



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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

**Regular Meeting - Tuesday, February 16, 2016  
Veteran's Memorial Building – 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Chairperson Robert Tefft

Commissioner Gerald Luhr  
Commissioner Michael Lucas

Commissioner Richard Sadowski  
Commissioner Joseph Ingrassia

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 Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.
- A-2 Approval of minutes from the Planning Commission meeting of January 5, 2016.  
**Staff Recommendation:** Approve minutes as submitted.

B. PUBLIC HEARINGS

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

*(continued from the January 5, 2016 Planning Commission meeting)*

- B-1 Case No.:** A00-029 (Local Coastal Program and Zoning Text Amendment)  
**Site Location:** Citywide  
**Applicant/Project Sponsor** City of Morro Bay  
**Request:** Local Coastal Program and Zoning Text Amendment proposing to amend Section 17.48.320 (Secondary Units) modifying the section to be consistent with State law and other related sections in the Morro Bay Municipal Code for internal consistency, as well as Section 17.48.315 (Guesthouses/Quarters and Accessory Areas).  
**CEQA Determination:** Negative Declaration.  
**Staff Recommendation:** Forward a favorable recommendation to the City Council to approve the proposed Amendment and adopt the Negative Declaration.  
**Staff Contact:** Whitney McIlvaine, Contract Planner (805) 772-6211
- B-2 Case No.:** UP0-438 and AD0-105  
**Site Location:** 225 Kern Avenue  
**Proposal:** A request for Conditional Use Permit and Parking Exception approval at 225 Kern for an addition to a residential structure with a nonconforming garage. Specifically, the Applicant proposes to add 122 sq. ft. of habitable floor area and 133 sq. ft. of additional decking. The project is located within the R-1 Single-Family Residential Zoning District and outside of the Coastal Commission Appeal Jurisdiction.  
**CEQA Determination:** Categorically Exempt, Section 15301, Class 1  
**Staff Recommendation:** Conditionally Approve  
**Staff Contact:** Joan Gargiulo, Assistant Planner

C. NEW BUSINESS

- C-1 Review of City of Morro Bay Manufactured Home requirements related to placement of units on Single-Family lots.**  
**Staff Recommendation:** Review staff report and provide comment  
**Staff Contact:** Scot Graham, Community Development Manager

D. UNFINISHED BUSINESS

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 March 1, 2016 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 772-6264 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](http://www.morro-bay.ca.us/planningcommission) or you can subscribe to Notify Me for email notification when the Agenda is posted on the City's website. To subscribe, go to [www.morro-bay.ca.us/notifyme](http://www.morro-bay.ca.us/notifyme) and follow the instructions.

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

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

Commission meetings are conducted under the authority of the Chair who may modify the procedures outlined below. The Chair will announce each item. Thereafter, the hearing will be conducted as follows:

1. The Planning Division staff will present the staff report and recommendation on the proposal being heard and respond to questions from Commissioners.
2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the Commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent back to the podium to respond to the public testimony. Thereafter, the Chair will close the public testimony portion of the hearing and limit further discussion to the Commission and staff prior to the Commission taking action on a decision.

### **APPEALS**

If you are dissatisfied with an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Community Development Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$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.



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-1

Meeting Date: February 16, 2016

#	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
<b>Hearing or Action Ready Projects:</b>										
1	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.Tentatively scheduled for 3-1-16 PC hearing.				wm
2	Moore	379 Orton St.	11/17/15	CP0-494	New SFR ( Manufactured home) on vacant lot. 1493sf living, 528sf garage	Project review complete. To be noticed for admin approval 1-28-16.		Conditionally Approved per memo dated 11/25/15		wm
3	Moore	225 Kern	1/14/15	UP0-438 & AD0-105	Addition to an existing nonconforming structure. 122 sq. ft. addition of habitable area and 133 sq. ft. deck addition	Project review complete. Noticed 2/6/2016. PC 2/16/2016				jg
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>										
4	Robson	160 Mindoro	1/29/16	CP0-497	Admin CDP for new 1,804 sq. ft. SFR with a 455 sq. ft. garage	JG. Under initial review. Waiting on comments				jg
5	James	1230 Clarabelle	1/11/16	CP0-496	Admin CDP for new SFR - 1853sf home with 563sf garage.	JG Under initial review. Correction Letter sent 1/21. Corrections recv'd 1/26. Noticed 1/29.				jg
6	Mazzacane	270 Kern	1/7/16	CP0-495	Admin CDP for demo/reconstruct. Demo 848sf SFR and construct new 2763sf SFR w/ 532 sf garage	JG Under initial review. Waiting on PW comments...				jg
7	May / Ingraffia	636 Fresno	12/21/15	UP0-436	Conditional Use Permit for an 830 sq. ft. addition to a nonconforming structure	JG. Under initial review. Incomplete letter sent 1/21				jg
8	Adamson	2629 Koa	12/14/15	UP0-435	An existing flag pole that exceeds the 25' height limit the the R-1/S.2 zone	JG. Noticed 12/23/15 waiting on structural calcs from applicant				jg
9	Smith	1556 Main	12/14/15	UP0-434	An existing flag pole that exceeds the 25' height limit in the light industrial zoning district	JG. Noticed 12/23/16. Waiting on proof of pole age from applicant				jg
10	Najarian	325 Sicily	10/30/15	CP0-491	Administrative Coastal Development Permit for New SFR - 1686 sf living plus 507sf garage	JG. Under Initial Review. Sent back to Agent for Lot Coverage correction on 12/4. Awaiting resubmittal. Recv'd 1/11/16 under review. Waiting on PW comments				jg

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11	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.	Incomplete letter sent 11-5-15. Received revised plans and communicated via email to applicant regarding plan corrections. Resubmittal under review.				cj
12	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
13	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 received and under review by Public Works Dept.				cj
14	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. Project review complete. Initial study/ environmental review in process.				cj
15	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
16	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
17	T-Mobile	1478 Quintana	1/30/15	UP0-403	Minor Use Permit to Modify existing wireless telecommunication site at church	JG - Under initial review. Correction letter sent 3/5/2015. JG. Partial resubmittal rcv'd via email 9/18		JW approved		jg
18	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
19	Leage	833 Embarcadero	9/15/14	UP0-389	Demolish existing building. Reconstruct new 1 story 19 foot 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. Resubmitta received 1-20-16.	BC- incomplete	RPS - Disapproved for plan corrections noted in memo of 10/14/14		cj
20	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. Resubmittale Rcv'd 1/27/2016	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
21	Sonic	1840 Main St.	8/14/13	UP0-364 & CP0-404	<b>Conditional Use Permit and Coastal Development Permit to develop Sonic restaurant.</b>	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. Reviewing outstanding cultural resources concerns. Reviewed project with archaeologist 1-27-16.	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
22	Perry	3202 Beachcomber	9/8/2011 & 10/25/2012	AD0-067 / CP0-381	<b>Variance.</b> 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. No recent contact.	Review complete, applicant to obtain building permit prior to construction.	No review since conditional approval of 6/11/12		
<b>Planning Commission Continued projects:</b>										

#	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
23	LaPlante	3093 Beachcomber	11/3/11	CP0-365	<b>Coastal Development Permit for New SFR in appeals jurisdiction. Proposed SFR of 3,495sf w/ 500 sf garage on vacant land.</b>	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 Commission comment letter received 10-20-14. City responded to Coastal on 10-27. Applicant working to address comments. Discussed project with Coastal staff in meeting 11-18-14 and met with applicant 12/4/14 and 1/20/15. 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
24	Seashell Estates, LLC	361 Sea Shell Cove	1/26/15	CP0-459/ UPO-401	<b>Coastal Development Permit/Conditional Use Permit for new SFR. Lot 4 of 1305 Teresa Subdivision</b>	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	UPO-344	<b>Environmental documents for Nutmeg Tanks.</b> Permit number for tracking purposes only County issuing permit. Demo existing and replace with two larger reservoirs. City handling environmental review	KW--Environmental contracted out to SWCA estimated to be complete on 4/27/2012. 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		wm

**Projects Appealed or Forwarded to City Council:**

#	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
26	Redican	725 Embarcadero Rd.	6/26/13	UP0-359	<b>Use Permit for seven boat slips and gangway</b>	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. Plans revised to include Interior tenant improvements of new 2nd floor deck area. Revised visual sims in progress. Reviewed by PC on 1-5-16. Forwarded to City Council	Bldg -- Review complete, applicant to obtain building permit prior to construction. Disapproved 4/21/14TP-Disapprove 11/19/13.	Conditionally Approved, 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
27	Knight / Verizon	485 Piney Way	1/29/15	CP0-460 & UP0-402	<b>CDP /CUP for Verizon wireless telecommunications facility (panel antennas &amp; equipment cabinet)</b>	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. (continued from 11-24-15 meeting. Denied at 12-1-15 mtg/ Reso for Denial to be considered at 12-15 mtg. Appealed by Applicant on 12/21/15		ME conditionally approved per memo 2/3/15		cj
28	Hough	289 Main	10/16/13	CP0-410 & UP0-369	<b>CDP and CUP to construct a 2,578sf single family home on vacant lot</b>	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. Appealed granted and project remanded back to PC for review of revised plans. Scheduled for Council hearing on 3-22-16.	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

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29	City of Morro Bay	Citywide	6/19/13	A00-015	<b>Sign Ordinance Update.</b> 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 discussed at 11-3-15 PC mtg.	No review performed.	N/R		sg
<b>Environmental Review</b>										
30	City of Morro Bay	N/A		UP0-423	<b>MND for Chorro Creek Stream Gauges</b>	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
<b>Final Map Under Review Projects:</b>										
31	Tract 2670	1899 -1911 Sunset	11/17/15	Map	<b>Final Map. - Tract 2670 6 lot subdivision and 1 common lot</b>	Under review. Correction letter sent on 12-17-15				cj
32	Medina	3390 Main	10/7/11	Map	<b>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</b>	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

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<b>Projects requiring coordination with another jurisdiction:</b>										
33	City of Morro Bay	Outfall			<b>Original jurisdiction CDP for the outfall and for the associated wells</b>	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		
34	City of Morro Bay Desal Plant	170 Atascadero			<b>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.</b>	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.		
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / State Department of Housing:</b>										
35	City of Morro Bay	Citywide	10/16/13	A00-013	<b>Zoning Text Amendment - Second Unit</b>	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. <b>New language for PC and Council review.</b>	No review performed.			

wm

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
36	City of Morro Bay	Citywide	2/1/13	Ordinance 556	<b>Wireless Amendment - LCP Amendment</b> 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
<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:</b>										
37	Maritime Museum Association (Larry Newland)	Embarcadero	11/21/05	UP0-092 & CP0-139	<b>Embarcadero-Maritime Museum (Larry Newland).</b> Submitted 11/21/05. Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Resubmitted 5/25/07. 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.		
38	James Maul	530, 532, Morro Ave 534	3/12/10	SP0-323 & UP0-282	<b>Parcel Map.</b> CDP & CUP for 3 townhomes. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter.	KW-Incomplete letter sent 4/20/10. Met with applicant 5/25/10. Letter sent to applicant/agent indicating the City's intent to terminate the application based on inactivity. City advised there will be a new applicant and to keep the application viable.MR: Received letter from applicant's rep 11/15/12 requesting project remain open. Called B. Elster for further information. Six month extension granted. Sent Intent to Deem Withdrawn Letter 8-28-14. Applicant requested to keep project open 9-25-14.	Please route project to Building upon resubmittal.	N/A		cj
<b>Grants</b>										

#	Applicant/ Property Owner	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
39	Coastal Conservancy, California Coastal Commission, California Ocean Protection Council	City-wide				<b>\$250,000 Grant Opportunity for funding for LCP update to address sea-level rise and climate change impacts.</b>	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		
40	City of Morro Bay	City-wide				<b>Community Development Block Grant/HOME Program - Urban County Consortium</b>	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. Final 2016 funding recommendations to be reviewed by Council on 3-8-16.	No review performed.	N/R		
41	City of Morro Bay	City-wide				<b>Climate Action Plan - Implementation</b>	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.				

