia of any government, except when incorporated into a commercial sign, are permitted.
8. **Garage Sale Signs.** One unlighted sign is permitted for garage sales, provided such sign does not exceed four square feet in area and is displayed on the property where such sale shall take place only on the day of the sale.
9. **Mobile Home Parks.** A mobile home park may be allowed one externally illuminated or non-illuminated identification sign, not to exceed the equivalent of one square foot of sign area per ten linear feet of frontage on each right-of-way upon which it takes vehicular access. No sign shall have a surface area of greater than 30 square feet, a height of 8 feet, or be erected at right angles to the right-of-way.
10. **Mobile Vendor (Non-permanent Vendor) Signs.** Signs fixed to mobile vending carts that identify or advertise the name, product, or service provided by the vendor. Each mobile vending cart is limited to a maximum sign area of eight square feet.
11. **Murals.** Artwork painted on buildings; such artwork shall not include logos, text, or graphics that intentionally advertise a business, as determined by the Public Services Director.
12. **Off-Site Directional Sign.** One off-site sign not to exceed 36 square feet, providing direction to real estate available for sale or lease, during daylight hours only. Permission from the property owners of the site where the sign is placed is required.
13. **Official Government Signs and Legal Notices.** Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agent in the performance of a public duty; historical markers erected by a governmental body; identification information; directional signs erected by government bodies; or other signs required or authorized by law.
14. **Parking and Directional Signs.** On-site parking and directional signs, not exceeding eight square feet in sign area and five feet in height, that do not include any advertising messages or symbols.

15. **Political Campaign Signs.** Political campaign signs not to exceed sixty-four square feet in area per site and shall be permitted only on private property;
16. **Public Restroom and Public Access Signs.** One on-site public restroom sign not exceeding 3 square feet and one on-site public access sign not exceeding 4 square feet.
17. **Real Estate and “Open House” Signs.** Signs conveying information about the sale, rental, or lease of a property and the identification of the person **or** firm (agent) handling such sale, lease or rental, provided they comply with the following standards. Real estate and open house signs are exempt only during the period for which the property is offered for sale or lease.
18. **Restaurant Menu Boards.** Restaurants with a valid business license are allowed one (1) menu board per entrance with a maximum of two (2) menu boards.
 - a. Maximum area. 4 square feet.
 - b. Menu boards shall be securely placed on a building face.
 - c. Menu boards shall not in any way obstruct or block a door, window, or exit.
 - d. Menu boards shall consist solely of the restaurant’s current menu.
19. **Sidewalk Signs.** Subject to a special *Sidewalk Sign Permit*. Sidewalk signs proposed to be placed within the public right-of-way require a *Sidewalk Sign Encroachment Permit* in addition to a general *Sidewalk Sign Permit*.
20. **Subdivision Signs.** One sign per frontage, advertising the sale of a subdivision may be displayed on the site of the subdivision upon approval of a final map and initiation of construction for a period of one year. The display period may be extended with written approval of the Public Services Director for a reasonable period of time, not to exceed one year at any one time.
21. **Shopping Center Identification Signs.** A shopping center with four (4) or more tenants is allowed one Identification Sign per major street frontage.
 - a. Minimum Height. 6 ft.
 - b. Maximum Height. 8 ft.
 - c. Sign shall include name of shopping center and spaces for a maximum of 8 tenants.
 - d. The sign(s) shall incorporate the design theme of the existing shopping center.
 - e. The sign(s) are subject to approval of a Master Sign Program.
22. **Special Private Event Displays.** A temporary sign may be erected on the premises of an establishment having a special event provided that such sign shall not be displayed for a period exceeding thirty calendar days previous to such event. An establishment shall not display such signs more than 60 days each year. Such signs shall be removed immediately after the event.
23. **Temporary New Business Signs.** One temporary sign not exceeding 30 square feet for new businesses is allowed. A temporary sign may remain erected for a maximum of 30

days unless the Public Services Director grants an extension.

24. **Temporary “Sale” Signs.** One temporary sign not exceeding 10 square feet in area signifying a sale or specials is allowed. No business may display temporary sale signs for more than 90 days during any calendar year.

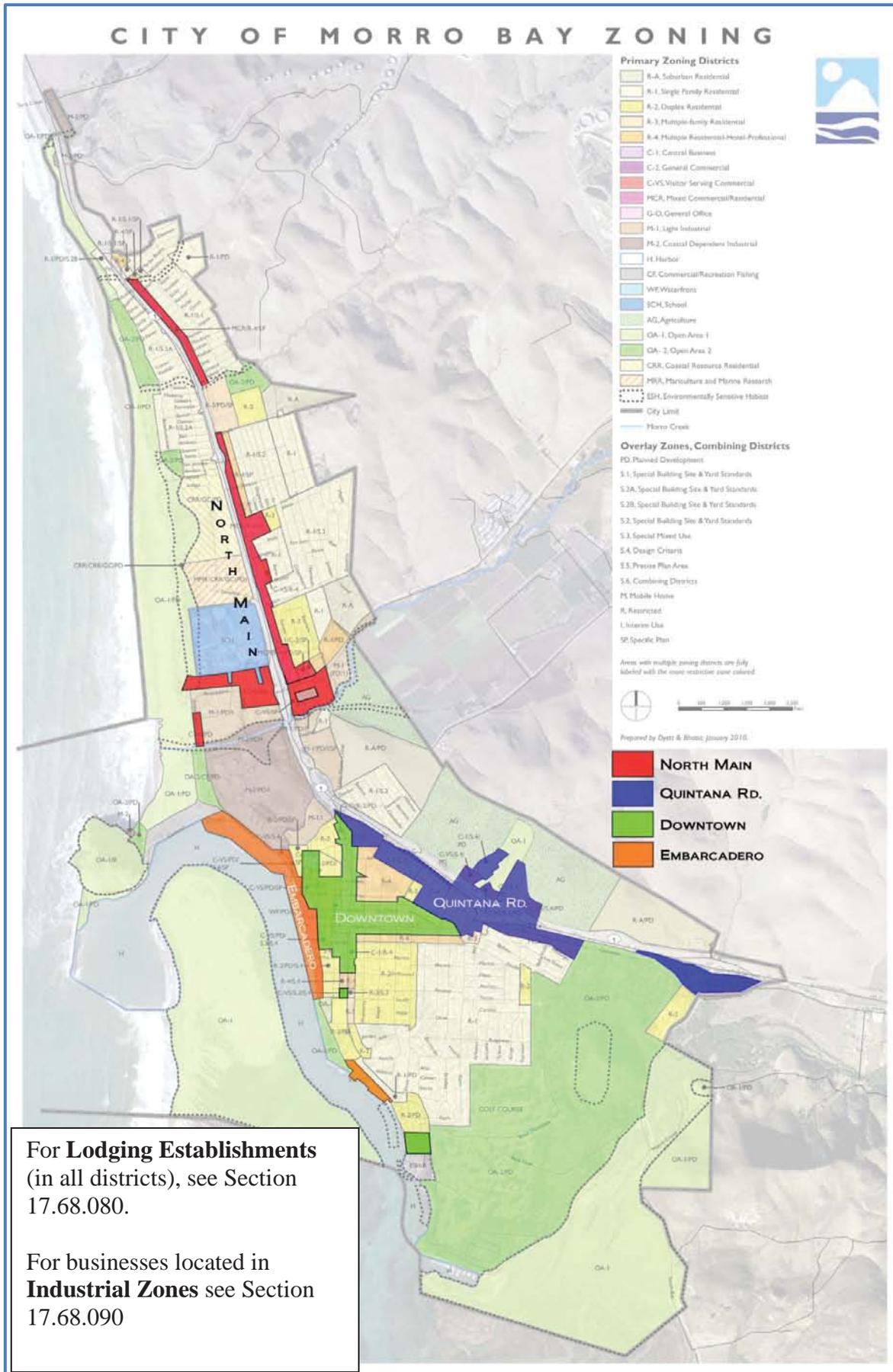
E. Prohibited Signs

The following signs are prohibited in ALL districts:

1. **Animated and Moving Signs.** Signs that incorporate, in any manner, any flashing, moving, rotating, pulsating or intermittent lighting, with the exception of approved time and temperature displays and barber poles.
2. **Banners, Streamers, or Pennants.** Signs, banners, pennants, valances or any other advertising display constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials except for awnings and temporary signs as provided for in this Chapter.
3. **Billboards.** Off premises outdoor advertising signs.
4. **Digital Signs.** Any electronic sign that resembles a television screen or video monitor, or that can be altered or changed from a remote location.
5. **Emissions.** Signs that produce noise or sounds in excess of 40 decibels, excluding voice units at drive-through facilities, and signs that emit visible smoke, vapor, particles, or odor.
6. **Home Occupation Signs.** See Section 17.48.260 of the Morro Bay, California, Code of Ordinance.
7. **Inflatable Signs.** Three-dimensional signs that are made of flexible material that is designed to be filled with gas or air.
8. **Lodging Rates.** Any sign or surface that displays lodging rates.
9. **Obscenities.** Signs that depict, describe, or relate to “specified sexual activities” or “specified anatomical areas.”
10. **Obstruction to Exits.** Signs that obstruct any fire escape, required exit, window or door opening intended as a means of egress.
11. **Obstruction to Ventilation.** Signs that interfere with any opening required for ventilation.