**Projects in Building Plan Check:**

1	Abel	765	Alta	12/21/15	B-30796	SFR Addition			JL/PN-Not Approved per Memo dated 12/21/15		
2	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		
3	LaPlante	3093	Beachcomber	11/3/11	B-29586	New SFR: 3,495sf w/ 500 sf garage on vacant land.	SD--Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012. Building Permit on hold until Planning process complete. CJ.	BC- Application on hold during planning process of 4-2-2012	DH- Provide SW mgmt, drainage rpt, EC per memo of 1/18/12.		
4	Tays	982	Carmel	10/1/15	B-30684	SFR Alteration and 65sf addition (includes new bathroom)	Disapproved 11-17-15. SG.	Plans denied 10-05-2015 cdl	PN- Approved per memo dated 11/23/15		
5	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		
6	Ocean View Manor	456	Elena	9/10/15	B-30651	Remodel of existing senior rental 40 apts. with common building and site improvements			PN-Disapproved 11/30/15		
7	Parks	2810	Elm	12/7/15	B-30775	New 480sf detached garage with new driveway & walkway			PN-Approved 12/16/15		

#	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
8	Leage	1205 Embarcadero	9/10/15	B-30651	686sf second story addition	Correction letter sent. Not compliant w/ Planning conditions. CJ	Plans Denied 09-24-2015 cdk	PN- Approved 10/1/15, no memo.		
9	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 revegetationor		
10	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		
11	Decker	430 Fresno	6/8/15	B-30491	Convert existing laundry room into bathroom.	Approved. SG 6/15/15	Plans approvede. 07-02-15 cdl	PN- Disapproved, needs sewer video & bwv 6/12/15		
12	Nico	2431 Greenwood	12/14/15	B-30783	74 sqft addition to existing 604 sqft deck			JL/PN-Approved 12/21/15		
13	Monie	2577 Greenwood	6/8/15	B-30483	600sf addition (1st & 2nd floor) to front of existing SFR			PN-Disapproved, needs Erosion control plan 11/23/15		
14	Jackson, Addis	2860 Greenwood	9/2/15	B-30639	Detached 160sf Guest cottage	Disapproved 9-28-15. JG	Perit Denied 9-9-15 cdl	PN-Disapproved, needs Erosion control plan 11/23/15		
15	Hurless	2265 Hemlock	8/27/15	B-30477	SFR Garage converted to 492sf apartment with new bedroom and bathroom.	Disapproved 8-28-15. JG	05-15-15 Plans denied. Cdl	PN- Disapproved needs sewer lateral video-		
16	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		
17	Nisbet	225 Kern	11/30/15	B30761	Remodel & Addition of 123sf to 1,107sf of existing SFR	JG. Requires a Conditional Use Permit		PN-Disapprovedper memo dated 12/2/15		
18	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		
19	Nisbet	570 Kings		B30600	New 2,317sf SFR w/ 583sf garage and separate detached 735sf 3-car garage.	Disapproved 8-31-15. CJ.	Plans denied 08-19-15 cdl	PN-Disapproved for plan corrections per memo dated 8/31/15		
20	Banuelos	350 Las Vegas	8/19/15	B-30613	Demo 832sf SFR & 384sf non-conforming detached garage. Build new 1,600sf SRF & 484sf garage.	Approved 11-12-15. JG.	Plans denied 10-16-15 cdl	PN-Approved 11/12/15		
21	Ryan	1125 Las Tunas	10/8/15	B-30695	New SFR with 2185sf & 580sf garage	Disapproved 10-27-15. JG	Plans denied 10-19-15 cdl	JL/PN-Disapproved per memo dated 12/21/15		
22	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		
23	Peter	890 Main	10/15/15	B-30702	76sf concrete accessible ramp at building entrance	Approved 10-21-15. SG	Plans Approved 10/19/15 cdl	PN-Approved 11/25/15		
24	Candy Fish Sushi	898 Main	2/23/15	B-30380	Demise wall to add inside seating in restaurant	Approved 2/26/15 JG	Plans denied 3-2-15 cdl			
25	Dyson	117 Main	8/18/14	B-30248	Covered Patio	Corrections. 9-5-14. WM.	BC-Returned for corrections 9/8/14.	NRR		
26	Boisclair	900 Main	8/5/15	B-30587	Commerical Interior Remodel, with new restrooms, removing existing driveway & street trees	Approved 10-8-15. JG	Building plans Approved 10-13-2015 cdl	PN- Disapproved, need update to Arborist Report, 10/12/15		

#	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
27	Zanovich	380 Marina	10/2/15	B-30685	Enclose existing deck on SFR	Disapproved 10-23-15. JG. Approved 12/10	Bldg. Plans approved. 10-19-2015 cdl	PN- Conditionally Approved, 10/16/15		
28	Meisterlin	315 Morro Bay Blvd.	9/12/14	B30275	Commercial Alteration-Handicap restroom	Approved 9/25/14. CJ.	Plansw approved 9-30-2014 bc	RPS returned for corrections per memo of		
29	Bunker	491 Panay	12/8/15	B30777	203sf interior remodel to existing 1144sf two story SFR			PN- Approved 12/16/15		
30	Sciortino	966 Pecho	10/26/15	B30715	575sf addition to single level SFR & 77sf deck addition	Approved 10-27-15. JG	Permit issued 8-6-15 cdl	PN- Approved 10/30/15		
31	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	Permit Issued 8-24-2015 cdl	ME approved 4/16/2015		
32	Humarian	781 Quintana	9/2/15	B-30631	Remodel exterior & interior w/ADA restrooms & parking lot upgrades.	Approved 11-13-15. JG.	Permit Issued 10-16-2015 cdl	PN- Approved 10/10/15		
33	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		
34	Dow	670 Shasta	10/12/15	B-30699	Addition to SFR of 238sf living space and Demo & reconstruct of 276sf garage	Disapproved 10-27-15. JG	Permit issued 10-27-2015 cdl	PN- Disapproved per memo 10/23/15		
35	Dolezal	1885 Sunset	10/30/15	B-30758	Lot 6: New SFR with 1140sf and 480 garage	Under review		PN- Disapproved per memo 12/17/15		
36	Dolezal	1889 Sunset	10/30/15	B-30757	Lot 5: New SFR with 1140sf with 480 garage	Under review		PN- Disapproved per memo 12/17/15		
37	Dolezal	1893 Sunset	10/30/15	B-30756	Lot 4: New SFR with 1140sf living and 480sf garage	Under review		PN- Disapproved per memo 12/17/15		
38	Dolezal	1897 Sunset	10/30/15	B-30753	Lot 1: New SFR with 1140sf living and 480sf garage	Under review		PN- Disapproved per memo 12/17/15		
39	Dolezal	1901 Sunset	10/30/15	B-30754	Lot 2: New SFR with 1541sf living and 483sf garage	Under review		PN- Disapproved per memo 12/17/15		
40	Dolezal	1905 Sunset	10/30/15	B-30755	Lot 3: New SFR with 1457sf living and 480sf garage	Under review		PN- Disapproved per memo 12/17/15		
41	Reddell	310 Trinidad	6/1/15	B-30508	New 1763sf SFR w/427sf garage & 150sf storage/deck.	JG. waiting on planning permit approval. CP0479 / UP0431 approved 10/12/15		PN- Plans disapproved. Need lateral sewer video & plans update - 11/24/15		
42	Barbis	166 Vashon	8/27/15	B-30623	186sf Addition to front exterior of SFR	Approved 10-2-15. WM	Building plans approved 10-09-2015 cdl	PN- Plans disapproved for plan corrections - 9/30/15		
<b>Planning Projects &amp; Permits with Final Action:</b>										
1	Crafton	430 Olive Street	11/13/15	UP0-433	<b>Conditional Use Permit for a 500 sq. ft. addition to a nonconforming structure</b>	JG. Under Review. Spoke with Applicant, will make small corrections. Scheduled for 1/5/15 PC meeting. Continued to a date uncertain. Photosimulation received, scheduled for 2/2 PC meeting. Permit Issued		Conditionally Approved per memo dated 11/25/15		jg
2	Merrifield	1147 West St.	4/24/15	CP0- 469 & UP0-414	<b>Coastal Development and Conditional Use Permits to construct new SFR subject to bluff development stds.</b>	WM Phase 1 arch report req'd. Continued to a date uncertain. Approved by PC on 1-19-16. Permit issued.		PN - Conditionally approved with comments- 6/1/15		wm

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
3	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. Approved by PC on 1-19-16. Permit issued.		PN - Conditionally approved with comments-6/1/15		wm

AGENDA ITEM:   A-2  

DATE:   February 16, 2016  

ACTION: \_\_\_\_\_

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – JANUARY 5, 2016  
VETERANS MEMORIAL BUILDING – 6:00 PM

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

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS - Commissioner Sadowski announced a fundraiser at the Pizza Port for the Morro Bay Bike Park.

PUBLIC COMMENT PERIOD – NONE

PRESENTATIONS – NONE

A. CONSENT CALENDAR

<https://youtu.be/dRubRO9IhmQ?t=3m28s>

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

Chairperson Tefft asked the Planning Commissioners if there were any questions regarding the Current and Advanced Planning Processing List, seeing none it was received and filed.

B. PUBLIC HEARINGS

<https://youtu.be/dRubRO9IhmQ?t=3m53s>

**B-1** *(continued from the December 15, 2015 Planning Commission meeting)*

**Case No.:** #UP0-359

**Site Location:** 725 Embarcadero, Morro Bay, CA

**Proposal:** 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. The dock and slips would be supported by eleven (11) new guide piles consisting of 35 – 55-foot by 16-in diameter 0.375 wall steel. The upper 25 feet of the exterior surface that would be exposed will be coated with a marine grade epoxy/polyurethane coating. All on-site work would occur from a barge stocked and prepared at the APC dock in Morro Bay, and tugged into position for pile installation. The project also includes expansion of

Water Lease Site 82-85W from approximately 50-feet to 93.71-feet. In addition, the project proposes a second story dining deck expansion along the west side of the building. This project is located in the original jurisdiction of the California Coastal Commission.

**CEQA Determination:** Mitigated Negative Declaration, State Clearinghouse #2015011002

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and Forward Favorable Recommendation to City Council to Conditionally Approve Concept Plan

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

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –  
Commissioner Sadowski called State Lands Commission staff and asked about the width on the leases.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/dRubRO9lhmQ?t=53m3s>

Steve Puglisi representative for applicant, introduced the project team member who came to the meeting tonight. Puglisi also answered questions the Planning Commission had.

Betty Winholtz, Morro Bay resident, added her comment regarding the eel grass. She asked why do the lease holders have to get bigger and move into more space; noted bigger is not better. She suggested this issue should be discussed sometime.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/dRubRO9lhmQ?t=1h3m57s>

Chairperson Tefft opened Public Comment period.

<https://youtu.be/dRubRO9lhmQ?t=1h5m37s>

Scott Kimura, Tenera Environmental, stated a comprehensive management plan for eel grass is needed in Morro Bay. Kimura stated eelgrass management for permits are taken on an individual basis as they come in. Kimura clarified what the habitat for eel grass was and covered the allowances for them.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/dRubRO9lhmQ?t=1h31m1s>

**MOTION:** Commissioner Lucas moved to approve Resolution PC 04-16 as modified by new conditions 10 through 14.

10. Improve connections between lateral access on north side of building and existing pedestrian amenities on street end.
11. Public access space and private dining shall be clearly delineated and enclosed with railing as required by Waterfront Master Plan.

12. Glass windscreen and/or roof of bayside lateral access walkway shall be removed to the extent compatible with outdoor first floor dining facilities located at southwest end of building.
13. Precise Plan shall include a specific sign plan with both commercial tenant and public access signs shown, including but not limited to, plans denoting size and material of sign, location of signs and method of attachment.
14. Plans shall be revised to the greatest extent feasible, to ensure lateral access at the south end of the lease site is able to accommodate a connection point to future lateral access to Lease Site 18.

Vice-Chairperson Sorenson seconded and the motion passed (4-1) with Commissioner Sadowski voting no.

**B-2 Case No.:** #UP0-433

**Site Location:** 430 Olive Street, Morro Bay, CA

**Proposal:** Conditional Use Permit approval for a 500 sq. ft. addition to an existing 2,212 sq. ft. nonconforming single-family residence in the R-1 Residential Zoning District. Specifically, the Applicant proposes to extend the existing living room, bedroom, and bathroom into the existing patio space. 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:** Joan Gargiulo

<https://youtu.be/dRubRO9IhmQ?t=2h15m40s>

Chairperson Tefft recused himself due to residing within the 500 feet proximity of the project.

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –  
NONE

Gargiulo presented staff report.

Vice-Chairperson Sorenson opened Public Comment period and seeing none closed the Public Comment period.

[https://youtu.be/QnU\\_gRWRPvU?t=6m54s](https://youtu.be/QnU_gRWRPvU?t=6m54s)

**MOTION:** Commissioner Lucas moved to continue to a date uncertain. Commissioner Luhr seconded and the motion passed unanimously (4-0).

[https://youtu.be/QnU\\_gRWRPvU?t=19m4s](https://youtu.be/QnU_gRWRPvU?t=19m4s)

**B-3 Case No.:** A00-029 (Local Coastal Program and Zoning Text Amendment)

**Site Location:** Citywide

**Applicant/Project Sponsor** City of Morro Bay

**Request:** Local Coastal Program and Zoning Text Amendment proposing to amend Section 17.48.320 (Secondary Units) modifying the section to be consistent with State law and other related sections in the Morro Bay Municipal Code for internal consistency, as well as Section 17.48.315 (Guesthouses/Quarters and Accessory Areas).

**CEQA Determination:** Negative Declaration.

**Staff Recommendation:** Forward a favorable recommendation to the City Council to approve the proposed Amendment and adopt the Negative Declaration.

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

[https://youtu.be/QnU\\_gRWRPvU?t=20m6s](https://youtu.be/QnU_gRWRPvU?t=20m6s)

McIlvaine presented staff report.

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

[https://youtu.be/QnU\\_gRWRPvU?t=44m25s](https://youtu.be/QnU_gRWRPvU?t=44m25s)

Commissioners recommended the following changes to the draft resolution attached to the staff report:

- Align guesthouse description in Section 17.48.315 with the definition in Chapter 17.12 of the zoning ordinance.
- List standards for guesthouse development similar to standards for secondary dwelling units.
- Prohibit both the primary dwelling and secondary dwelling on the same site from being used as a vacation rental.
- Require a deed restriction for guesthouses and secondary dwelling units to provide constructive notice to future property owners.
- Prohibit subdivision and sale of secondary dwelling unit separate from primary unit except where such subdivision meets all subdivision and zoning ordinance requirements.
- Address nonconforming secondary dwelling units.
- Provide an amnesty program for illegal and potentially nonconforming secondary dwelling units.
- Include any garage in the 900 SF size limit for detached secondary dwelling units (parking for secondary dwelling units is not required to be covered).
- Require an administrative permit for guesthouses.

**MOTION:** Commissioner Luhr moved to approve Resolution PC 01-16 with changes discussed. Commissioner Lucas seconded and the motion passed unanimously (5-0).

[https://youtu.be/QnU\\_gRWRPvU?t=2h19m50s](https://youtu.be/QnU_gRWRPvU?t=2h19m50s)

**MOTION:** Commissioner Lucas moved to continue the meeting until 11 p.m.

Commissioner Sadowski seconded and the motion passed unanimously (5-0).

[https://youtu.be/QnU\\_gRWRPvU?t=2h20m47s](https://youtu.be/QnU_gRWRPvU?t=2h20m47s)

## C. NEW BUSINESS

**C-1** Planning Commission review of General Plan conformity in relation to disposition of the vacant City owned property located on the adjacent lot west of Lemos; APN: 068-168-022.

**Staff Recommendation:** Adopt Resolution

**Staff contact:** Scot Graham, Community Development Manager  
[https://youtu.be/QnU\\_gRWRPvU?t=2h21m9s](https://youtu.be/QnU_gRWRPvU?t=2h21m9s)

Graham presented staff report.

**MOTION:** Commissioner Lucas moved to approve Resolution PC 03-16. Commissioner Sadowski seconded and the motion passed unanimously (5-0).  
[https://youtu.be/QnU\\_gRWRPvU?t=2h28m45s](https://youtu.be/QnU_gRWRPvU?t=2h28m45s)

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS - NONE

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS - NONE

G. ADJOURNMENT

The meeting adjourned at 11:00 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on January 19, 2016, at 6:00 p.m.

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Robert Tefft, Chairperson

ATTEST:

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Scot Graham, Secretary



AGENDA NO: B-1

MEETING DATE: February 16, 2016

## Staff Report

**TO:** Planning Commissioners **DATE:** February 16, 2016  
**FROM:** Whitney McIlvaine, Contract Planner  
**SUBJECT:** Additional review for clarification regarding Local Coastal Program and Zoning Text Amendment A00-029 amending Section 17.48.320 (Secondary dwelling units) and 17.48.315 (Guesthouses/quarters and accessory living areas) as well as other sections of the zoning ordinance for internal consistency.

### **RECOMMENDATION:**

Review the proposed zoning text amendment, specifically revised Exhibit A, addressing secondary dwelling units and guesthouses, and forward a recommendation to the City Council regarding desired changes to be incorporated into a new ordinance.

### **BACKGROUND/DISCUSSION:**

Previously adopted amendments to sections of the Zoning Ordinance addressing guesthouses and secondary dwelling units were never certified by the Coastal Commission. More recently, the City Council adopted Ordinance 585 which sought to update the Zoning Ordinance to be more consistent with State law regarding secondary dwelling units and to make changes to regulations affecting guesthouses.

On January 5, 2016, the Planning Commission reviewed Ordinance 585, as adopted by City Council in May, 2014, together with staff-recommended changes. The Commission made several additional changes. A draft summary of those further changes is provided in the revised Exhibit A to Resolution 01-16. Before presenting the Commission's final recommendation to City Council, staff would like further clarification on the following issues.

#### **1. Nonconforming secondary dwelling units.**

The Commission agreed to include a provision in Section 17.48.320 *Secondary Dwelling Units* that addresses existing nonconforming units. Staff suggested the following language:

Prepared By: WM

Department Review: \_\_\_\_\_

**M. Nonconforming Secondary Dwelling Units.**

Legal nonconforming secondary dwelling units in existence at the time of adoption of this ordinance shall be allowed to continue until such time as any building on the same site is enlarged or until 50% of the primary single-family unit or the secondary dwelling unit is destroyed. Thereafter, the secondary dwelling unit on the property shall be made to conform to the provisions of this section.

However, since Chapter 17.56 *Nonconforming Uses and Structures* already addresses this issue, any new provision is probably unnecessary and could cause confusion. Furthermore, the proposed amnesty program (discussed below) will address unpermitted and potentially nonconforming secondary dwelling units.

**Staff recommendation:** Do not include any additional language in Section 17.48.320 regarding nonconforming secondary dwelling units.

**2. Guesthouse permitting.**

As adopted by City Council, Ordinance 585 deleted the requirement for a minor use permit for guesthouses.<sup>1</sup> In most cases, a coastal development permit would still be required in the appeal jurisdiction since a guesthouse can be considered an addition to an existing single-family residence. However, outside the appeal zone, additions to single-family homes do not require a permit (MBMC Section 17.58.020(G)).

At the January 5, 2016 meeting, the Planning Commission recommended that guesthouses throughout the city be subject to approval of some kind of administrative permit as the best means of notifying potentially affected neighbors. The Community Development Manager and Commissioners discussed requiring a minor use permit outside the coastal appeal zone and a coastal development within the appeal zone. (Staff explained that, in the Cloisters, a conditional use permit is required for guesthouses as part of that development's final approval.)

**Staff recommendation:** Require an administrative coastal development permit for guesthouses both inside and outside the Coastal Commission appeal jurisdiction to avoid confusion that might result with different types of permits in different areas. In this way, secondary dwelling units and guesthouses would be subject to the same permit process (except in the Cloisters). This would likely result in a lesser level of review for guesthouses in the appeal jurisdiction, since currently additions of more than 10% of the

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<sup>1</sup> Previously, Ordinances 507 and 576 (also adopted by City Council but never certified by the Coastal Commission) both deleted the minor use permit requirement for guesthouses and stipulated that a property could have only one guesthouse or secondary dwelling unit.

existing floor area of a home require Planning Commission rather than administrative review. (See MBMC Section 17.58.020(G).)

### **3. Only one guesthouse or secondary dwelling unit per lot?**

In 2005, the City Council approved Ordinance 507 (not certified) which expressly prohibited both a secondary dwelling unit and a guesthouse on the same lot, allowing only one or the other. That same language was included in the subsequent Council-adopted Ordinances 576 and 585 (also not certified). The older certified ordinance language does not contain this prohibition.

It has come to staff's attention that in certain circumstances, a property could accommodate both a secondary dwelling unit and a guesthouse/accessory living area. This arrangement would allow a homeowner to provide a secondary dwelling unit, and to utilize a separate guesthouse / accessory living area for overnight guests, a teenager space, a home office, an exercise/art studio, etcetera. This sort of "compound" arrangement may be more suitable to current and future housing trends and might better enable living arrangements that are more responsive to the changing needs of family members over time. Staff did not want to dismiss this consideration without some additional input from the Planning Commission.

Lot size is likely the primary consideration in deciding whether or not a property could accommodate both a secondary dwelling unit and a guesthouse / accessory living area. Other considerations might include slope, environmentally sensitive areas, and possibly parking. Requiring approval of a conditional use permit for projects proposing both should enable adequate review of potential concerns.

**Staff recommendation:** Allow both a secondary dwelling unit and a guesthouse / accessory living area on lots with a minimum of 7,500 square feet subject to approval of a conditional use permit. See shaded language under Section 17.48.315(C) as compared to the language under 17.48.320(A) in the revised Exhibit A. Based on Commission direction, both sections will ultimately include the same standard.

### **4. Reconciling definitions for "guesthouse."**

Zoning ordinance Chapter 17.12 *Definitions* provides a definition for "guesthouse." Section 17.48.315 addresses requirements for "Guesthouses/quarters and accessory living areas." The language in both sections is part definition, part regulation and included below.

17.12.300 *Guesthouse.*

“Guesthouse” means any attached or detached accessory building which does not have enclosed access directly to the interior of the principal residence, which has any bathroom facility and which does not contain a kitchen, cooking facilities or food preparation or storage facilities, and where no compensation in any form is received or paid for use thereof.

17.48.315 *Guesthouses/quarters and accessory living areas.*

A. *Guesthouse Restrictions.*

A guesthouse shall not contain more than six hundred forty (640) square feet of habitable floor area containing not more than one bedroom and bathroom nor shall it exceed thirty (30) percent of the floor area of the main residence, and no cooking or food preparation or food storage facilities shall be provided.

Practically speaking, over time an attached or detached habitable area could be used in a variety of ways, as discussed above regarding the issue of whether to allow only one guesthouse or secondary dwelling per lot. So the designation “Guesthouse / Accessory living area” might a better overall description of the use and structure being addressed. The distinction between this type of use/structure and secondary dwelling units would still be that secondary dwelling units may contain cooking facilities and may be separately rented while a guesthouse / accessory living area may not.

**Staff recommendation:** Consolidate references to guesthouses, guest quarters, and accessory living areas into “Guesthouse / Accessory living area.” Use this same term in Chapter 17.12 and Chapter 17.48.

In Chapter 17.12, provide a new definition as follows:

“Guesthouse / Accessory living area” means a separate attached or detached habitable area that is used in conjunction with a primary residence on the same lot and may have bathroom facilities, but does not contain a kitchen or any cooking or food preparation facilities, and not more than one bedroom.

In Section 17.48.315, outline and clarify requirements and development standards for “Guesthouses /Accessory living areas” similarly to requirements for “Secondary dwelling units” in 17.48.320. Proposed changes are shown in the revised Exhibit A.

**5. Amnesty for non-permitted secondary dwellings.**

At the January 5, 2016 meeting, the Commission indicated support for a two-year

amnesty program that would acknowledge existing non-permitted secondary dwelling units as legal, provided they make any necessary changes to meet requirements of the Uniform Housing Code. The benefits of an amnesty program include improved safety as units are brought into conformance with the Uniform Housing Code and meeting Housing Element goals, since units approved through the program would be considered “new units” for purposes of the city’s Regional Housing Needs Allocation.

Following a similar program established in Pismo Beach, staff recommends that during the two years the amnesty program would be in effect, owners of existing non-permitted units could apply for a special certificate approving the existing unit. Such units would not be required to meet all development standards, but would have to meet Uniform Housing Code standards. Getting approval of these units means the owners can sell their property and assure buyers that the extra unit is legal. Otherwise, they must disclose the illegal status of the unit and buyers must accept the risk.

The two year period would begin when the ordinance is adopted. Applicants would apply for a special inspection. The Building Inspector would inspect the units for compliance with the Uniform Housing Code. If deficiencies are found, the applicant would be able to apply for permits to correct these deficiencies. When corrected, a certificate would be issued and recorded. Legalized units which do not meet the development standards outlined in Section 17.48.320 for secondary dwelling units would be considered nonconforming and subject to the existing provisions of Chapter 17.56 *Nonconforming Uses and Structures*.

**Staff recommendation:** Review the above procedural overview and the proposed new Section 17.48.320(M) in the revised Exhibit A and inform staff if this meets the intent of the Commission recommendation for an amnesty program.

**PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Tribune newspaper on February 5, 2016 as a 1/8 page notice meeting the legal requirements for projects affecting over 1,000 property owners.

**SUMMARY RECOMMENDATION:**

Adopt Resolution 01-16 which forwards a recommendation for approval to the City Council for amendments to the Zoning Ordinance regarding secondary dwelling units, guesthouses, and accessory living areas as shown in revised Exhibit A, attached to the resolution.

**ATTACHMENTS:**

- A: Resolution 01-16 with attached revised Exhibit A
- B: Adopted Ordinance 585
- C: California Government Code sections related to “second units”

ATTACHMENT A

RESOLUTION NO. PC 01-16

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION RECOMMENDING  
THE CITY COUNCIL APPROVE TEXT AMENDMENTS TO TITLE 17 OF THE MORRO  
BAY MUNICIPAL CODE TO ESTABLISH REVIEW PROCEDURES AND  
DEVELOPMENT STANDARDS FOR SECONDARY DWELLING UNITS AND  
GUESTHOUSES

CASE NO.: A00-029 (Local Coastal Program/Zoning Ordinance Amendment)

**WHEREAS**, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on February 16, 2016 for the purpose of considering Local Coastal Program/Zoning Ordinance Amendment A00-029 to establish review procedures and development standards for secondary dwelling units and guesthouses citywide; and

**WHEREAS**, notices of said public hearing were made at the time and in the manner required by law; and

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

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

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

**WHEREAS**, California Government Code §65852.2 encourages cities to establish standards to allow for ministerial secondary dwelling units so as to increase the supply of smaller, affordable housing while ensuring that they remain compatible with the existing neighborhood; and

**WHEREAS**, the General Plan Land Use Element includes residential objectives, which encourage creation of a variety of housing types for all income levels and housing needs; and

**WHEREAS**, Housing Element Policy H-10 (Secondary Units) states, "Allow for the development of secondary housing units as an affordable housing option throughout the city."

**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 Negative Declaration (State Clearing House number 2011101073). The Negative Declaration concluded that proposed text changes to the Local Coastal Program and Zoning Ordinance would not result in any significant adverse impacts to the built or natural environment. Nothing in the proposed revisions materially alters that conclusion.

General Plan and Local Coastal Plan Consistency

1. The proposed amendments are in general conformance with the intent of the City General Plan and Coastal Land Use Plan because they forward the objectives of creating a variety of affordable housing types and, at the same time, ensuring protection of coastal resources.