12. **Persons or Animal Signs.** Signs that use humans or animals to display signs or act as signs.
13. **Signs Advertising Brand Names.** Any sign that advertises a brand name or logo (except the brand name or logo directly related to the business) is prohibited. Example: Grocery stores may use signs to advertise that they sell “cereal,” but may not use signs to display the names of brands that make the cereal.
14. **Signs Creating Traffic Hazards.** Signs located in such a manner as to constitute a traffic hazard or obstruct the view of any authorized traffic sign or signal device, or signs that may be confused with any authorized traffic sign, signal, or device; or that makes use of the words “stop”, “look”, “danger”, or any other word, phrase, symbol, or character that interferes with, misleads, or confuses vehicular drivers.
15. **Snipe Signs.** Off-premise signs advertising a business or service. All commercial signs shall be on property owned or leased by the business owner.
16. **Signs on Public Bus Shelters or Benches.** Signs located on bus shelters, benches, or similar structures provided for the use of passengers along the route of a bus, not including plaques containing the names of persons or organizations which have made gifts or donations of such street furniture.
17. **Tire Stacks.** Signs placed on stacked tires.
18. **Vehicle Displays.** Signs placed or displayed on vehicles parked in a conspicuous location to be used for on-site or off-site advertising, with the exception of signs advertising such vehicles for sale and vehicle identification signs in locations where sale of vehicles is permitted.

Figure 17.031: Sign District Map



17.68.040 Embarcadero District

Purpose. The Embarcadero District is home to many of the tourist-serving businesses in Morro Bay. The Embarcadero District contains a dense collection of restaurants, hotels, bars, museums, gift shops, and recreation-based businesses. The sign regulations for this district are intended to maintain the unique, beach town character of Morro Bay’s waterfront. The Embarcadero District is dominated by pedestrians; the code promotes small scale signs and projecting type signs that are oriented towards pedestrians and bicyclists. With the prohibition of window signs and pole signs, the code also aims to maximize views of the bay from the street and walkways.

The following chart displays all allowable sign types and specifications for businesses located in the Embarcadero District.

IMPORTANT NOTES

- See Chapter 17.68.100 for MASTER SIGN PROGRAM if property has three or more tenants or includes a building with a facade exceeding 3,000 square feet.
- If a business is near the edge of a district, please consult Planning Staff to confirm appropriate district designation.
- If a sign type does not appear in the following table it is prohibited in this district.
- Signs advertising BRAND NAMES are prohibited in all districts.
- Signs that describe offered products or services COUNT towards total allowed signage.
- If illumination or lighting of ANY kind is proposed on or around signs, see Section 17.68.030, C-10.

Projecting Sign Bonus: All businesses are entitled to one (1) “free” projecting sign per frontage. The proposal of a projecting sign *must be reported in the sign permit application*, but will not count towards the total allowable signage for the business.

Embarcadero District				
Sign Type	Total # of Signs Allowed	Sign Area Allowed	Max. Sign Area per Sign (sq. ft)	Additional Regulations
Awning and Canopy	1 per frontage (choose one type) <i>window signs: 1 per window</i>	10% of primary facade, 5% of secondary façades*	--	See Section 17.68.030, C-2
Roof			--	See Section 17.68.030, C-16
Wall (Surface) **			--	See Section 17.68.030, C-19
Hanging (Suspended)			--	See Section 17.68.030, C-9
Window			20% of window area	--
Monument (Freestanding)	1 per frontage		25	See Section 17.68.030, C-13
Projecting (Pub)	2 per frontage (30 ft. of spacing between required)		8	See Section 17.68.030, C-15
Dock	1 per business		16	See Section 17.68.030, C-5
Bonuses				
Projecting (Pub)	PLUS (+) 8 sq. ft.		8	
Wall (Surface)	PLUS (+) 4 sq. ft. for Individual Lettering		--	
Window	PLUS (+) 3 sq. ft. for Individual Lettering		20% of window area	

* Primary facades shall contain maximum signage equal to 10% of facade area, and secondary facades shall contain maximum signage equal to 5% of façade area (extra allowable sign area granted for secondary facades cannot be implemented on the primary façade, and vice versa).

**One wall sign signifying the entrance to a business and not exceeding 3 square feet in area may be implemented in conjunction with all other sign types. Such signs must be placed above the main entrance and shall count towards total allowable signage.

17.68.050 Downtown District

Purpose. The Downtown District houses a combination of resident-serving and tourist-serving businesses. While there are many restaurants, gift shops and galleries, the district also contains banks, shopping markets, offices, and service-based businesses such as automobile repair shops. The sign regulations for this district are intended to preserve the small-town character that residents, tourists, and business owners enjoy. The code is designed to eliminate excessive signage while promoting pedestrian-oriented signs.

The following chart displays all allowable sign types and specifications for businesses located in the Downtown District.

IMPORTANT NOTES

- See Chapter 17.68.100 for MASTER SIGN PROGRAM if property has three or more tenants or includes a building with a facade exceeding 3,000 square feet.
- If a business is near the edge of a district, please consult Planning Staff to confirm appropriate district designation.
- If a sign type does not appear in the following table it is prohibited in this district.
- Signs advertising BRAND NAMES are prohibited in all districts.
- Signs that describe offered products or services COUNT towards total allowed signage.
- If illumination or lighting of ANY kind is proposed on or around signs, see Section 17.68.030, C-10.

Sidewalk Signs. See draft Sidewalk Sign Application / Encroachment Permit.

Projecting Sign Bonus: All businesses are entitled to one (1) “free” projecting sign per frontage. The proposal of a projecting sign *must be reported in the sign permit application*, but will not count towards the total allowable signage for the business. The bonus 8 sq. ft. can be applied to the placement of a larger projecting sign (e.g. after the bonus is applied 16 sq. ft. projecting sign counts towards 8 sq. ft. of allowable area).

Downtown District				
Sign Type	Total # of Signs Allowed	Sign Area Allowed	Max. Sign Area per Sign (sq. ft)	Additional Regulations
Awning and Canopy	1 per frontage (choose one type); <i>window signs: 1 per window</i>	15% of primary facade, 15% of secondary façades*	--	See Section 17.68.030, C-2
Marquee			--	See Section 17.68.030, C-11
Wall (Surface) **			--	See Section 17.68.030, C-19
Window			30% of window area	--
Hanging (Suspended)	1 per frontage		--	See Section 17.68.030, C-9
Monument (Freestanding)	1 per frontage		25	See Section 17.68.030, C-13
Projecting (Pub)	2 per frontage (30 ft. of spacing between required)		16	See Section 17.68.030, C-15
Bonuses				
Projecting (Pub)	PLUS (+) 8 sq. ft.		16	
Wall (Surface)	PLUS (+) 10 sq. ft. for Individual Lettering		--	
Window	PLUS (+) 5 sq. ft. for Individual Lettering		30% of window area	
Sidewalk Sign	See Sidewalk Sign specifications			

*** Primary facades shall contain maximum signage equal to 15% of facade area, and secondary facades shall contain maximum signage equal to 15% of façade area (extra allowable sign area granted for secondary facades cannot be implemented on the primary façade, and vice versa).**

****One wall sign signifying the entrance to a business and not exceeding 3 square feet in area may be implemented in conjunction with all other sign types. Such signs must be placed above the main entrance and shall count towards total allowable signage.**

17.68.060 Quintana Road District

Purpose. The Quintana Road District contains many of the City's larger commercial buildings, strip malls, and gas stations. Due to the existence of large parking lots and the adjacent Highway 1, this district is auto-oriented. The sign regulations for this zone focus on allowing large-scale commercial and industrial businesses adequate signs that are proportionate to the associated structures. The regulations also promote motorist safety by requiring that signs are clear and legible from the road.

IMPORTANT NOTES

- See Chapter 17.68.100 for MASTER SIGN PROGRAM if property has three or more tenants or includes a building with a facade exceeding 3,000 square feet.
- If a business is near the edge of a district, please consult Planning Staff to confirm appropriate district designation.
- If a sign type does not appear in the following table it is prohibited in this district.
- Signs advertising BRAND NAMES are prohibited in all districts.
- Signs that describe offered products or services COUNT towards total allowed signage.
- If illumination or lighting of ANY kind is proposed on or around signs, see Section 17.68.030, C-10.

Sidewalk Signs. See draft Sidewalk Sign Application / Encroachment Permit.

Quintana Road District				
Sign Type	Total # of Signs Allowed	Sign Area Allowed*	Max. Sign Area per Sign (sq. ft)	Additional Regulations
Awning and Canopy	1 per frontage (choose one type) <i>window signs: 1 per window</i>	15% of primary facade, 15% of secondary façades*	--	See Section 17.68.030, C-2
Marquee			--	See Section 17.68.030, C-11
Wall (Surface)			--	See Section 17.68.030, C-19
Window			30% of window	
Architectural (Freestanding)	1 per driveway entrance (choose one)		25	See Section 17.68.030, C-1
Monument (Freestanding)			40	See Section 17.68.030, C-13
Pole (Freestanding)	1 per property		--	Conditional Use Permit See Section 17.68.030, C-14
Projecting (Pub)	1 per frontage		16	See Section 17.68.030, C-15
Bonuses				
Architectural and Monument	PLUS (+) 20 sq. ft. for businesses with facade set back more than 30 ft. from edge of public ROW	40		
Wall (Surface)	PLUS (+) 10 sq. ft. for Individual Lettering	--		
Window	PLUS (+) 5 sq. ft. for Individual Lettering	30% of window		
Sidewalk Sign	See Sidewalk Sign Specifications			

*** Primary facades shall contain maximum signage equal to 15% of facade area, and secondary facades shall contain maximum signage equal to 15% of façade area (extra allowable sign area granted for secondary facades cannot be implemented on the primary façade, and vice versa).**

17.68.070 North Main District

Purpose. The North Main District is composed of industrial, commercial, and mixed use zones. While pedestrian and bicycle activity is present, this district is auto-oriented. The regulations for this district promote signs that are appealing to pedestrians, bicyclists, and automobiles.