Exclusion of Secondary Dwelling Units in the CRR Zone

1. Due to the need to minimize traffic impacts, no secondary dwelling units shall be allowed in the CRR zone, pursuant to conditions of approval for the Cloisters development (CUP 28-90, CDP 42-90, and TM 01-90).

**SECTION 2: Action.** The Planning Commission forwards a recommendation to the City Council to approve Local Coastal Program/Zoning Ordinance Amendment A00-029 as contained in Exhibit "A," attached hereto and made a part of this Resolution.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 16th day of February, 2016 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Robert Tefft, Chairperson

ATTEST

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Scot Graham, Community Development Manager

The foregoing resolution was passed and adopted this 16<sup>th</sup> day of February, 2016.

# ATTACHMENT A

## EXHIBIT A

(revised)

*The changes to the City's Zoning Ordinance (Title 17), and Local Coastal Program are shown in underline for additions, while ~~strikethrough~~ indicates deletions. Plain text indicates existing zoning ordinance language to be retained. ***Bold italics*** indicate recommended general changes.*

### CHAPTER 17.12 DEFINITIONS

***Delete Section 17.12.295, definition for "Granny Unit," and replace with new definition for "Secondary Dwelling Unit" as follows:***

#### ~~17.12.295~~ ~~GRANNY UNIT~~

~~"Granny Unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons (accessory to a single family residence in specific zones permitting such use). It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single family dwelling.~~

#### 17.12.295 Secondary dwelling unit.

"Secondary dwelling unit" means a dwelling unit that is detached, or attached and/or located within the primary residential dwelling unit, which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary dwelling. This term also means "second unit" for the purposes of Sections 65852.150 and 65852.2 of the California Government Code.

***Delete Section 17.12.300, definition for "Guesthouse," and replace with new definition for "Guesthouse / Accessory living area" as follows:***

#### ~~17.12.300~~ ~~Guesthouse.~~

~~"Guesthouse" means any attached or detached accessory building which does not have enclosed access directly to the interior of the principle residence, which has any bathroom facility and which does not contain a kitchen, cooking facilities, or food preparation or storage facilities, and where no compensation in any form is received or paid for use thereof.~~

#### 17.12.300 Guesthouse / Accessory living area.

"Guesthouse / Accessory living area" means a separate attached or detached habitable area that is used in conjunction with a primary single-family residence on the same lot and may have bathroom facilities, but does not contain a kitchen or any cooking or food preparation facilities, and not more than one bedroom.

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*In general, replace all references in the Zoning Ordinance to “granny unit” with “secondary dwelling unit”. This includes references in Chapter 17.44, Parking and Chapter 17.24, Primary Districts (discussed below).*

## CHAPTER 17.24 PRIMARY DISTRICTS

*The following changes shall be made to the tables in the Chapter 17.24 in designated areas zoned for single-family and multi-family use:*

*• In the AG, RA, R-1, R-2, R-3, and R-4 districts, delete the requirement for a minor use permit for secondary dwelling units that meet the applicable standards in Section 17.48.320 “Secondary Dwelling Units.”*

*In the AG, R-A, R-1, R-2, R-3, and R-4 districts, delete the requirement for a minor use permit for guesthouses that meet the applicable standards in Section 17.48.315 “Guesthouse / Accessory living area.”*

*• Delete references to “granny unit”.*

## CHAPTER 17.48 GENERAL REGULATIONS, CONDITIONS AND EXCEPTIONS

### 17.48.315 ~~GUESTHOUSES/QUARTERS AND ACCESSORY LIVING AREAS~~ Guesthouse / Accessory living area.

Where provided by this Title, guesthouses and habitable structures for accessory living areas may be permitted in conjunction with a ~~dwelling unit~~ single-family dwelling, subject to these further requirements:

#### A. ~~Guesthouse Restrictions.~~ Size.

A guesthouse / accessory living area shall not contain more than six hundred forty (640) square feet of habitable floor area ~~containing not more than one bedroom and bathroom~~ nor shall it exceed thirty (30) percent of the floor area of the main residence, ~~and no cooking or food preparation or food storage facilities shall be provided.~~

#### B. ~~Use-Permit Requirements.~~

~~A guesthouse may be permitted only after obtaining a Minor Use Permit pursuant to Chapter 17.60. In all cases, the Director shall require the recordation of a deed restriction limiting the use to guest purposes only and prohibiting its rental or occupation as a second unit. Such deed restriction shall be subject to the approval of the City Attorney. (Ord. 288 Exh. B (part), 1986; Ord. 263 § 1 (part), 1984)~~

Guest houses and accessory living areas may be permitted only after obtaining an administrative coastal development permit pursuant to Chapter 17.58 “Coastal Development Permits and Procedures.” In the CRR zone, a Conditional Use Permit is required.

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## C. Location.

Guesthouses and accessory living areas may be established on any lot zoned R-A, R-1, R-2, R-3, R-4, AG and CRR, with the required permit, in accordance with District Tables in Chapter 17.24, where a primary single-family residential use has been previously established or is proposed to be established in conjunction with said unit. (Only one guesthouse / accessory living area or secondary dwelling unit is permitted per one primary single family dwelling on the same lot, except that both may be permitted on lots which are a minimum of 7,500 square feet in size, subject to approval of a Conditional Use Permit.) Guesthouses and accessory living areas are prohibited in the S2.B Overlay.

## D. Development Standards.

Guesthouses and accessory living areas shall comply with all development standards applicable to the zoning of the site on which they are located, including, but not limited to, building height, separation, setbacks, and lot coverage.

## E. Parking.

Additional parking may be required for guesthouses and accessory living areas.

## F. Design.

Guesthouses and accessory living areas shall be consistent and compatible with the architectural style of the main residence and the neighborhood, and shall be located on the same lot as the primary residence.

## G. Covenant Agreement.

Prior to the issuance of construction permits a covenant agreement shall be recorded which discloses the structure's approved floor plan and status as a "guesthouse / accessory living area." This agreement shall be recorded in the office of the county recorder to provide constructive notice to future property owners. The covenant agreement also may contain authorization for inspections, and to allow the city, upon reasonable time and notice, to inspect the premises for compliance with the agreement and to verify continued compliance with requirements of this section and health and safety codes.

## H. No Separate Rental.

A guesthouse / accessory living area may not be rented separately from the primary dwelling unit.

## I. Consistency with the Coastal Act.

Establishment of a guesthouse / accessory living area shall not adversely impact coastal resources such as public access and recreation, public views, and sensitive habitat areas.

# ATTACHMENT A

## 17.48.320 ~~Granny Units~~ Secondary dwelling units.

The purpose of this Section is to provide affordable low- and moderate-income housing. ~~Pursuant to Government Code Section 65852.2, in zones where designated, a permit may be granted allowing a granny second unit on lots where there is one single family residence, subject to the following provisions:~~ The following supplemental regulations are intended to comply with Government Code Sections 65852.150 and 65852.2 on second units and implement the General Plan, by allowing secondary dwelling units subject to the following requirements. Nothing in Government Code Sections 65852.2 or 65852.150 shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act except that the local government shall not be required to hold public hearings for coastal development permit applications for second units. (Government Code Subsection 65852.2(j).) Noticing for interested parties and surrounding properties shall be the same as required for coastal development permits. Approvals of secondary dwelling units in the California Coastal Commission appeal jurisdiction will continue to be appealable to the Coastal Commission.

### ~~A. Minor Use Permit and Deed Restriction Required~~

~~A granny second unit may be permitted only after obtaining a Minor Use Permit pursuant to Chapter 17.60. A deed restriction in a form approved by the City Attorney shall be recorded limiting the use of said real property to residential purposes only.~~

### ~~A.B. Location.~~

~~Said A secondary dwelling unit may be located, as an accessory use, on any lot zoned for single family or multi-family uses zoned R-A, R-1, R-2, R-3, R-4, and AG, in accordance with District Tables in Chapter 17.24, where a primary single-family residential use has been previously established or is proposed to be established in conjunction with said unit. Only one secondary dwelling unit or one guesthouse / accessory living area is permitted per one primary single-family dwelling on the same lot. A secondary dwelling unit may be allowed on any lot zoned AG only if the unit is expressly designated and used for farm laborer quarters.~~

### ~~B.C. Lot Coverage Development Standards.~~

~~Maximum lot coverage allowed for the District that they are located in. Secondary dwelling units shall comply with all development standards applicable to the zoning of the site on which they are located, including, but not limited to, building height, separation, setbacks, and lot coverage.~~

### ~~C.D. Design.~~

~~Said A secondary dwelling unit shall be consistent and compatible with the architectural style of the main residence and the neighborhood, and shall be located on the same lot as the primary residence.~~

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## D.E. Size.

~~The total floor area, not including a garage, for a granny second unit shall not exceed 1,200 square feet. The total floor area, including a garage, for a detached secondary dwelling unit shall not exceed the lesser of 900 square feet, as per State guidelines, or fifty percent of the living area of the single-family dwelling on the same lot, except as provided below. The increased floor area of an attached secondary dwelling unit shall not exceed 30 percent of the existing living area. Up to 1,200 square feet may be allowed for a detached secondary dwelling unit with a Conditional Use Permit pursuant to Chapter 17.60 "Use Permits, Procedures, Notices and Variances."~~

## E.F. Parking.

~~A minimum of one additional parking space per bedroom, not to exceed two spaces, shall be provided. The parking spaces may be open and uncovered and may be located in setback areas, however they may not be in tandem with the required parking of the principal dwelling unit. Where more than one space is required for a secondary dwelling unit, tandem spaces shall only be allowed with a Conditional Use Permit pursuant to Chapter 17.60. The principal dwelling unit must conform to the parking requirements of Chapter 17.44 "Off-Street Parking and Loading." Off-street parking shall be permitted in setback areas or through tandem parking, unless the following specific findings are made:~~

- ~~1. That parking in setback areas or tandem parking is not feasible based upon specific site topography constraints or adverse fire and life safety conditions, or~~
- ~~2. That it is not permitted anywhere else in the City.~~

## G. Water Equivalencies and Other Public Facilities.

~~The developer shall obtain and/or pay for all applicable water equivalency and other public facility improvements at the standard set for an apartment unit prior to issuance of a building permit, but will not be subject to a residential unit allocation under the provisions of Measure F.~~

## H. Compliance with Title 14.

~~A granny secondary dwelling unit shall be in conformance with all applicable provisions of Title 14 of the Morro Bay Municipal Code in addition to the applicable requirements for height, setback, lot coverage, etc. pursuant to the provisions of Chapter 17.24.~~

## F. Water Service and Meter Requirements.

~~A separate water service and meter is required for detached secondary dwelling units pursuant to Title 13 of the Morro Bay Municipal Code. An attached secondary dwelling unit may be served by a separate water service and meter or may share the water service and meter with the primary single-family dwelling.~~

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## G. Permit Requirements.

No use permit shall be required for secondary dwelling units except as noted in this section and where a secondary dwelling unit is proposed as an addition to a nonconforming structure pursuant to Chapter 17.56 “Nonconforming Uses and Structures.” An administrative Coastal Development Permit, which does not require approval at a Planning Commission hearing but does require noticing, shall be required for secondary dwelling units in or outside the coastal appeals jurisdiction.

## H. Prohibited Use as Vacation Rental.

Secondary dwelling units shall not be rented as vacation rentals.

## I. Consistency with the Coastal Act.

Establishment of a secondary dwelling unit shall not adversely impact coastal resources such as public access and recreation, public views, and sensitive habitat areas.

## J. Density.

A secondary dwelling unit which conforms to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which it is located.

## K. No Subdivision of Property.

The secondary dwelling unit shall not be sold separately and no subdivision of property shall be allowed where a secondary dwelling unit has been established unless the subdivision meets all requirements of zoning and subdivision regulations. Nothing in this section shall prohibit joint ownership of the property where a secondary dwelling unit has been established.

## L. Covenant Agreement.

Prior to the issuance of construction permits a covenant agreement shall be recorded which discloses the structure’s approved floor plan and status as a “secondary dwelling unit.” This agreement shall be recorded in the office of the county recorder to provide constructive notice to all future owners of the property. The covenant agreement also may contain authorization for inspections, and to allow the city, upon reasonable time and notice, to inspect the premises for compliance with the agreement and to verify continued compliance with requirements of this section and health and safety codes.

## M. Acceptance of Existing Secondary Dwelling Units.

1. Exemption. Existing secondary dwelling units that meet the requirements of the Uniform Housing Code, as determined by the Building Inspector, on lots that include the required number of parking spaces for both the primary and secondary dwelling units, are exempt from the unit size and design requirements of this section.

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2. Acceptance Certificate Required. To obtain an Acceptance Certificate, owners of units existing at the time of adoption of this ordinance must file an application with the Community Development Department for acceptance of the unit within two years of adoption of this ordinance (by DATE).

a. Application and Procedure. An application for a certificate filed within two years of adoption of this ordinance (by DATE), must include a site and floor plan, documentation of ownership, additional materials as required to establish the approximate date the unit was built, and a fee as established by City Council resolution. Upon receipt of the application, the Building Inspector will schedule an inspection. If the unit meets basic health and safety standards as identified in the Uniform Housing Code, an Acceptance Certificate will be issued and the address will be entered into the City's database indicating the secondary dwelling unit is legal. Secondary dwelling units which receive a certificate but do not meet site development standards will be considered legal nonconforming units.