The regulations for this district also intend to increase the aesthetic quality of signs that are visible from Highway 1.

IMPORTANT NOTES

- See Chapter 17.68.100 for MASTER SIGN PROGRAM if property has three or more tenants or includes a building with a facade exceeding 3,000 square feet.
- If a business is near the edge of a district, please consult Planning Staff to confirm appropriate district designation.
- If a sign type does not appear in the following table it is prohibited in this district.
- Signs advertising BRAND NAMES are prohibited in all districts.
- Signs that describe offered products or services COUNT towards total allowed signage.
- If illumination or lighting of ANY kind is proposed on or around signs, see Section 17.68.030, C-10.

Sidewalk Signs. See draft Sidewalk Sign Application / Encroachment Permit.

North Main District				
Sign Type	Total # of Signs Allowed	Sign Area Allowed	Max. Sign Area per Sign (sq. ft)	Additional Regulations
Awning and Canopy	1 per frontage (choose one type) <i>window signs: 1 per window</i>	15% of primary facade, 15% of secondary façades	--	See Section 17.68.030, C-2
Marquee			--	See Section 17.68.030, C-11
Wall (Surface)			--	See Section 17.68.030, C-19
Window			30% of window	
Architectural (Freestanding)	1 per driveway entrance (choose one)		40	See Section 17.68.030, C-1
Monument (Freestanding)			40	See Section 17.68.030, C-13
Pole (Freestanding)	1 per property		--	Conditional Use Permit See Section 17.68.030, C-14
Projecting (Pub)	1 per frontage		16	See Section 17.68.030, C-15
Bonuses				
Architectural and Monument	PLUS (+) 20 sq. ft. for businesses with facade set back more than 30 ft. from edge of public ROW	40		
Wall (Surface)	PLUS (+) 20 sq. ft. for Individual Lettering	--		
Window	PLUS (+) 10 sq. ft. for Individual Lettering	30% of window		
Sidewalk	See Sidewalk Sign Specifications			

*** Primary facades shall contain maximum signage equal to 15% of facade area, and secondary facades shall contain maximum signage equal to 15% of façade area (extra allowable sign area granted for secondary facades cannot be implemented on the primary façade, and vice versa).**

17.68.080 Lodging Establishments

Purpose. The following regulations apply to lodging establishments in ALL districts. Lodging establishments in the City are located in both residential and commercial zones, and have unique requirements that do not coincide with the signage needs of other types of businesses. The regulations in this section are intended to promote signs that attract potential customers and that are also appealing to both residents and tourists

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

IMPORTANT NOTES

- See Chapter 17.68.100 for MASTER SIGN PROGRAM if property has three or more tenants or includes a building with a facade exceeding 3,000 square feet.
- If a business is near the edge of a district, please consult Planning Staff to confirm appropriate district designation.
- If a sign type does not appear in the following table it is prohibited in this district.
- Signs advertising BRAND NAMES are prohibited in all districts.
- Signs that describe offered products or services COUNT towards total allowed signage.
- If illumination or lighting of ANY kind is proposed on or around signs, see Section 17.68.030, C-10.

Lodging Establishments				
Sign Type	Total # of Signs Allowed	Sign Area Allowed*	Max. Sign Area per Sign (sq. ft)	Additional Regulations
Attraction Boards	1 per business	15% of primary facade, 10% of secondary facades	5	Cannot display rates.
Awning and Canopy	1 per frontage (choose one)		--	See Section 17.68.030, C-2
Wall (Surface)			--	See Section 17.68.030, C-19
Architectural (Freestanding)	1 per driveway entrance (choose one)		25	See Section 17.68.030, C-1
Monument (Freestanding)			25	See Section 17.68.030, C-13
Projecting (Pub)	1 per frontage		16	See Section 17.68.030, C-15
Bonuses				
Wall (Surface)	PLUS (+) 4 sq. ft. for Individual Lettering		--	
Sidewalk	See Sidewalk Sign Specifications; NOT allowed in Embarcadero District			

* Primary facades shall contain maximum signage equal to 15% of facade area, and secondary facades shall contain maximum signage equal to 10% of facade area (extra allowable sign area granted for secondary facades cannot be implemented on the primary facade, and vice versa).

Additional Illumination Standards:

- Signs that are within or adjacent to residential zones shall not be illuminated after 10 PM regardless if business is open or closed (“Open” and “Vacancy/No Vacancy” signs are exempt from this regulation, and may remain illuminated during business hours).

17.68.090 Industrial Zones

Purpose. The following regulations apply to businesses located in industrial zones in ALL districts. Industrial businesses have unique requirements that do not coincide with the signage needs of other types of businesses.

IMPORTANT NOTES

- See Chapter 17.68.100 for MASTER SIGN PROGRAM if property has three or more tenants or includes a building with a facade exceeding 3,000 square feet.
- If a business is near the edge of a district, please consult Planning Staff to confirm appropriate district designation.
- If a sign type does not appear in the following table it is prohibited in this district.
- Signs advertising BRAND NAMES are prohibited in all districts.
- Signs that describe offered products or services COUNT towards total allowed signage.
- If illumination or lighting of ANY kind is proposed on or around signs, see Section 17.68.030, C-10.

Industrial Zones				
Sign Type	Total # of Signs Allowed	Sign Area Allowed*	Max. Sign Area per Sign (sq. ft)	Additional Regulations
Awning and Canopy	1 per frontage (choose one)	10% of primary facade, 5% of secondary facades	--	See Section 17.68.030, C-2
Wall (Surface)			--	See Section 17.68.030, C-19
Bonuses				
Wall (Surface)	PLUS (+) 8 sq. ft. for Individual Lettering		--	

* Primary facades shall contain maximum signage equal to 10% of facade area, and secondary facades shall contain maximum signage equal to 5% of facade area (extra allowable sign area granted for secondary facades cannot be implemented on the primary facade, and vice versa).

17.68.100 Sign Permits

A. Zoning Clearance or Sign Permit Required

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

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

1. Signs on all proposed buildings or new additions to existing buildings are designed as an integral part of the total building design.
2. The location of the proposed sign and the design of its visual elements (lettering, words, figures, colors, decorative motifs, spacing and proportions) are legible under normal viewing conditions that prevail where the sign is to be installed.
3. Review of signs at city entryways as defined in the Scenic Highway Element of the General Plan shall also be subject to the following provisions:
 - a. Sign area, height and location of signs shall be designed so as not to interfere with

- view corridors as defined and specified in the General Plan/Local Coastal Plan.
- b. Freestanding signs shall not exceed eight feet in height except within one hundred feet of Highway 1 or Highway 41. Where feasible, all freestanding signs within or along city entryways shall be placed within a landscaped planter.

17.68.110 Master Sign Program

- A. **Purpose.** Master Sign Programs establish criteria for multi-tenant properties that ensure signage is uncluttered, consistent, and fairly distributed between tenants.
- B. **Applicability.**
 1. Any site having three (3) or more non-residential occupants shall submit a master sign program to be reviewed and approved by the decision-making authority for the use (e.g. the Public Services Director or the Planning Commission).
 2. Any site having three or fewer non-residential occupants may submit a master sign program to be reviewed and approved by the decision-making authority.
 3. Projects involving construction or renovation of more than 25,000 square feet of space in the commercial and mixed use zoning districts shall submit a master sign program which must be approved prior to issuance of any occupancy permit.
 4. Properties subject to a MSP that do not have one shall establish a MSP when a current tenant proposes the installation of a new sign.
 5. Nonconforming signs shall be amortized when a tenant closes their business and a new tenant moves in. All new signs shall conform to the approved Master Sign Program.
- C. **Application Requirements.** Applications for approval of a master sign program shall be submitted to the Public Services Director and shall include the following:
 1. Master Sign Program. A Master Sign Program, drawn to scale, delineating the site proposed to be included within the signing program and the location of all proposed signs.
 2. Drawings and Sketches. Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, directory signs, ground signs or projecting signs are proposed. Illuminated sign locations and illumination methods shall also be specified.
 3. Photographs of all existing signage and the building faces or sites where signage is proposed.
 4. Statement for Modifications. A statement of the reasons for any requested modifications

to the regulations or standards of this Chapter.

5. **Sign Standards.** A written program specifying sign standards, including color, size, construction details, placement, and necessity for City review for distribution to future tenants.
 6. **Directory Sign.** A directory sign not exceeding 12 feet in area shall be integrated into the site design and placed on the primary frontage or entryway. The sign shall have space to advertise the names of businesses associated with the MSP.
 7. **Public Access Sign.** If a property includes a public access way, this access shall be indicated with a sign (minimum 3 square feet) on the primary building façade.
- D. **Allowable Modifications.** A Master Sign Program may provide for additional sign area and other deviations from the standards of this Chapter, provided that the Master Sign Program is consistent with the provisions of all Sections in this Chapter.
- E. **Required Findings.** In approving a Master Sign Program, the decision-making authority shall find that all of the following are met:
1. The proposed signs are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site;
 2. Future tenants will be provided adequate opportunities to construct, erect or maintain a sign for identification;
 3. All current and future tenants shall be granted adequate advertisement space on the property's primary frontage; and
 4. Directional signage, required directory sign, and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
- F. **Conditions of Approval.** The Planning Commission may attach any reasonable conditions necessary to carry out the intent of the Master Sign Program requirement, while still permitting each sign user opportunities for effective identification and communication.
- G. **Administrative Approval of Signs Consistent with Master Sign Program.** Following approval of a Master Sign Program, the Public Services Director is authorized to issue building permits or other permits, as deemed necessary, to install signs that conform to an approved Master Sign Program. Minor modifications of individual sign area may be approved, provided the maximum allowed by an approved Master Sign Program is not exceeded.

17.68.120 Appeals

- A. **Persons Who May Appeal.** Except as provided for elsewhere in this Title, appeals may be made by the following persons, in the following instances:
1. **Local Appeals.** Appeals to the Planning Commission or City Council may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Title.
- B. **Final Decision Required.** Unless otherwise specified by Federal or State law, an appeal must be brought and a final decision rendered by the hearing body before the matter may be appealed to a court of law.
- C. **Time Limits.** Unless otherwise specified in State or Federal law, all appeals shall be filed within 10 days of the date of action.
- D. **Proceedings Stayed by Appeal.** The timely filing of an appeal shall stay all proceedings in the matter appealed, including, but not limited to, the issuance of City building permits and business licenses.
- E. **Appeals of Director Decisions.** A decision of the Public Services Director on any application may be appealed to the Planning Commission by filing a written appeal with the Planning Department. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal.
- F. **Appeals of Planning Commission Decisions.** Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal with the City Clerk. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal.
- G. **Transmission of Record.** The Director, or in the case of appeals to the City Council, the City Clerk, shall schedule the appeal for consideration by the authorized appellate body within 60 days of the date the appeal was filed. The Public Services Director shall forward the appeal, the Notice of Action, and all other documents that constitute the record to the appellate body. The Director also shall prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.
- H. **Appellate Body Action.** The appellate body shall review the appeal, the administrative record, and any written correspondence submitted after the appeal has been filed, and may take one of the following actions:
1. Conduct a public hearing and decide on the action; or
 2. Remand the matter to the decision-making body or official to cure a deficiency in the record or the proceedings.

- I. **No “De Novo” Review.** At an appeal or review, the appellate body shall consider only the same application, plans, and related project materials that were the subject of the original decision.
- J. **Appellate Body Decision.** The appellate body shall render its decision within 60 days of the date the hearing is closed unless State law requires a shorter deadline. An action to grant an appeal shall require a majority vote of the appellate body members. A tie vote shall have the effect of rejecting the appeal.
- K. **Standards of Review.** When reviewing any decision on appeal, the appellate body shall use the same standards for decision-making required for the original decision. The appellate body may adopt the same decision and findings as were originally approved.

17.68.130 Definitions

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

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

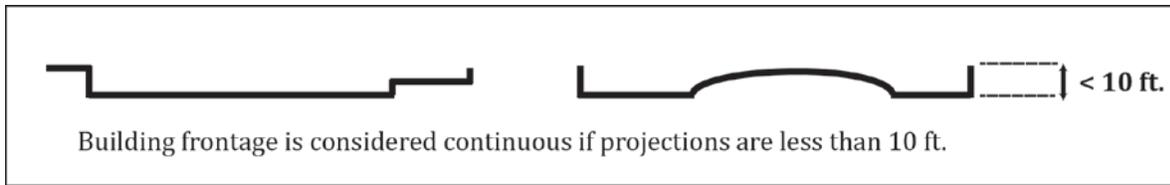
Building Mounted Sign. Any sign mounted or erected on or against any building or façade and includes all walls signs, awning and canopy signs and projecting signs.

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

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

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

Building frontage. The linear measurement in feet of the property line directly fronting on a public street, or other public right-of-way to which such sign is oriented, excluding California State Highway One.



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

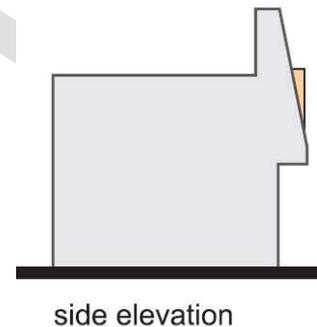
Illegal Sign. An unpermitted sign that is found to be erected or maintained in violation of any provision of this Chapter, this Title, or any other Federal, State, or local law.

Façade Length. The length of the building face or tenant lease site (see page 7 of this Chapter for a graphical representation).

Façade Height. The height of the building face or tenant lease site (see page 7 of this Chapter for a graphical representation).

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

Mansard. A roof-like façade comparable to an exterior building wall.



Nonconforming Sign. Any previously approved and permitted sign that existed prior to a change in the municipal code that prohibits such sign. A nonconforming sign is different than an illegal sign (see definition above for “Illegal Sign”).

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

Primary Façade. The face of a building or tenant lease site that incorporates the main entrance to the business and that faces a primary street, as determined by the business owner.

Real Estate Sign. A sign identifying that a property is for sale, lease, exchange, or rent. The purpose of this sign is to help owners in the sale of their property by providing information on

the location of the property to potential buyers without impairing the appearance of the community.

Secondary Façade. The face of a building or tenant lease site that serves as a secondary entrance and/or advertising space to the primary façade, as determined by the business owner.

Signs. Any object, structure, symbol, emblem, logo, or display, or any combination thereof, which is intended to or does identify, attract attention to, advertise, or communicate information of any kind to the public. See also Chapter 17.68: Signs.

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

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

DRAFT



AGENDA NO: B-3

MEETING DATE: October 8, 2013

Staff Report

TO: Honorable Mayor and City Council **DATE:** October 1, 2013

FROM: Kathleen Wold, Planning Manager
Erik Berg-Johansen, Planning Intern

SUBJECT: Zoning Text Amendment A00-015 Draft Sign Ordinance (Municipal Code Section 17.68)

RECOMMENDATION

Staff recommends that the City Council:

1. Open the public hearing and receive testimony;
2. Direct staff to prepare an environmental document based on the draft Sign Ordinance as forwarded by the Planning Commission on September 4, 2013 and return with the environmental document and the draft Sign Ordinance for the first reading on December 10, 2013

ALTERNATIVES

1. Review the draft Sign Ordinance and return to Planning Commission to make additional changes based on public testimony and Council direction.
2. Take no action to change the Sign Ordinance and direct staff to not pursue a Zoning Text Amendment.

FISCAL IMPACT

Costs associated with a drafting of an amended Sign Ordinance are as follows:

- Environmental—staff’s time to prepare a Negative Declaration
- Noticing Costs—noticing the draft Sign Ordinance environmental review and the Public hearing for adoption.
- Staff time—staff costs including time to process the project through to the Coastal Commission is estimated to be approximately 400 staff hours including planning staff, Public Services Director, City attorney, administrative support staff.

Prepared By: KW, EB

Dept Review: RL

City Manager Review: _____

City Attorney Review: _____

BACKGROUND

Since 2004 the City of Morro Bay has recognized the need for the City's Sign Ordinance (Section 17.68) to better address the business community's sign needs. An updated sign ordinance was included in the City's comprehensive Local Coastal Program update in 2004; however this update was never certified by the California Coastal Commission. Without a certified new sign ordinance, the City continued to operate under the sign ordinance adopted in 1999.

At the April 12, 2010 City Council meeting, a status report on the A-Frame Sign Ordinance was presented to the Council for direction. The Council directed staff to bring forward to the Planning Commission a Sign Ordinance Amendment incorporating the Sign Ordinance drafted for the 2004 Zoning Ordinance and new A-frame sign regulations.

Staff worked on the amendment and presented the Sign Ordinance Amendment to the Planning Commission at the regularly scheduled meeting on May 17, 2010. During the meeting public testimony was received and the ordinance was discussed by the Commission.

The ultimate outcome of the meeting was to continue the item to a date uncertain with direction given to staff to hold a workshop on the ordinance to ensure that there was sufficient public input. A workshop was held on February 16, 2011. As a result of this workshop the Planning Commission moved to forward the draft sign ordinance including regulations for A-frame signs that would include the following:

- One A-frame sign per business per frontage during business hours only,
- A-frame or feather sign to be allowed,
- Fee shall be waived until June 2012 for the A-frame signs whereby it would be set at \$40 as a one time permit fee,
- Allow for provisions for directional pole signage as brought forward by Mr. Schmidt of the Chamber of Commerce to include in this ordinance,
- To include corrections of the projection signs section from 12 to 24 inches and
- Include vacation rentals under the Real Estate section.

At the April 19, 2011, City Council meeting an item was brought forth by Mayor Yates and Councilperson Borchard concerning the enforcement of the code prohibiting A-frame signs. At this meeting the Council directed staff to enforce the Sign Ordinance prohibiting A-frame signs and on May 3, 2011 a letter was sent to all businesses within Morro Bay detailing that A-frame signs are prohibited and describing the process by which the City will be enforcing the ordinance.

On May 24, 2011, the City Council adopted an interim urgency ordinance establishing interim rules regulating the approval process and construction of projecting signs pending completion of studies and the preparation of an update to the City's zoning code.