## Chapter 17.58 COASTAL DEVELOPMENT PERMITS AND PROCEDURES

### 17.58.020(G) Additions to Single-Family Homes.

2.b. Regular coastal permit required for additions greater than ten percent of gross floor area, fences, garages, and other ancillary structures; ~~including secondary units (secondary dwelling units)~~ .

### 17.58.020(I) Secondary Dwelling Units.

Administrative coastal permits will be required for the establishment of secondary dwelling units within the coastal zone both inside and outside the California Coastal Commission appeal jurisdiction.

### 17.58.020(J) Guesthouses / Accessory Living Areas.

Administrative coastal permits will be required for the establishment of guesthouses accessory living areas within the coastal zone, both inside and outside the California Coastal Commission appeal jurisdiction.

# **ATTACHMENT B**

## **ORDINANCE NO. 585**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA ANNOUNCING FINDINGS AND ADOPTING AMENDMENTS TO TITLE 17 OF THE MUNICIPAL CODE TO ESTABLISH PROVISIONS FOR MINISTERIAL REVIEW OF SECONDARY DWELLING UNITS AND GUESTHOUSES IN ALL ZONES WHERE SINGLE-FAMILY HOMES ARE A PERMITTED USE**

THE CITY COUNCIL  
City of Morro Bay, California

Case No. A00-013 (Local Coastal Plan/Zoning Ordinance Amendment)

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

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

**WHEREAS**, California Government Code §65852.2 requires cities to establish standards to allow for ministerial secondary dwelling units so as to increase the supply of smaller, affordable housing while ensuring that they remain compatible with the existing neighborhood; and

**WHEREAS**, the proposed amendments meet the intent of State Law by providing for an option to build a secondary dwelling unit or guest house in all zones that permit single family dwellings and have no more than one single family home existing on the property; and

**WHEREAS**, on December 7, 2011, after a duly noticed PUBLIC HEARING, the Planning Commission of the City of Morro Bay did forward a recommendation, by adoption of Planning Commission Resolution No. 01-11 that the City Council amend Title 17 (Zoning Ordinance) to comply with the Government Code §65852.2; and

**WHEREAS**, on March 13, 2012, the City Council of the City of Morro Bay did hold a duly noticed PUBLIC HEARING to consider the amendment regulating Secondary Units and Guesthouses as contained in Ordinance 576; and

**WHEREAS**, on October 16, 2013, the Planning Commission of the City of Morro Bay, after a duly noticed PUBLIC HEARING, did reconsider zoning code amendments in Ordinance

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576 and did forward a recommendation by motion the City Council amend Title 17 (Zoning Ordinance) to comply with the Government Code §65852.2; and

**WHEREAS**, on April 22, 2014, the City Council of the City of Morro Bay did hold a duly noticed PUBLIC HEARING to consider the amendment regulating Secondary Units and Guesthouses as contained in attached Exhibit “A;” and

**WHEREAS**, the City Council finds a Negative Declaration was prepared to evaluate the environmental impacts of this Ordinance, and determined no significant impacts would result from the adoption of this Ordinances; and

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

**NOW, THEREFORE**, the City Council of the City of Morro Bay does ordain, as follows:

**SECTION 1:** The City Council finds:

1. The above recitations are true and correct and constitute the findings of the Council in this matter.
2. The Zoning Ordinance Amendment proposal is consistent with the Government Code §65852.2 and includes similar language, which was previously in effect.
3. The previous amendments to the City’s Zoning Ordinance, adopted by Ordinance 576, did not reflect the values of the community.
4. The proposed Zoning Ordinance Amendments will not be injurious or detrimental to the health, safety, comfort, general welfare or well-being of the persons residing or working in the neighborhood.
5. The proposed amendment is in general conformance with the City’s General Plan and Local Coastal Plan.
6. The Local Coastal Program Implementation Program (Zoning Ordinance) Amendments are in compliance with the intent, objectives, and all applicable policies and provisions of the California Coastal Act; and
7. Pursuant to Morro Bay Municipal Code Section 17.64.080, no amendment to Title 17 shall be legally effective in the coastal zone until the amendment is certified by the

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Coastal Commission. If the Coastal Commission certifies this Ordinance conditioned on substantive changes being made, then the Council will introduce and adopt another ordinance to incorporate those substantive changes. If the Coastal Commission certifies this Ordinance conditioned on non-substantive changes being made to this Ordinance, then the City Clerk is authorized to amend this Ordinance to reflect those non-substantive changes.

SECTION 2: The City Council hereby repeals Ordinance 507 and Ordinance 576.

SECTION 3: Based upon all the foregoing, Title 17 of Morro Bay Municipal Code (Zoning Ordinance) is amended as contained in Exhibit "A," attached hereto and made a part of this Ordinance:

**INTRODUCED** at the regular meeting of the City Council held on the 22<sup>nd</sup> day of April 2014, by motion of \_\_\_\_\_ and seconded by \_\_\_\_\_.

**PASSED, APPROVED, AND ADOPTED**, by the City Council of the City of Morro Bay, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the following vote to wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

\_\_\_\_\_  
Jamie L. Irons, Mayor  
City of Morro Bay

\_\_\_\_\_  
Jamie Boucher, City Clerk  
City of Morro Bay

APPROVED AS TO FORM:

# ATTACHMENT B

---

Joseph W. Pannone  
City Attorney

# ATTACHMENT B

## EXHIBIT A

The changes to the City's secondary dwelling unit ordinance (Title 17), and Local Coastal Program are shown in underline for additions, while ~~strikethrough~~ indicates deletions. **Bold** represents Planning Commission recommendations made at their October 16, 2013 meeting.

### CHAPTER 17.12 DEFINITIONS

Delete Section 17.12.295, definition for "Granny Unit", and replace with:

#### ~~17.12.295~~ ~~GRANNY UNIT~~

~~"Granny Unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons (accessory to a single family residence in specific zones permitting such use). It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single family dwelling.~~

#### **17.12.295 Secondary Dwelling Unit.**

"Secondary dwelling unit" means an attached, ~~or~~ detached or located within the residential dwelling unit, which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling. This term also means "second unit" for the purposes of Sections 65852.150 and 65852.2 of the California Government Code.

(\*In general, replace all references in the Zoning Ordinance to "granny unit" with "secondary dwelling unit". This includes references in Chapter 17.44, Parking and Chapter 17.24, Primary Districts (discussed below).)

### CHAPTER 17.24 PRIMARY DISTRICTS

The following changes apply to areas zoned for single-family and multi-family use, including the AG, RA, R-1, R-2, R-3, R-4, and CRR districts.

- Allow, by-right, secondary dwelling units that meet the applicable standards in Section **17.48.320**
- Delete references to "granny unit".

#### **17.48.315 GUESTHOUSES/QUARTERS AND ACCESSORY LIVING AREAS**

Where provided by this Title, guesthouses/quarters and habitable structures for accessory living area may be permitted in conjunction with a dwelling unit, subject to these further requirements:

##### A. Guesthouse Restrictions

A guesthouse shall not contain more than six hundred forty (640) square feet of habitable floor area containing not more than one bedroom and bathroom nor shall it exceed thirty (30) percent of the floor area of the main residence, and no cooking or food preparation or food storage facilities shall be provided.

# ATTACHMENT B

## ~~B. Use Permit Requirements~~

~~A guesthouse may be permitted only after obtaining a Minor Use Permit pursuant to Chapter 17.60. In all cases, the Director shall require the recordation of a deed restriction limiting the use to guest purposes only and prohibiting its rental or occupation as a second unit. Such deed restriction shall be subject to the approval of the City Attorney. (Ord. 288 Exh. B (part), 1986; Ord. 263 § 1 (part), 1984)~~

B. Location. Guesthouses may be established on any lot in any R or AG district where a primary single-family dwelling has been previously established or is proposed to be established in conjunction with construction of a guesthouse. Only one-guesthouse or second unit is permitted per one primary single-family dwelling on the same lot.

## **17.48.320 GRANNY SECONDARY UNITS**

The purpose of this Section is to provide affordable low- and moderate-income housing. ~~Pursuant to Government Code Section 65852.2, in zones where designated, a permit may be granted allowing a granny second unit on lots where there is one single family residence, subject to the following provisions: The following supplemental regulations are intended to comply with Government Code Sections 65852.150 and 65852.2 on second units and implement the General Plan, by allowing second units in all R districts subject to the following requirements. Nothing in Government Code Sections 65852.2 or 65852.150 shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act except that the local government shall not be required to hold public hearings for coastal development permit applications for second units.” (Government Code Subsection 65852.2(j).) Noticing for interested parties and those properties within 100 feet of a secondary unit property will be required. Approvals of second units in the appealable zone will continue to be appealable to the Coastal Commission.~~

## ~~A. Minor Use Permit and Deed Restriction Required~~

~~A granny second unit may be permitted only after obtaining a Minor Use Permit pursuant to Chapter 17.60. A deed restriction in a form approved by the City Attorney shall be recorded limiting the use of said real property to residential purposes only.~~

## A.B. Location

Said unit may be located, as an accessory use, on any lot zoned for single-family or multi-family uses in accordance with the District Tables in Chapter 17.24 where a primary residential use has been previously established or proposed to be established in conjunction with said unit. Only one second unit or one guesthouse is permitted per one primary single-family dwelling on the same lot.

# ATTACHMENT B

## B.C. Lot Coverage

Maximum lot coverage allowed for the District that they are located in.

## C.D. Design

~~Said unit shall be consistent with the architectural style of the main residence and the neighborhood, and shall be located on the same lot as the primary residence.~~  
The unit shall be consistent and/or reasonably compatible with the architectural style of the main residence and the neighborhood, and shall be located on the same lot as the primary residence.

## D.E. Size

~~The total floor area, not including a garage, for a granny second unit shall not exceed 1,200 square feet. The total floor area, not including a garage, for a detached secondary unit shall not exceed 900 square feet as per State guidelines, except as provided below. The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area. Up to 1,200 square feet may be allowed with a Conditional Use Permit pursuant to Chapter 17.60.~~

## E. Parking

A minimum of one additional parking space per bedroom, not to exceed two spaces, shall be provided. ~~The parking spaces can be open and uncovered, however may not be in tandem with the required parking of the principal dwelling unit but can be located in setback areas and in tandem if both spaces are for the secondary unit and where more than one space is required for a secondary unit, tandem spaces shall only be allowed with a Conditional Use Permit pursuant to Chapter 17.60.~~ The principal dwelling unit must conform to the parking requirements of Chapter 17.44 "Off-Street Parking and Loading." Off-street parking shall be permitted in setback areas or through tandem parking, unless the following specific findings are made:

- ~~1. That parking in setback areas or tandem parking is not feasible based upon specific site topography constraints or adverse fire and life safety conditions, or~~
- ~~2. That it is not permitted anywhere else in the City.~~

~~F. Parking. One additional parking space shall be provided for each second unit with one bedroom and two additional parking spaces shall be provided for units with two or more bedrooms. (not including bathrooms and kitchens). The parking first space must be covered while the second space can be open and uncovered, however neither may be in tandem with required parking of the principal dwelling unit or secondary unit, and cannot be located in the front or street side setback area. The principal dwelling unit must conform to the parking requirements of Chapter 17.244: Off Street Parking and Loading.~~

# ATTACHMENT B

~~G. Water Equivalencies and Other Public Facilities~~

~~The developer shall obtain and/or pay for all applicable water equivalency and other public facility improvements at the standard set for an apartment unit prior to issuance of a building permit, but will not be subject to a residential unit allocation under the provisions of Measure F.~~

F. Compliance with Title 14

A secondary unit shall be in conformance with all applicable provisions of Title 14 of the Morro Bay Municipal Code in addition to the applicable requirements for height, setback, lot coverage, etc. pursuant to the provisions of Chapter 17.24.



# California

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### GOVERNMENT CODE - GOV

**TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

**DIVISION 1. PLANNING AND ZONING [65000 - 66103]** (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

**CHAPTER 4. Zoning Regulations [65800 - 65912]** (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.*)

**ARTICLE 2. Adoption of Regulations [65850 - 65863.13]** (*Article 2 added by Stats. 1965, Ch. 1880.*)

**65852.2.** (a) (1) Any local agency may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones. The ordinance may do any of the following:

(A) Designate areas within the jurisdiction of the local agency where second units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow.

(B) Impose standards on second units that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Provide that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of second units.

(b) (1) When a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following:

(A) The unit is not intended for sale and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.

(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements which apply to detached dwellings, as appropriate.

- (1) Approval by the local health officer where a private sewage disposal system is being used, if required.
- (2) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.
- (3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.
- (4) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subdivision.
- (5) A second unit which conforms to the requirements of this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- (c) No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.
- (d) A local agency may establish minimum and maximum unit size requirements for both attached and detached second units. No minimum or maximum size for a second unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which does not permit at least an efficiency unit to be constructed in compliance with local development standards.
- (e) Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.
- (f) Fees charged for the construction of second units shall be determined in accordance with Chapter 5 (commencing with Section 66000).
- (g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.
- (h) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) or (c) to the Department of Housing and Community Development within 60 days after adoption.
- (i) As used in this section, the following terms mean:
- (1) "Living area," means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- (2) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.
- (4) "Second unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes the following:
- (A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for second units.