In order to flesh out and specifically identify the community's issues with the current sign program, the City held workshops and conducted sign surveys. The City held two sign Ordinance workshops facilitated by Chuck Anders, one on September 29, 2011 and the other on October 6, 2011. In addition the City utilized Survey Monkey to allow citizens that were not present at the workshops to have input in the process via the internet. These community outreach efforts were conducted in attempt to hear from all the stakeholders early in the process. An outcome of these efforts was that the community did not want the 2004 draft ordinance but rather wanted a new ordinance based on four distinct commercial areas with sign regulations crafted to address the issues and constraints particular to each district.

At the May 2, 2012, Planning Commission meeting Commissioners directed staff to bring back four different zone maps and one overall map to see all the commercial areas. In addition, a basic outline of the zoning ordinance with headings only and definitions and graphics.

At the May 26, 2012, Planning Commission meeting the Commissioners reviewed the preliminary sign option spreadsheet, sign definitions and the district maps showing the boundaries of the four commercial districts. The Commission directed staff to bring back:

1. Further detail on sign area ratio and percentages;
2. Photos of sign types for internal and external illuminated signs;
3. A matrix comparison in a column format to include comparisons to Pismo Beach, all poll results and staff recommendations; and Shopping center definitions.

At the June 26, 2012 meeting the Planning Commissioners reviewed the signs for the Quintana zone district. The Commission made decisions regarding what signs should be allowed, restricted and which ones needed further review.

Then due to staffing issues there was a period of inactivity in late 2012, however since January 2013 Planning staff has diligently worked on preparing a comprehensive new draft sign ordinance.

As part of a Cal Poly Master's project, Erik Berg-Johansen, Planning Intern completed extensive research on signs and sign ordinances. The older draft ordinance, scholarly journals, community outreach and interviews (both primary and secondary), photos and computer generated graphics were referenced throughout the process. It should also be noted that a survey regarding the draft sign ordinance was mailed to every registered business owner in the City. Perhaps more important were the multiple meetings with the Morro Bay Chamber of Commerce and Planning Staff. The purpose of these meetings was to discuss all research and background information on the sign ordinance, and then make appropriate additions and edits. Because the new draft ordinance is now based on sign districts instead of zoning districts, the new draft is completely reorganized.

DISCUSSION

The draft Sign Ordinance dated September 2013 represents two years of work. Staff has held numerous public workshops, conducted sign surveys, conducted background research and presented a working draft to the Planning Commission in a series of public hearings to allow for detailed public comment. The draft ordinance was discussed at five public hearings occurring between June and September of 2013. In comparison with the City's current sign ordinance, the following is a list of important changes contained within the September 2013 draft Sign Ordinance:

1. Has been designed to address four different commercial zones, The North Main Street, Quintana, The Downtown and the Embarcadero.
2. Designates signage criteria for lodging and industrial uses exclusive of the four commercial zones.
3. Contains new methodology on how maximum sign size is calculated. In the 2013 draft, the size of the sign is based on the square footage of the building façade in lieu of the old method that utilized linear footage.
4. Has also been reformatted to contain a matrix format which is user friendly as all information for the zone district is contained on one sheet.
5. Uses customized graphics to communicate regulations and explain how sign area calculations work
6. Eliminates the reduction in allowed sign area based on the use of different types of signs.
7. Provides for a Tourist Oriented Directional Sign Program along the Embarcadero with the goal to facilitate pedestrian traffic throughout the length of the Embarcadero.
8. Provides for Master Sign Programs to establish criteria for multi-tenant properties.

Table 1 on the following page summarizes some of the major differences between the code the City is currently operating under and the draft code that is being reviewed by City Council.

Table 1: Differences between Current Code and Draft Code

	Current Code	Draft Code
Sign Districts	No Districts; the same code is applied to all businesses	Four Districts (Embarcadero, Downtown, Quintana, North Main). Signs are regulated differently in each district. In addition, there are separate regulations for lodging establishments and businesses located in industrial zones.
Allowable sign area calculations	Based on the linear measurement of "building frontage" (e.g. 1 sq. ft. signage for every 1 linear ft. of building frontage)	Based on the measurement of a building's façade, or face (e.g. 15% of façade).
Prohibited Signs	Roof, flashing/moving, home occupation, bench, noise making, vehicle displays, billboards, tire stacks, illuminated with red/green/yellow within view of signalized intersection, A-frame, moving/rotating, constructed of cloth/canvas/paper, on fences	All included in current code (except A-frame/sidewalk) with the addition of: banners/streamers/pennants, digital signs, emission producing, inflatable, signs that display lodging rates, signs with obscenities, signs that obstruct exits/ventilation, person or animal, advertising brand names, snipe, on public bus shelters.
Sidewalk (A-frame) Signs	Prohibited city wide	Prohibited only in Embarcadero District, and allowed in all other districts with the acquisition of a special permit.
Graphics	No Graphics	Graphics showing: different sign types, method of calculating allowable sign area, sign measurements, sign district boundaries, and illustrations of select definitions.
Formatting	Entire code in block paragraph form.	Part of code in block paragraph form, and part of code in a user-friendly table format.
Master Sign Program	Not Included	Required for properties occupied with three or more non-residential occupants, or for projects involving construction or renovation of more than 25,000 square feet of space.
Amortization	Amortization schedule adopted in 1972 required that all non-conforming signs be documented and addressed by March of 1973. Policy was never enforced. Non-conforming signs shall be removed or made to conform when sign is taken down for any reason (including maintenance).	No amortization schedule. Non-conforming signs shall be removed or made to conform when a new business opens or the type of business changes. Signs shall also be removed or repaired if they are not properly maintained (see Section 17.68.030 B, c. Sign Maintenance).
Exception Permits	Exceptions granted if the commission finds that the sign will not be contrary to the purposes of this chapter.	No exception permits. Exceptions to the provisions of the code may only be granted by the Planning Commission during the review of a submitted Master Sign Program or Variance.
Sign Bonuses	No Bonuses	Bonuses granted for implementation of signs that were found to have high aesthetic quality (such as projecting signs). Bonuses vary by district.

As mentioned, the draft sign ordinance has appeared on the Planning Commission's agenda five times during the past four months. The primary topics covered during the Planning Commission meetings are as follows:

- **Allowable sign area.** The Commissioners reviewed numerous graphical representations of signs in relation to their facade. Computer generated graphics, as well as examples from local Morro Bay businesses were analyzed and discussed during meetings. Detailed discussions regarding the appropriate allowable sign area (percent of facade) were carried out for each sign district. To further facilitate these decisions, staff and the Commissioners considered the functionality, aesthetic character, primary modes of transportation, location, common types of businesses, and the scale of buildings associated with each individual sign district.
- **Amortization.** While the idea of an amortization schedule was originally proposed, the Commissioners agreed that an amortization schedule be omitted from the ordinance. The Commissioners suggested that amortization schedules are difficult (and costly) to enforce, and have the potential to create unfair conditions among business owners. Further, the Commissioners (as well as members of the public) commented that an amortization schedule could lead to removal of historical signs that are important to the community.

It was ultimately decided that a nonconforming sign shall be removed for only three reasons: 1) the sign has not been properly maintained; 2) a business moves out and a new business occupies the property; and 3) the type of business or use changes with which a nonconforming sign is associated. See Section 17.68.030 B (page 9) of the draft ordinance for additional details.

- **Monument, architectural, and pole signs.** The City's Local Coastal Plan (LCP) states that monument type signs be encouraged through the sign ordinance. In accordance with the LCP, the Commission worked to create an ordinance that promotes the use of these sign types.

On the other hand, the City's LCP states that pole signs be discouraged throughout the City. In respect to the LCP, the Commissioners decided to maintain that a Conditional Use Permit be required for all pole sign proposals. Staff would like to work with the Council to further extend the conditions of approval for pole signs to ensure that future pole signs protect views, fit with the community's character, and are safely legible to drivers travelling on Highway 1.

- **Sidewalk (A-frame) signs.** Discussions regarding safety, ADA compliance, sidewalk widths, sidewalk sign content, and sidewalk sign design took place at multiple meetings. In response to public comment and survey results, the Commission agreed to allow sidewalk signs in the Quintana, North Main, and Downtown districts.

The Commission decided to support staff's recommendation to continue a sidewalk sign prohibition in the Embarcadero District. Staff and Commissioners agreed that sidewalk signs are not appropriate in the Embarcadero District for the following reasons: 1) the sidewalks are narrow; sidewalk signs create safety issues and congestion of pedestrian movement; and 2) the Embarcadero Tourism-Oriented Directional Sign Plan has been designed to allow off-premise business advertising in lieu of the proposed sidewalk sign prohibition in this district.

- **Master Sign Program.** Both staff and the Planning Commission agreed that a Master Sign Program be established to ensure that fairness and aesthetics are considered for multi-tenant properties (with three or more lease spaces) and larger buildings (with a façade exceeding 3,000 square feet). Implementation of such a program will allow for additional review by the Planning Commission on a case-by-case basis, and could prove to be especially important for multi-tenant properties that deserve an exception for unique circumstances.

Public comment was taken during each Planning Commission meeting in regards to the draft ordinance and Embarcadero District TODSP. Public comment was focused on the following issues:

- **Sidewalk (A-frame) signs.** There was some disagreement among the public on this issue, however the majority of comment supported allowing sidewalk signs.
- **Feather type signs.** One member of the public commented that her business on Quintana Road is not visible from the primary right-of-way. She utilizes a feather type sign, and disagrees with the current draft's prohibition of this sign type.
- **Illumination.** This topic was brought up multiple times for different reasons. Many of the concerns were addressed by staff and changes were made to the draft ordinance, such as changing the draft ordinance to allow OPEN signs to remain illuminated during the daytime. While many of the issues have been resolved, staff recommends that illumination standards be carefully reviewed by the City Council to ensure that the regulations are consistent with the City's goals and policies.
- **Signs advertising brand names.** The current draft ordinance prohibits any sign that advertises a brand name or logo that is not directly related to the subject business. This regulation, for example, would prohibit a restaurant from posting a neon Budweiser sign in their window. Staff originally proposed this regulation to promote positive changes in aesthetics and community character through the prohibition of excessive brand advertising.

All public comment regarding this issue was in disagreement with the proposed prohibition of brand advertisement signs. In response to public comment staff has devised a change that will allow (but limit) signs that advertise a brand name. See the section below titled “Recommendations from the Public and Staff” for an alternative to brand name sign prohibition.

- **Tourism-Oriented Directional Sign Plan.** The majority of public comment regarding this proposal supported the plan. However, one business owner believed that it was unfair for the plan to only encompass the Embarcadero Sign District and not other districts such as the downtown. Another business owner commented that the proposed signs are unappealing, and recommended that kiosk-type structures be installed instead.

The materials presented to council include the draft 2013 Sign Ordinance as amended by the Planning Commission, the tourist oriented directional sign program and application, minutes from all five of the Planning Commission meetings and the results from the sign workshop held on September 29, 2011.

Once the City Council has determined that the draft document is finalized, staff will work on the required environmental document. Once complete, the Negative Declaration will be forwarded to the State Clearinghouse for the required thirty day review. The project will be scheduled for the first reading after completion of the public review period for the environmental document. Staff anticipates that the project will be ready for adoption in December. In addition, once the draft ordinance has been finalized, staff will forward it to the Coastal Commission for comment.

Changes to the Draft Ordinance:

Since the final Planning Commission meeting staff has reviewed the ordinance for clarity and consistency. Minor language and organizational changes that do not affect the regulations or content approved by the Planning Commission were completed by staff and are reflected in the draft ordinance included as an attachment to this report. Finally, any changes that were discussed and recommended by the Planning Commission at the final meeting on September 4, 2013 are included in the most recent draft ordinance.

Recommendations from the Public and Staff:

Comments from the public have been submitted to the Planning Department since the draft ordinance was favorably recommended by Planning Commission. Some of these comments also stimulated discussion among staff in regards to certain issues. The following comments from the public and staff have the Planning Department’s approval; it is recommended that these changes be integrated into the draft ordinance.

Clarification of information regarding illegal signs (page 10):

- 2. Illegal Signs.** Any sign shall be regarded as an illegal sign if:
- a. It is constructed subsequent to the date of adoption of this Chapter in violation of any provision of this Chapter, this Title, or any other federal, state, or local law, including, but not limited to the zoning clearance and sign permits set forth in paragraph 17.68.100, or
 - b. It was constructed prior to the date of adoption of this Chapter in violation of any applicable federal, state, or city ordinance in effect at the time of construction, or
 - c. It was constructed prior to the date of adoption of this Chapter without all zoning clearances and/or permits required by applicable federal, state, or city ordinance in effect at the time of construction first having been obtained.

The Public Services Director shall order that such illegal sign be altered, repaired, reconstructed, demolished or removed, as may be appropriate, to abate such condition or the Director may initiate proceedings to abate the sign as a public nuisance under the provisions of the Business and Professional Code (Sections 5499.1 to 5499.16). Any work required to be done shall be completed within ten days of the date of such order, unless otherwise specified in writing.

Added regulation to strengthen the enforcement program (page 10):

- b. ***Business License Renewal.*** Business owners shall submit evidence of sign permits for all non-exempt signs on their premises as a condition of renewal of their business license. Failure to submit evidence of sign permits shall result in denial of the renewal request.

Change in regulation to acknowledge a unique scenario in regards to architectural/monument signs (pages 10 and 12):

- e. If one architectural sign proposed, sign shall count towards allowable signage for the *Primary Façade*. If a second architectural sign is proposed, sign shall count towards nearest secondary façade. ***If structure has only one (primary) façade, all permitted architectural signs shall count towards allowable signage for the Primary Façade.***
- e. If one monument sign proposed, sign shall count towards allowable signage for the *Primary Façade*. If a second monument sign is proposed, sign shall count towards nearest secondary façade. ***If structure has only one (primary) façade, all permitted monument signs shall count towards allowable signage for the Primary Façade.***

Remove prohibition of “Signs Advertising Brand Names” (page 16) and include a statement allowing these signs in Section 17.68.030 D:

Signs Advertising Brand Names. Allow signs for services, products and brands as window signs only to a maximum of 25 percent of window area.

Change to “Definitions” to specify that parapets count as part of the façade and that mansard roofs do not count as part of the façade (pages 35 and 36):

Primary Façade. The face of a building or tenant lease site that incorporates the main entrance to the business and that faces a primary street, as determined by the business owner. *For purposes of allowable sign area calculations, the façade shall incorporate the face of the building and if applicable, the parapet. Mansard roofs shall NOT be considered as part of building facades.*

Secondary Façade. The face of a building or tenant lease site that serves as a secondary entrance and/or advertising space to the primary façade, as determined by the business owner. *For purposes of allowable sign area calculations, the façade shall incorporate the face of the building and if applicable, the parapet. Mansard roofs shall NOT be considered as part of building facades.*

Exempt businesses in industrial zones from the Master Sign Program (page 31):

B. Applicability

6. Businesses located in industrial zones shall be exempt from the Master Sign Program.

Add definition and associated graphic for “Parapet” (page 35):

Parapet. Vertical upward extension of an exterior wall at the edge of the roof or building structure.

Change definition and associated graphic for “Mansard” (page 35):

Mansard. A double-sloped roof with the lower sloped section steeper than the upper slope section.

CONCLUSION:

The newly proposed Draft Sign Ordinance incorporates knowledge gained from community outreach, interviews, meetings, review of other sign ordinances in California, direction from Planning Commission meetings, and research on commercial signs. Staff recommends that the Council review the entirety of the new draft ordinance and direct staff to proceed with the environmental review based on the draft Sign Ordinance dated September 2013.

ATTACHMENTS:

- A. Draft Sign Ordinance, September 2013
- B. Embarcadero District Tourism-Oriented Directional Sign Plan, Revised September 2013
- C. Draft Directional Sign Permit Application
- D. Planning Commission Minutes from June 19, 2013, July 3, 2013, July 17, 2013, August 21, 2013, and September 4, 2013 meetings
- E. Sign Workshop Results, September 29, 2011.

EXHIBIT 3

AGENDA NO: A-3

MEETING DATE: 11/12/2013

AMENDED MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – OCTOBER 22, 2013
VETERAN’S MEMORIAL HALL – 6:00P.M.

PRESENT:	Jamie Irons	Mayor
	Christine Johnson	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Jamie Boucher	City Clerk
	Amy Christey	Police Chief
	Steve Knuckles	Fire Chief
	Susan Slayton	Administrative Services Director
	Joe Woods	Recreation & Parks Director
	Eric Endersby	Harbor Director
	Rob Livick	Public Services Director
	Kathleen Wold	Planning Manager
	Katie Mineo	Assistant Planner/Administrative Technician

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

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT – City Attorney Robert Schultz reported that City Council met in a Special Closed Session on October 22, 2013 on the following items: Government Code Section 54956.8: Property Transactions: Instructing City’s real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to one parcel: Lease Site 30W-33W, Bay Front Marina (Water Lease adjacent to 201 Main Street); and, Government Code Section 54957.6: Conference with Labor Negotiator, conference with City Manager, the City’s Designated Representative for the purpose of reviewing the City’s position regarding the terms and compensation paid to the following employee organization and giving instructions to the Designated Representative: Management Employees; no reportable action under the Brown Act was taken.

MAYOR AND COUNCILMEMBERS’ REPORTS, ANNOUNCEMENTS & PRESENTATIONS

PUBLIC PRESENTATIONS - None

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PUBLIC COMMENT

Debra Garcia, owner of Golden Anchor Financial Services, located at 645 Main Street gave the Morro Bay Business Report. Ms. Garcia has been in the mortgage business for over 20 years. She is excited to be here and be part of the Chamber. She is available 24/7 and very much appreciates all the open arms in Morro Bay.

Jane Heath spoke with a message for her Morro Bay neighbors being asked to sign the recall petition – seek the truth. She urged the public to look carefully at the reasons offered and compare them to Mayor Irons' response. She would hope the public would allow the new Council more than 9 months to demonstrate their vision for the City. There are 5 reasons offered for the recall but there is really only one, the recall arose from the intent to terminate the contracts of the City Manager and City Attorney. Longevity and continuity can be a benefit; it can also be a detriment if all they have known is that which you are trying to change.

Garry Johnson announced the 1st Annual Vet's Day Celebration being held at the Veteran's Hall on Sunday, November 10th. The event is open to Veterans, their families as well as the community. Sy will be there with his boxes to mail to our active military overseas.

Susan McElhinney spoke about the fence permit that profoundly affected her client, Mr. Goodwin. She claimed that they were allowed to make outrageous allegations about Mr. Goodwin which can't be substantiated because they contained only tiny portions of the truth. She stated it behooves Council to exclude unproven claims or allow the person in which the claims were made to controvert them as it appeared that the board made their decisions based on these allegations.