*(Amended by Stats. 2002, Ch. 1062, Sec. 2. Effective January 1, 2003.)*



# California

## LEGISLATIVE INFORMATION

Code:  Section:   [Up^](#) [<< Previous](#) [Next >>](#)[cross-reference chaptered bills](#)[PDF](#)[Add To My Favorites](#)**GOVERNMENT CODE - GOV****TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)**DIVISION 1. PLANNING AND ZONING [65000 - 66103]** (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)**CHAPTER 4. Zoning Regulations [65800 - 65912]** (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.*)**ARTICLE 2. Adoption of Regulations [65850 - 65863.13]** (*Article 2 added by Stats. 1965, Ch. 1880.*)

**65852.150.** The Legislature finds and declares that second units are a valuable form of housing in California. Second units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods. Homeowners who create second units benefit from added income, and an increased sense of security.

It is the intent of the Legislature that any second-unit ordinances adopted by local agencies have the effect of providing for the creation of second units and that provisions in these ordinances relating to matters including unit size, parking, fees and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create second units in zones in which they are authorized by local ordinance.

*(Added by Stats. 1994, Ch. 580, Sec. 1. Effective January 1, 1995.)*



AGENDA NO: B-2

MEETING DATE: February 16, 2015

## Staff Report

**TO:** Planning Commissioners

**DATE:** February 16, 2016

**FROM:** Joan Gargiulo, Assistant Planner

**SUBJECT:** Conditional Use Permit (#UP0-438) and Parking Exception (#AD0-105) request to allow for an addition to an existing single-family residence with a nonconforming garage at 225 Kern Avenue.

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by approving Planning Commission **Resolution 06-16** which includes the Findings and Conditions of Approval for the project depicted on site development plans date stamp received January 14, 2016.

**APPLICANTS:** Lisa Curtis

**AGENT:** Bob Crizer, Crizer Construction, Inc.

**LEGAL DESCRIPTION/APN:** 066-263-011

**PROJECT DESCRIPTION:**

The Applicant is requesting Conditional Use Permit and Parking Exception approval for a 122 sq. ft. addition of habitable floor area and 133 sq. ft. of additional decking to an existing 1,098 sq. ft. nonconforming single-family residence. The existing garage is nonconforming because it provides for only one covered and enclosed parking space, there are inadequate front and side-yard setbacks, and insufficient building separation between the garage and the residential structure as discussed below in the 'Project Analysis' section.



Prepared By: JG

Department Review: \_\_\_\_\_

**PROJECT SETTING:**

The project is located in a residential neighborhood in central Morro Bay, south of Ridgeway Street, west of the State Park, and north of the golf course. The rectangular-shaped 5,750 square-foot lot slopes down to the west and is located within the R-1 Single-Family Residential Zoning District. Housing in the surrounding area includes a mix of one and two-story single-family dwelling units. The site is located outside of the Coastal Commission Appeals Jurisdiction.

<b>Adjacent Zoning/Land Use</b>			
North:	R-1 Single-Family Residential Use	South:	R-1 Single-Family Residential Use
East:	R-1 Single-Family Residential Use	West:	R-1 Single-Family Residential Use

<b>Site Characteristics</b>	
Site Area	Approximately 5,750 square feet
Existing Use	Single-Family residential
Terrain	Sloping and developed
Vegetation/Wildlife	Ornamental landscaping
Archaeological Resources	n/a
Access	Kern Avenue

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

**PROJECT ANALYSIS:**

**Background**

County Assessor records indicate the existing house was built in 1949 with a one-car garage, similar to other homes in the neighborhood. The residential use is consistent with the General Plan designation of Low-Medium Density Residential and with the Single-Family Residential (R-1) Zoning designation.



Existing Street Views

<b>Zoning Ordinance Standards</b>		
	<b>Standards</b>	<b>Proposed</b>
<b>Front Setback</b>	20 feet	<b>10'9"</b>
<b>Rear Setback</b>	5 feet	20'3"
<b>Side-Yard Setback</b>	5 feet	5 feet
<b>Garage Side Setback</b>	1 foot	<b>0 feet</b>
<b>Lot Coverage</b>	Max 45%	39%
<b>Parking</b>	2 Car Garage	<b>1 Car Garage</b>
<b>Building Separation</b>	6 feet	<b>3 feet</b>

### **Zoning Ordinance Consistency**

Current requirements of the Morro Bay City Zoning Ordinance (the “Zoning Ordinance”) for setbacks and parking render the existing structure nonconforming. However, additions to nonconforming structures may be permitted with approval of a conditional use permit, subject to certain findings (Morro Bay Municipal Code (MBMC) section 17.56.160). Similarly, the Zoning Ordinance allows for exceptions to parking standards, subject to certain findings (section 17.44.050).

### **Setbacks and Building Separation**

The existing residence does not conform to the 20 foot front-yard setback requirement noted in Section 17.24.040 of the Zoning Ordinance. The existing front setback of 10’9” is therefore nonconforming. The existing side-yard setback along the garage on the south side of the lot is also nonconforming. As noted in Section 17.48.045, detached garage buildings may encroach up to one foot from the side property line; the existing garage building at 225 Kern is located along the property line with zero setback. Also, the garage building is only 3 feet away from the residential structure where 6 feet is the required minimum pursuant to MBMC Section 17.48.045.

### **Parking**

The existing home and garage were built in an era when it was typical to provide covered parking for only one car while the Zoning Ordinance requires two covered and enclosed parking spaces for single-family dwellings (MBMC Section 17.44.020). The applicant is proposing to provide one covered space in the garage and one space parallel to the public right-of-way along the front property line. The property is adequate in length to accommodate a parked car. For individual residences one tandem parking space may be allowed subject to approval of a parking exception (MBMC section 17.44.050). Exceptions to parking standards require the following findings to be made:

1. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the reduced parking or alternative to the parking design standards of this chapter will be adequate to accommodate on the site all parking needs generated by the use.

*Single-family dwellings are required to provide two parking spaces. If the uncovered and unenclosed parking space is approved, then the project would meet that requirement. The area of the parcel adjacent to the public right-of-way is adequate to accommodate a parked car. Many dwellings within the City have one-car garages.*

2. The exception will not adversely affect the health, safety, or general welfare of persons working or residing in the vicinity and that no traffic safety problems will result from the proposed modification of the parking standard.

*The proposed parking space will not result in traffic safety problems at this location because the parking area will be outside the right-of-way; sight distance is adequate for vehicles maneuvering into and out of the driveway.*

3. The exception is reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property.

*The applicant's parking proposal is reasonable given similar parking arrangements in the project vicinity and given the footprint and construction of the existing building.*

#### **Conditional Use Permit Requirement**

The Zoning Ordinance, subsection 17.56.160B, requires approval of a conditional use permit for projects proposing additions in excess of 25% of the existing floor area to a nonconforming structure. The project proposes to construct a 122 square-foot addition to an existing 1,098 square-foot single-family residence and a 133 sq. ft. addition to the existing deck in the rear. As noted above, the structure is nonconforming with regard to the front and side-yard setbacks as well as the requirement for two covered and enclosed parking spaces. Approval of a Conditional Use Permit requires the following findings to be made:

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

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

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

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

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

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

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

*Major reconstruction would be necessary to meet required front and side-yard setbacks along the property lines and to accommodate a two-car garage.*

**ENVIRONMENTAL DETERMINATION:**

Staff determined that the project meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15301 Class 1. The exemption applies to additions to existing structures of less than 50% of existing floor area and will have no potentially significant environmental impacts. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

**PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Tribune newspaper on February 6, 2016, 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.

**CONCLUSION:**

The project is consistent with the General Plan and Local Coastal Plan which established five residential land use categories to provide for a wide range of densities and to ensure residential land is developed to a density suitable to its location and physical characteristics. The project is consistent with the Zoning Ordinance because housing is a principally allowed use in the Low/Medium Density land use designation and because the Zoning Ordinance allows additions to nonconforming structures and tandem parking upon approval of a conditional use permit (MBMC section 17.56.160) and a parking exception (MBMC section 17.44.050).

**RECOMMENDATION:**

Staff recommends the Planning Commission approve the requested Conditional Use Permit #UPO-438 for the proposed addition to a nonconforming structure and approve

Parking Exception #ADO-105 for the project at 225 Kern Avenue, as shown on plans date stamped received January 14, 2016, by adopting Planning Commission **Resolution 06-16** which includes the Findings and Conditions of Approval for the project.

**EXHIBITS:**

Exhibit A – Planning Commission Resolution 06-16

Exhibit B – Graphics/Plan Reductions date stamped January 14, 2016

# Exhibit A

## RESOLUTION NO. PC 06-16

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION  
ADOPTING A CLASS 1 CATEGORICAL EXEMPTION, AND APPROVING  
CONDITIONAL USE PERMIT (UP0-438) TO ALLOW AN ADDITION EXCEEDING  
25% OF THE EXISTING FLOOR AREA TO A NONCONFORMING RESIDENTIAL  
STRUCTURE AND APPROVING A PARKING EXCEPTION (AD0-105) TO ALLOW  
AN UNCOVERED AND UNENCLOSED PARKING SPACE OUTSIDE OF THE  
RIGHT-OF-WAY TO PROVIDE THE SECOND REQUIRED PARKING SPACE  
AT 225 KERN AVENUE

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on February 16, 2016, for the purpose of considering Conditional Use Permit UP0-438 and Parking Exception AD0-105 for a proposed addition to a nonconforming single-family home and an uncovered and unenclosed parking space at 225 Kern Avenue; and

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

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

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

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

### California Environmental Quality Act (CEQA) Findings

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15301, Class 1 for additions to existing structures of less than 50% of existing floor area and will have no potentially significant environmental impacts. Furthermore, the Director has determined that none of the exceptions to this Categorical Exemption set forth in CEQA Guidelines, section 15300.2 apply to this project.

### Conditional Use Permit Findings

1. The project is consistent with the General Plan and Local Coastal Plan which establish five residential land use categories to provide for a wide range of densities and to ensure that residential land is developed to a density suitable to its location and physical characteristics.

# Exhibit A

Planning Commission Resolution 06-16

UPO-438 and ADO-105

225 Kern Avenue

Page 2

2. The proposed additions are in conformance with all applicable provisions of the Morro Bay City Zoning Ordinance (the “Zoning Ordinance”), including building height, setbacks, and lot coverage.
3. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use since the applicant is required to submit a complete building permit application and obtain the required building permit prior to construction.
4. The project is suitable for conforming uses and will not impair the character of the zone in which it exists because it proposes additions to a single-family dwelling, which is an allowed use in the R-1 zone and the surrounding neighborhood is developed with single-family residential dwellings.
5. It is not feasible to make the structure conforming without major reconstruction of the existing structure. Major reconstruction would be necessary to meet required front yard setback and to accommodate a two-car garage.

## Parking Exception Findings

1. The exceptions will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the reduced parking or alternative design to the parking design standards of this chapter will be adequate to accommodate on the site all parking needs generated by the use. With approval of the exception, two required parking places will be provided on site consistent with the Zoning Ordinance requirements.
2. The exception to allow an uncovered and unenclosed parking space will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity and no traffic safety problems will result from the proposed modification of the parking standard because the parking area will not conflict with existing traffic patterns in the right-of-way.
3. The exception is reasonably necessary for the applicant’s full enjoyment of uses similar to those upon the adjoining real property, given the footprint and construction of the existing building on a small residential lot.

**Section 2. Action.** The Planning Commission does hereby approve Conditional Use Permit UP0-438 and Parking Exception AD0-105 for property located at 225 Kern Avenue subject to the following conditions:

## **STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report dated February 16, 2016, for the project at 225 Kern Avenue depicted on plans date stamped January 14, 2016, on file with the Community Development Department, as modified by

# Exhibit A

- these conditions of approval, and more specifically described as follows: Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Manager (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
  3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Manager. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
  4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
  5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
  6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion

# Exhibit A

Planning Commission Resolution 06-16

UPO-438 and ADO-105

225 Kern Avenue

Page 4

of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

## **PLANNING CONDITIONS**

1. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.
2. Construction Hours: Pursuant to MBMC subsection 9.28.030.I, Construction or Repairing of Buildings, the erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the 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.
3. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
4. Conditions of Approval: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
5. Future Additions: Any future additions to the residence shall require review and approval by the Planning Commission.

## **BUILDING CONDITIONS**

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

## **FIRE CONDITIONS**

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

For the fire and life safety of the building occupants, we strongly recommend installation of automatic fire sprinklers, in accordance with NFPA 13-D.

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

Applicant shall provide Carbon Monoxide detection in accordance with CRC R315.2.

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

Applicant shall include above language on Building Plan submittal.

4. Burning Prohibited. Open burning, bon fires, recreational fires, and all other outdoor fires are prohibited.

Exception: Barbeques and portable outdoor fireplaces that conform with the following provisions are allowed.

- a) Fires shall be conducted at a safe distance from and in accordance with the applicable manufacturer's instructions to prevent the spread of fire to adjacent structures or other combustible materials.
- b) Fire shall be contained in a non-combustible container, not to exceed 3 feet in diameter and 2 feet in height.
- c) Fuel loading shall not exceed 3 feet in diameter or 2 feet in height.
- d) Fire shall be fueled by propane, natural gas, charcoal, dried wood, commercial fire logs, or pellets. Fuels shall not include green waste, yard trimmings, pressure treated wood, trash, plastic, or other noxious or hazardous materials.
- e) Ground fires, sub-surface or pit fires, and earth floored fire rings are prohibited.
- f) If in the opinion of the Fire Chief or his or her designee, a fire is potentially hazardous or smoke is causing a nuisance, the fire shall be extinguished immediately.

# Exhibit A

Planning Commission Resolution 06-16

UPO-438 and ADO-105

225 Kern Avenue

Page 6

5. Sheet A-2 depicts a Future Gas Fire Bowl, applicant shall comply with the above language as contained in Morro Bay Municipal Code (Section 14.08.090 (F)).

## **PUBLIC WORKS CONDITIONS**

1. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements to protect water quality and control runoff flow from new and redevelopment projects. The requirements can be found in the Stormwater management guidance manual on the City's website [www.morro-bay.ca.us/EZmanual](http://www.morro-bay.ca.us/EZmanual). Projects with more than 2,500 sq ft of new or redeveloped impervious area are subject to additional requirements. Complete and submit the "SFR Performance Requirement Determination Form".
2. Grading and Drainage: Indicate on plans the existing and updated contours, drainage patterns, spot elevations, finish floor elevation and all existing and proposed drainage pipes and structures.
3. Erosion and Sediment Control Plan: For small projects less than one acre and less than 15% slope, provide a standard erosion and sediment control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.

Add the following Notes to the Plans:

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

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 16th day of February, 2016 on the following vote:

AYES:

NOES:

ABSENT:

# Exhibit A

Planning Commission Resolution 06-16  
UPO-438 and ADO-105  
225 Kern Avenue  
Page 7

ABSTAIN:

---

Robert Tefft, Chairperson

ATTEST

---

Scot Graham, Planning Secretary

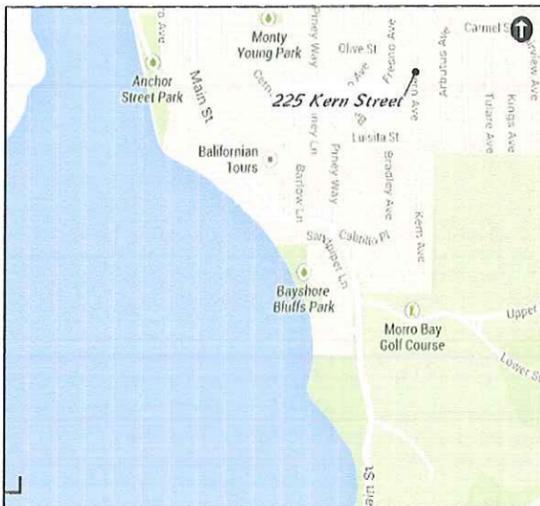
The foregoing resolution was passed and adopted this 16th day of February 16, 2016.

EXHIBIT B

# Curtis Addition

## Morro Bay, CA

Vicinity Map



Project Data

Lot size: 5,750 sq. ft.  
 Existing Residence 1,098 sq. ft.  
 Existing Deck 600 sq. ft.  
 Existing Garage 300 sq. ft.  
 Existing Totals 1,998 sq. ft.  
 Total existing lot coverage 35%  
 Proposed addition 122 sq. ft.  
 Proposed deck addition 133 sq. ft.  
 Total proposed lot coverage 2,253  
 Total proposed lot coverage 39%

OCCUPANCY:

Single Family Dwelling: R-1

CONSTRUCTION TYPE:

Group R div. 3

Sheet Index

- T-1 Title Sheet
- C-1 Site / Roof Plan
- A-1 Existing/Demo Plan
- A-2 Proposed Floorplan
- A-3 Existing Elevations
- A-4 Proposed Elevations
- S-1 Deck Framing
- S-2 Foundation Plan
- S-3 Roof Framing Plan
- D-1 Framing Elevation
- D-2 Framing Section

Consultants

**Owner:** Lisa Curtis  
 225 Kern Street  
 Morro Bay, CA 93442

**Designer:** Crizer Design Company, Inc.  
 P.O. Box 6952  
 Los Osos, CA 93412  
 (805) 528-4812  
 (805) 528-2325 (Fax)

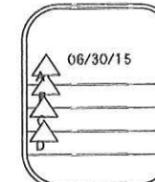
**Contractor:** Crizer Construction, Inc.  
 License #433754  
 P.O. Box 6952  
 Los Osos, CA 93412  
 (805) 528-4812  
 (805) 528-2325 (Fax)

**Structural Engineer:**  
 MKSE.  
 P.O. Box 486  
 Morro Bay, CA 93442  
 805-540-8494  
 mk@mk-se.com

**Energy Consultant:**  
 Carstairs Energy  
 1019 L.O.V.R.  
 Los Osos, CA 93402  
 805-904-9048  
 title24@carstairsenergy.com

JAN 14 2016

City of Morro Bay  
 Community Development Dept.



Legal Description:  
 APN : 066-263-011  
 Lot  
 City Of Morro Bay

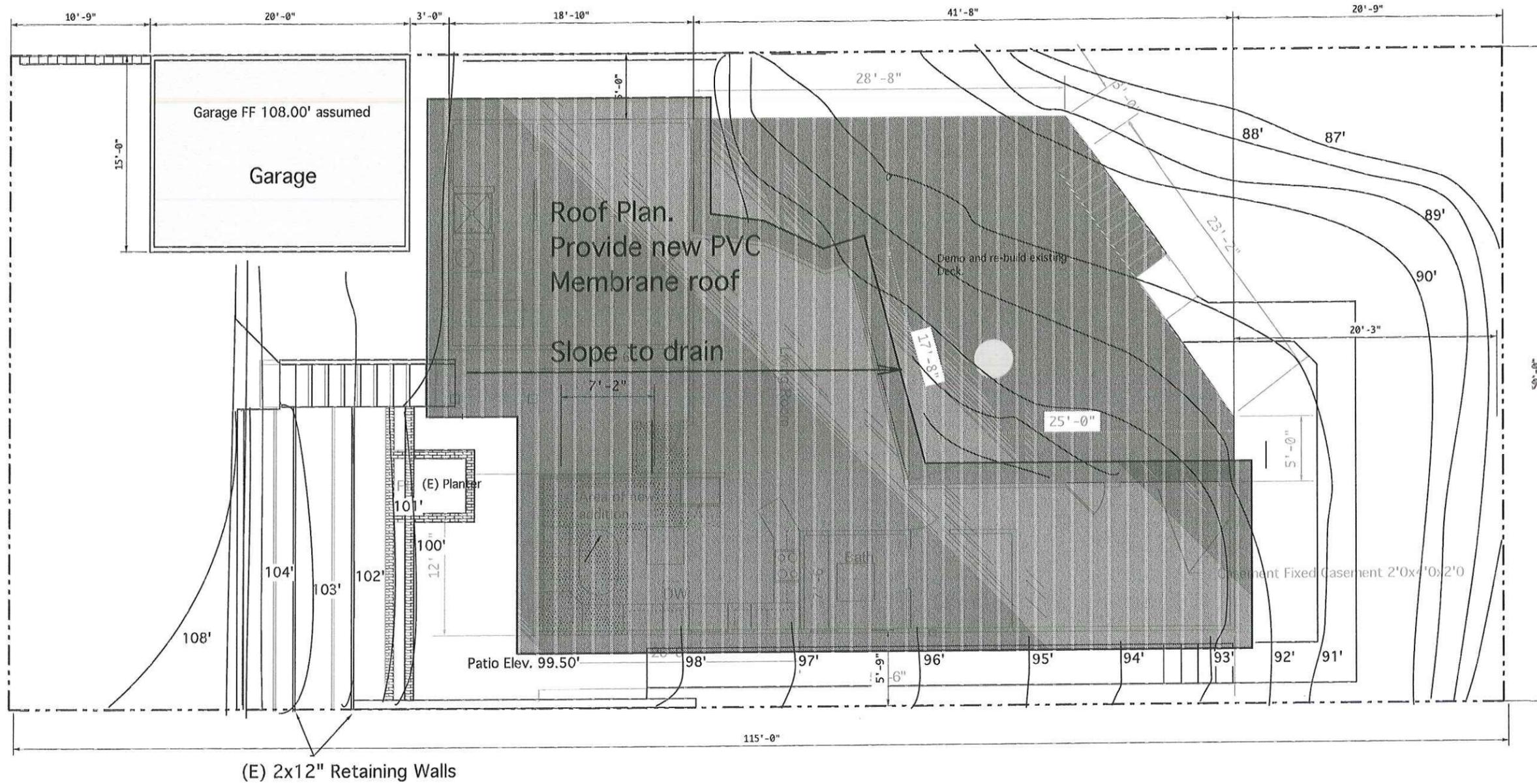
**Curtis Residence**

Owner/Site Address:  
 Lisa Curtis  
 225 Kern Ave.  
 Morro Bay, CA 93442

**Crizer Construction & Design**  
 Building Quality Since 1963  
 License Number 433754  
 p.o. box 6952 los osos, ca 93412  
 ph. (805)528-4812 fax 528-2325

Date:  
 7/15/15  
 Scale: Page Spex  
 Drawn By: SNC  
 Sht. T-1

# EXHIBIT B



## Proposed Roof / Site Plan

Scale: 1/4" = 1'



Legal Description:  
 APN : 066-263-011  
 Lot  
 City Of Morro Bay

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 Lisa Curtis  
 225 Kern Ave.  
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Date:  
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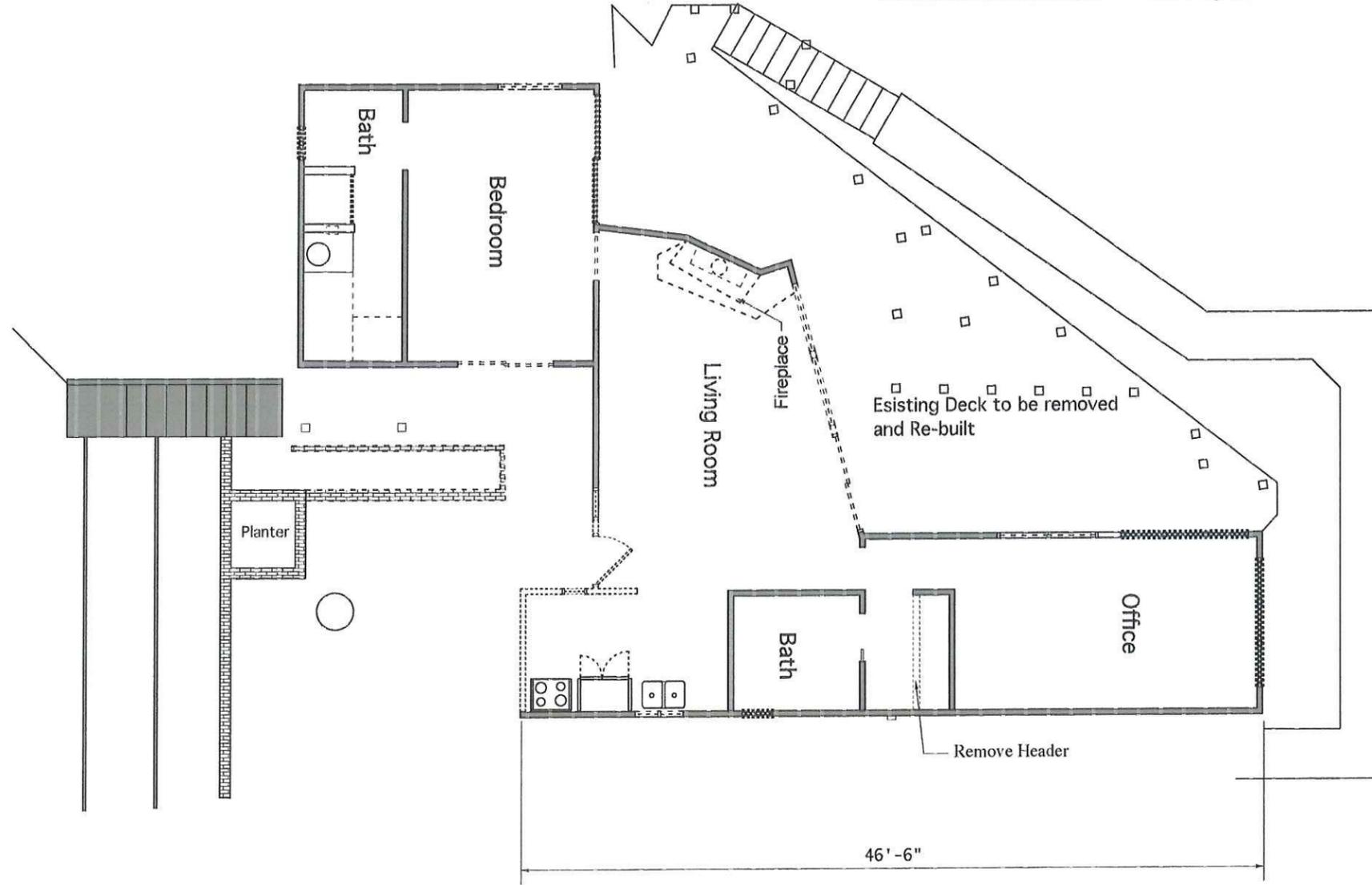
Drawn By: SNC

Sht. C-1

# EXHIBIT B

Demo / Existing Floorplan  
Scale: 1/8" = 1'