Joan Solu spoke on behalf of the Morro Bay Community Foundation announcing their Annual fundraiser coming up on Saturday, November 9th at the Morro Bay Community Center. Their organization provides supplemental scholarships for kids who otherwise wouldn't be able to participate in youth sports or youth programs. Show tickets are \$20, dinner tickets are \$10.

Phil Kispersky spoke on the petition to recall. He hoped to clear up some grossly inaccurate information that is being communicated. By signing, you are only placing it on the ballot; if signing, your name will be kept confidential; the recall will be on the June Primary ballot and should cost no more than \$1000; it is being done in June because Mayor Irons' term runs through December and having a lame duck Mayor is not good business; and if successful, the interim Mayor will be selected through the same election process in June.

Marlene Owens stated that she has served on many committees and nothing like this has ever happened. She doesn't like what is happening, she knows you have the right but your harassment is wrong. Saying we are going to fire you once we get all our ducks in a row is harassment.

Rick Grantham announced that the Veteran's Day Celebration is not just for veterans but for anyone who wants to support veterans, the general public is welcome. He also announced the Annual Thanksgiving Day Dinner being sponsored by the Police Officer Association as well as

EXHIBIT 3

the Rotary Club of Morro Bay. The dinner is being held on Thanksgiving Day from 1-3pm; the boy scouts will be serving and the girl scouts decorating the day before.

Hunter Kilpatrick stated that on September 12th, Mr. Schultz, Ms. Lueker and several citizens asked Council if there were causes for the dismissal. Mayor Irons stated on record there was no cause. Last night, Mayor Irons stated that statement was made for the purpose of that meeting only. It appears cause is indeed in play, and as such, you have violated the rights of Mr. Schultz and Ms. Lueker as they both have stated publicly they wanted it heard in open session. You have stated you need legal counsel to approve the minutes. Minutes are factual recordings of events and shouldn't need counsel review. He asked that all Council email and phone records, personal and public, be made available to the public to review for Brown Act violations. He indicated that 5 past Mayors and decades of previous councilmembers adamantly disagreed with your actions. Save the City millions of dollars and resign tonight.

Jim Pauley lent his support to the Mayor and City Council. He feels the action and process they are using in regards to the potential dismissals are fair and follow the Brown Act. You have his full support.

Bob Keller hoped we can start focusing on City's business issues instead of wasting time and money on a recall. It's okay to agree to disagree, we are all neighbors. No recall is needed as elections are coming in June. He supports the present Mayor and present City Council.

John Diodati presented statistics from prior June elections showing the numbers of voters who voted for the prior elected Mayors and Councilmembers in June 2008, 2010 and 2012. He stated that the most recently elected officials, Mayor Irons and Councilmembers Christine Johnson and Noah Smukler were elected by an overwhelming majority of the community and collected many more votes than those in 2010 and 2008. He urged the public to educate themselves about the recall petition and if you are unsure, don't sign it.

John Barba stated that Mr. Diodati's numbers are misleading.

Homer Alexander stated that the slide used by Mr. Diodati was complete spin. Figures can lie and liars can figure. He stated that those tactics are typical of the way that your supporters try and deceive the citizens of this community.

Rosalie Valvo stated that there were 4 candidates for Mayor in the 2012 election and Mayor Irons won outright. She doesn't see any contradictions and supports the Mayor 100%.

John Gajdos stated that the 2089 number of votes that Mayor Irons received that was on the slide only represents 1/3 of the registered voters. Also, people have been told not to sign the recall petition and he wanted to reiterate that you are not doing anything more than putting it on the June ballot; if you sign, your name will not be made public, the recall won't be expensive and they don't want to have the Mayor up on the dais making poor decisions for the next 6 months.

Tim Croley stated that Mayor Irons won; he got more votes than all other candidates combined. The face of Morro Bay is changing.

EXHIBIT 3

Carla Wixom stated that this City Council majority continues to talk about past City Council policy violations. You've yet to disclose the money spent on evaluations of the City Manager and City Attorney and yet you continue to reference the actions taken at the meeting in November 2012. It's too bad that no one ever talks about what these employees have forfeited, 5 years ago they gave up pay raises, and they led way in pension reform and have never been recognized for it.

Bill Peirce stated that the recall petition is both legal and certified and the public shouldn't be afraid to sign it. The petition is upfront and it gives the people a chance to decide whether or not they are happy about the job you are doing.

John Heading spoke on people's health. It is flu season and we are a melting pot for a flu virus to come to Morro Bay. Get your flu shot!!

The Public Comment period was closed.

A. CONSENT AGENDA

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

A. CONSENT AGENDA

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

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR THE SPECIAL CLOSED SESSION MEETING HELD ON OCTOBER 8, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 APPROVAL OF CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING HELD ON OCTOBER 8, 2013; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-3 AWARD OF CONTRACT FOR THE PROJECT NO. MB-2013-S4: 2013 STREET REHABILITATION PROGRAM: 3-LAYER CAPE AND MICROSURFACING PROJECT; (PUBLIC SERVICES)

RECOMMENDATION: Award the project contract to the lowest responsible bidder.

A-4 AWARD OF CONTRACT TO SOUZA CONSTRUCTION, INC. OF SAN LUIS OBISPO, CA FOR THE PROJECT NO. MB-2013-S1: 2013 STREET REHABILITATION PROGRAM- DIG-OUT AND PAVEMENT REPLACEMENT PROJECT; (PUBLIC SERVICES)

EXHIBIT 3

RECOMMENDATION: Award the Project contract to Sousa Construction, Inc. in the amount of \$402,585.

A-5 RESOLUTION DETERMINING ISSUANCE OF AN ALCOHOLIC BEVERAGE CONTROL PERMIT FOR AN OFF-SALE BEER AND WINE CONVENIENCE MARKET LOCATED AT 845 EMBARCADERO SUITE D; (POLICE)

RECOMMENDATION: Approve Resolution 50-13.

A-6 RESOLUTION NO. 51-13 ADOPTING THE MEMORANDUM OF UNDERSTANDING WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 620, MISCELLANEOUS AND HARBOR SAFETY EMPLOYEES, AND RELATED COMPENSATION; (ADMINISTRATIVE SERVICES)

RECOMMENDATION: Adopt Resolution No. 51-13, approving the Memorandum of Understanding with SEIU, Local 620.

A-7 ADOPTION OF RESOLUTION NO. 52 -13 APPROVING THE REAL ESTATE AGREEMENT FOR THE SALE OF CITY-OWNED VACANT LOT PROPERTY ON THE CORNER OF CORAL AVENUE AND SAN JACINTO STREET WITH A STREET ADDRESS OF 2783 CORAL AVENUE IN MORRO BAY, CALIFORNIA; (CITY ATTORNEY)

RECOMMENDATION: Adopt Resolution 52-13 approving the Real Estate Agreement for the sale of City-owned property at on the corner of Coral Avenue and San Jacinto Street with a street address of 2783 Coral Avenue in Morro Bay, California.

Mayor Irons opened up the public comment period for items on the Consent Calendar; seeing none, the public comment period was closed.

Councilmember George Leage pulled Item A-5; Councilmember Nancy Johnson pulled Item A-7; Councilmember Smukler pulled Items A-3 and A-4; and Mayor Irons pulled Item A-2 from the Consent Calendar.

MOTION: Councilmember Smukler moved the City Council approve Items A-1 and A-6 of the Consent Calendar as presented. The motion was seconded by Councilmember Nancy Johnson and carried unanimously 5-0.

A-2 APPROVAL OF CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING HELD ON OCTOBER 8, 2013; (ADMINISTRATION)

Amended minutes were previously sent to Council for their review.

EXHIBIT 3

MOTION: Mayor Irons moved for approval of the October 8, 2013 minutes as amended. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

A-3 AWARD OF CONTRACT FOR THE PROJECT NO. MB-2013-S4: 2013 STREET REHABILITATION PROGRAM: 3-LAYER CAPE AND MICROSURFACING PROJECT; (PUBLIC SERVICES)

Councilmember Smukler pulled Item A-3 to give Public Services Director Rob Livick the opportunity to announce the item needed to be continued to the next Council meeting.

A-4 AWARD OF CONTRACT TO SOUZA CONSTRUCTION, INC. OF SAN LUIS OBISPO, CA FOR THE PROJECT NO. MB-2013-S1: 2013 STREET REHABILITATION PROGRAM- DIG-OUT AND PAVEMENT REPLACEMENT PROJECT; (PUBLIC SERVICES)

Councilmember Smukler pulled this item to give Public Services Director Rob Livick the opportunity to speak on the contract and work being done.

MOTION: Councilmember Smukler moved the City Council approve Item A-4 and continue Item A-3 for further review of bids. The motion was seconded by Councilmember Christine Johnson and carried unanimously 5-0.

A-5 RESOLUTION DETERMINING ISSUANCE OF AN ALCOHOLIC BEVERAGE CONTROL PERMIT FOR AN OFF-SALE BEER AND WINE CONVENIENCE MARKET LOCATED AT 845 EMBARCADERO SUITE D; (POLICE)

Councilmember George Leage pulled Item A-5 so that he could recuse himself as his property is within 500 feet of the proposed location.

Councilmember Nancy Johnson is not totally opposed but wonders if it's necessary as it is located between 2 businesses that already sell alcohol. It also bothers her that this business rents out boats to the public.

Councilmember Christine Johnson stated that the Police Chief said that its beer and wine only. There are no crime statistics in the area and doesn't feel there are any reasons not to support it at this time.

Councilmember Smukler stated the memo speaks to Councilmember Nancy Johnson's concerns as the permit can be challenged and changes made if issues arise. He feels this helps facilitates the applicant's tour boat business.

MOTION: Councilmember Smukler moved to approve Item A-5, approving a Resolution allowing the issuance of an alcoholic beverage control permit for an off-sale beer and wine convenience market located at 845 Embarcadero, Ste. D. The motion was seconded by Councilmember Christine Johnson and carried unanimously 3-1-1 with

EXHIBIT 3

Councilmember Nancy Johnson voting no and Councilmember Leage having recused himself.

- A-7 ADOPTION OF RESOLUTION NO. 52 -13 APPROVING THE REAL ESTATE AGREEMENT FOR THE SALE OF CITY-OWNED VACANT LOT PROPERTY ON THE CORNER OF CORAL AVENUE AND SAN JACINTO STREET WITH A STREET ADDRESS OF 2783 CORAL AVENUE IN MORRO BAY, CALIFORNIA; (CITY ATTORNEY)

Councilmember Nancy Johnson pulled this item as she has some concerns. She feels this is being rushed and if you look at the number of lots on that property, we are only getting \$150,000 for each lot which she feels is not enough. She feels that with the current real estate market, we need to go back and look at it again.

Councilmember Smukler stated that this item has been in front of Council multiple times trying to get it sold and feels that there is also a price to retain the property. Realistically there are a lot of questions about the current real estate market. He took time to talk to other real estate agents to get their range of prices for the lot and we are well above what they have said. He also sees a benefit to it being a cash deal.

City Attorney Rob Schultz stated that there were 3 adjustments that needed to be made to the report as well as there are 3 contingencies in the agreement that must be met. The contingencies are that the appraised value has to meet the offer; there is a right of refusal with the original developer; and, anytime you sell property of this size, you have to offer it to the County for affordable housing. The minor adjustments to the agreement are: page 6 – 6a at end of first paragraph put in () “due diligence materials”, on page 7 – paragraph 3d needs to read 35 days after the delivery to buyer of due diligence materials; and on page 16, paragraph d – strike out the last sentence.

Councilmember Leage pointed out that several years ago we were offered 2.4 million dollars for this property. We weren't able to close the deal because of a Council member not wanting to cut down trees.

Councilmember Nancy Johnson continues to think we can do better and it behooves all of Council to increase the amount we can sell this for.

Mayor Irons is supportive of this. It still has to have an appraisal to qualify for the sale.

MOTION: Mayor Irons moved approval of Item A-7 with the amendments stated by Mr. Schultz. The motion was seconded by Councilmember Smukler and carried 4-1 with Councilmember Nancy Johnson voting no.

B. PUBLIC HEARINGS

- B-1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 583; REPEALING, AMENDING, AND REENACTING CHAPTERS 14.01-14.12 AND 14.52 OF THE

EXHIBIT 3

CITY OF MORRO BAY MUNICIPAL CODE (BUILDINGS AND CONSTRUCTION); (PUBLIC SERVICES)

Public Services Director Rob Livick presented the staff report.

Mayor Irons opened up the public comment period for Item B-1; seeing none, the public comment period was closed.

MOTION: Councilmember Christine Johnson moved approval of B-1. The motion was seconded by Councilmember Leage and carried unanimously 5-0.

City Manager Andrea Lueker read the Ordinance by title and number only.

B-2 ZONING TEXT AMENDMENT A00-015 DRAFT SIGN ORDINANCE (MUNICIPAL CODE SECTION 17.68); (PUBLIC SERVICES)

Planning Manager Kathleen Wold presented the staff report.

Mayor Irons opened up the public comment period for Item B-2.

John Barta wanted to thank the Public Services Department for their work on this. He felt that sandwich board signs are useful at times if well regulated; they are an important part of signage needs. He suggested doing a field test; ie: go to a number of businesses and see what they have, then see if what you are proposing will be better.

Amber Badertscher stated that this proposed ordinance is saying that a business can't use brand names for advertising but she is aware of others who use brand names on their outside umbrellas. She still feels rights are being taken away from some businesses while at the same time; staff is finding a way to only include the Embarcadero in the new sign program. If you want to test if a program works, try it in an area that has never been promoted. She feels the document has many loopholes, for example it doesn't allow a stack of tires but you can stack wine barrels. She asked that the Council send this back to the Planning Commission to help all businesses succeed.

John Headding realizes the importance of presenting the right façade to those coming into your community. A lot of time and effort has been put into this document and no document will satisfy everybody. He feels this is a fair document and is consistent with other like documents he's seen. There are 2 changes he'd suggest – when making reference to terms, include a visual right next to the example; and make the process for approval simple and fast.

The public comment period for Item B-2 was closed.

Councilmember Smukler liked the idea raised by the Chamber of Commerce to help facilitate district to district presentations on the proposed sign ordinance, specific to each district, each area's regulations and offer those businesses the opportunity to focus and comment on what's there.

EXHIBIT 3

Councilmember Nancy Johnson addressed a couple of issues; she thanked staff for getting to different districts as each have different needs; she wants it to be easy and affordable; she has advocated for feather flags in specific areas, especially on Quintana and North Main; she wants to talk more about flashing or neon signs; she wants us talk about windows completely covered in painted advertising; and, as far as sandwich board signs, while she doesn't like them, maybe instead they could be "one legged signs" or decorative signs.

Councilmember Leage would hate to see sandwich board signs come back as he feels they are hazardous.

Councilmember Christine Johnson agrees with Councilmember Nancy Johnson that feather flags in certain areas are a good idea. It may be important to follow up with the Coastal Commission on feather flags in the No. Main and Quintana districts. If they are allowed by Coastal Commission, she is in support of them with a permit. She also supports sidewalk signs in areas outside of the Embarcadero as long as they are permitted.

Mayor Irons feels we either need to set up additional meetings to get through this or work with the Chamber to do district by district meetings. He has talked to many business owners who use sandwich board signs and they say that their businesses haven't necessarily done better based on their utilization. He also agrees that making it simple and inexpensive is important and possibly set up a dry run application process during the Chamber district informational meetings.

Councilmember Smukler said he is looking at this as fairly close to a working document with the most important thing now is to talk to the businesses and make sure we are hearing from them. Before we schedule special meetings, he would also like to take the Chamber up on going to districts for presentations and then move to a more in depth Council meeting.

Councilmember Nancy Johnson stated that is our chance to get this right. She also likes the idea of district meetings with the Chamber and wanted to hear from them.

Mayor Irons reopened up the public comment period for Item B-2.

Craig Schmidt, Chamber of Commerce CEO stated that the Chamber is happy to do this. He would hold focused district meetings which would be an opportunity for additional public comment before being sent back to Council.

John Barta wanted to add a comment, if staff looked at AGP video, a sign inventory was done and they should have the video for review.

Greta Shucker a local business owner loves the idea of going district to district as it would help her business.

Linda Donnelly stated that there is a business on Main Street that at night time is really bright with neon lights. She is hoping that this ordinance would change that.

The public comment period for Item B-2 was closed.

EXHIBIT 3

There is Council consensus for staff to get together with Craig Schmidt at the Chamber to set up district meetings. The City can advertise these through the Notify Me program.

C. UNFINISHED BUSINESS

C-1 AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL (RFP) FOR A RATE STUDY FOR WATER & SEWER RATES WITH ADDITIONAL BACKGROUND INFORMATION; (PUBLIC SERVICES)

Public Services Director Rob Livick presented the staff report.

Councilmember Nancy Johnson thinks we also need to address the cost of the reclamation process into the study. Mr. Livick wasn't sure we could get that information as we aren't far enough along in the process.

The public comment period for Item C-1 was opened.

John Barta stated the Coastal Commission asked us to provide them reports on the water master plan. The State then said that everyone has to do it, we haven't neglected our duty to the Coastal Commission but it was folded it into the State reporting. He looked at his water bill today; there is a water fee and a sewer fee. There is another component, the cost of reclamation. In order to be transparent, we need to delineate that cost out. There is also inflation of costs, but most of what goes into our water cost are bonds with a fixed payment plus a separate payment for the desalination plant which has been paid off. Those bonds one day will be paid off which should create a high cash flow benefit.

Betty Winholtz agrees with what Mr. Barta said about the fixed costs of our water. We have over time, bought 2.5 allotments of State water. In 2004 the sewer rates first went up as they weren't matching maintenance costs. In 2008 we raised rates on an inflationary basis which goes up each year. One of the reasons you need to look at increases is that you have increasing costs. You have the choice as to what you spend the money on - do we need a multi-million dollar, million gallon tank on Nutmeg, she understands the need for the fire issue but to what extent is that in balance. She hopes you won't be ready to go out and look at fees yet.

The public comment period for Item C-1 was closed.

Rob Livick answered questions from public comment: the inflationary rate was passed in 2008, since then State law has changed and those types of increases are only good for 5 years so now have to revisit that cost again; the Nutmeg Tank is all about fire flow requirements; with regards to the debt ratio, this process isn't about the setting of rates, this is the gathering of information to see what the rates should be to support our needs.

Councilmember Nancy Johnson appreciates the information on water reclamation; we need to take a serious look at that as part of this proposal.