-  = (E) To Be Demolished/Removed
-  = (E) To Remain
-  = (N) Replace



06/30/15

Legal Description:  
APN : 066-263-011  
Lot  
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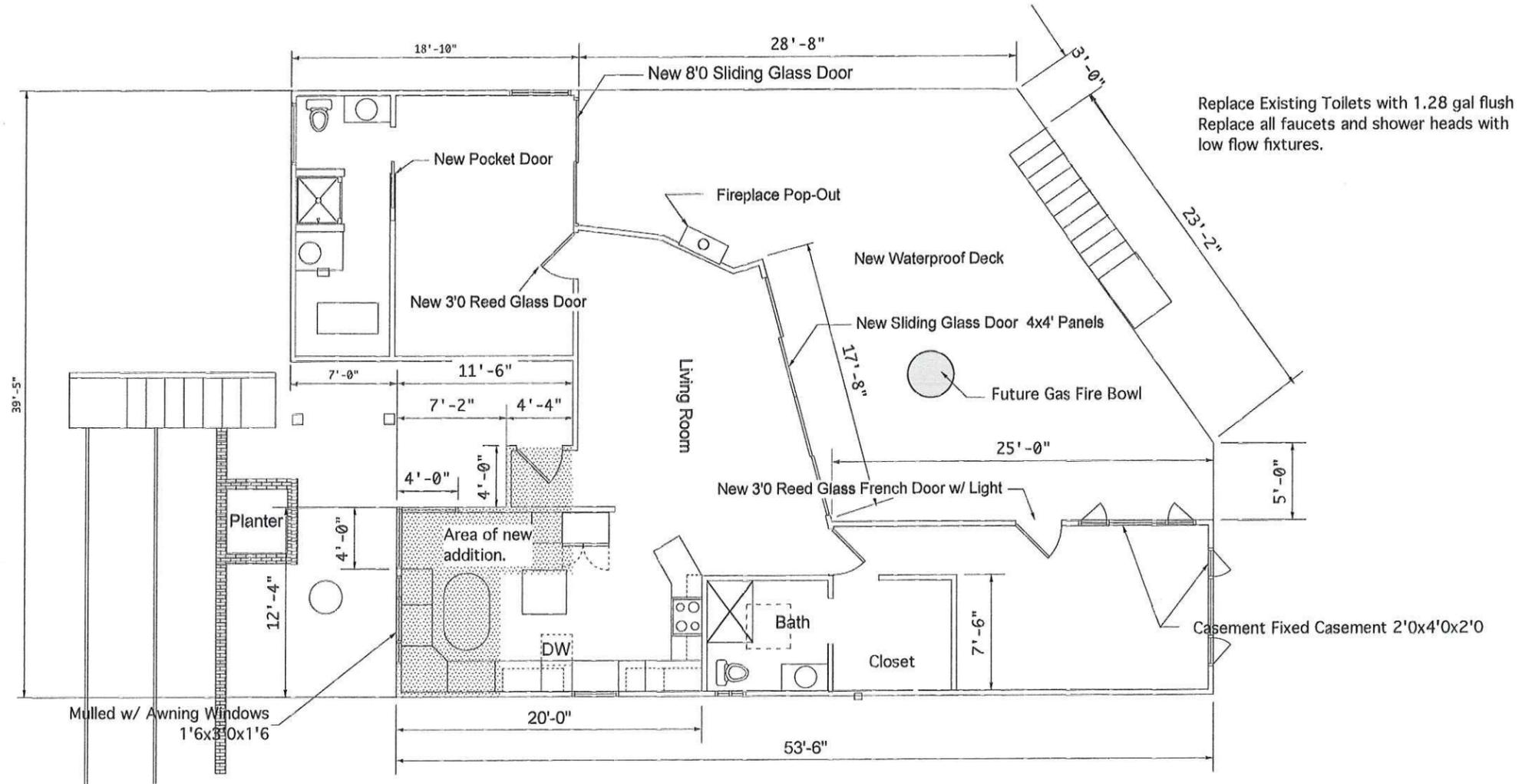
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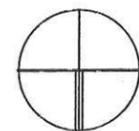
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Drawn By: SNC

Sht. **A-1**

# EXHIBIT B



 **Proposed Floor Plan**  
Scale: 1/4" = 1'  
Project North

06/30/15

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City Of Morro Bay

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p.o. box 6952 los osos, ca 93412  
ph. (805)528-4812 Fax 528-2325

Date:  
7/15/15

Scale: Page Spex

Drawn By: SNC

Sht. **A-2**

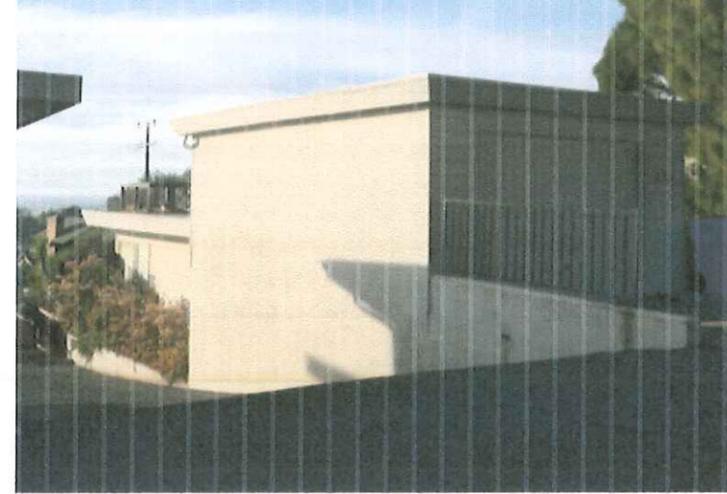
EXHIBIT B



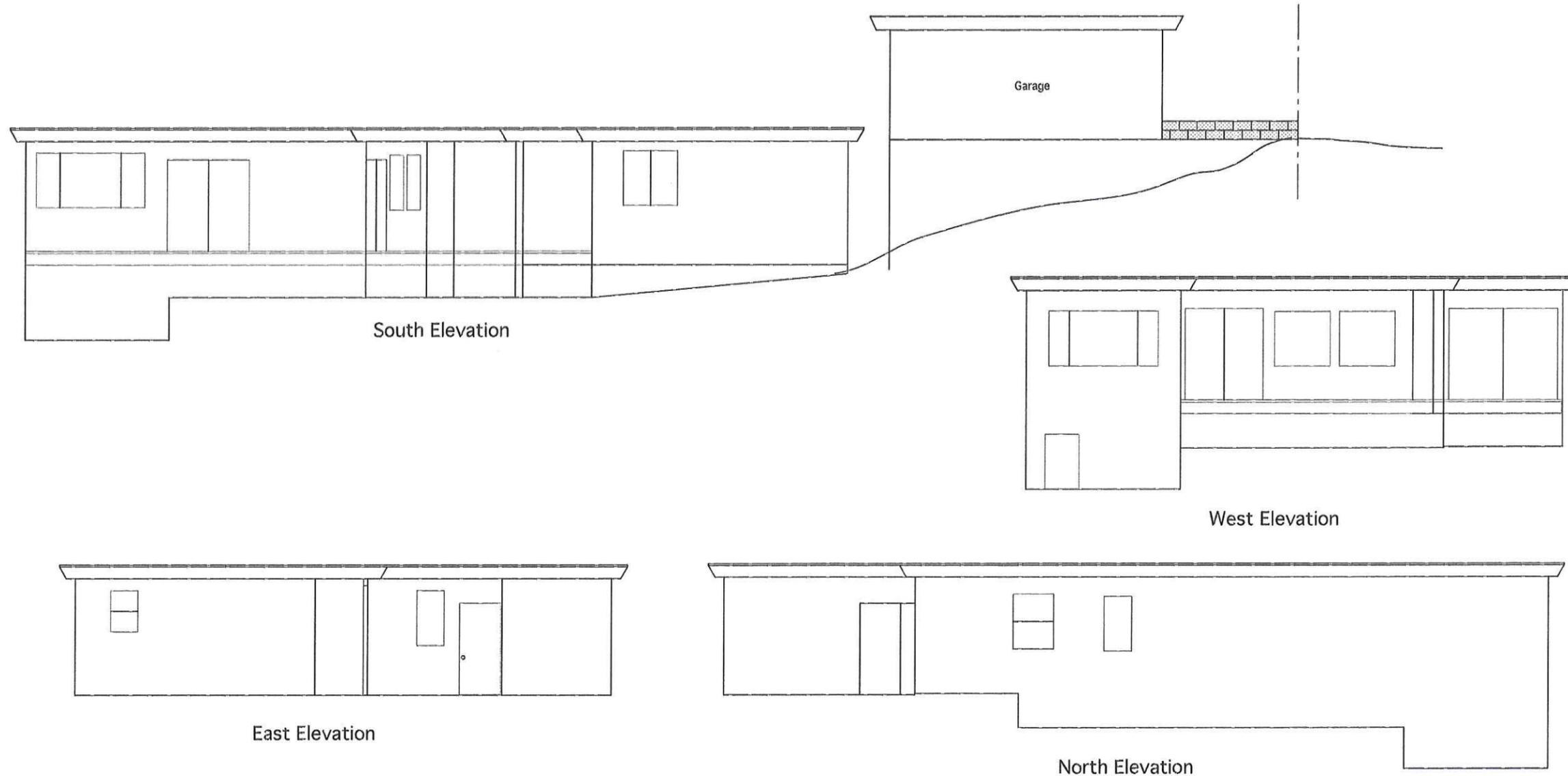
Street View



Street View



Street View



South Elevation

Garage

West Elevation

East Elevation

North Elevation

Existing Elevations

Scale: 1/4" = 1'



Legal Description:  
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Date:  
 7/15/15

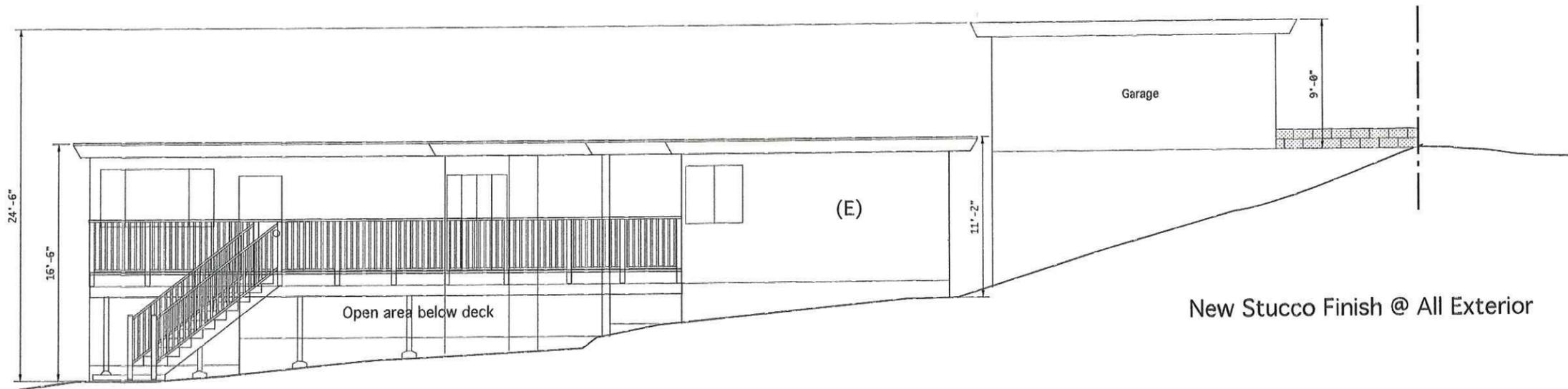
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Drawn By: SNC

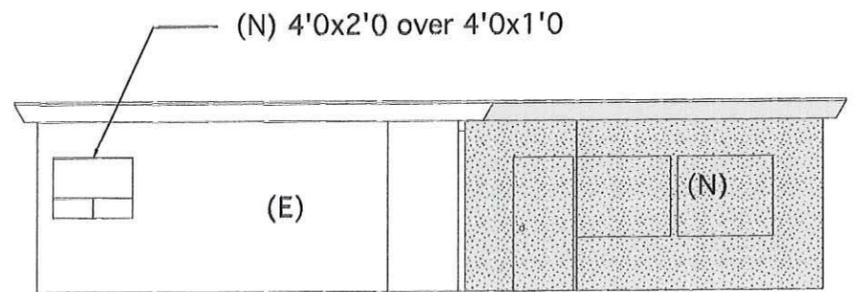
Sht. **A-3**

# EXHIBIT B

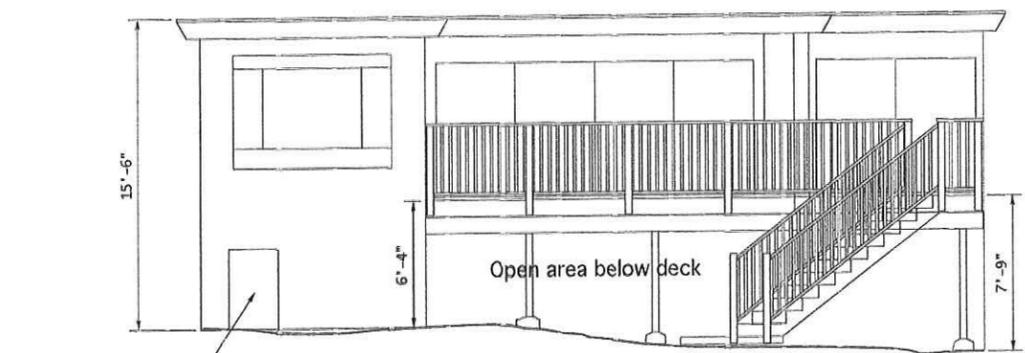
06/30/15



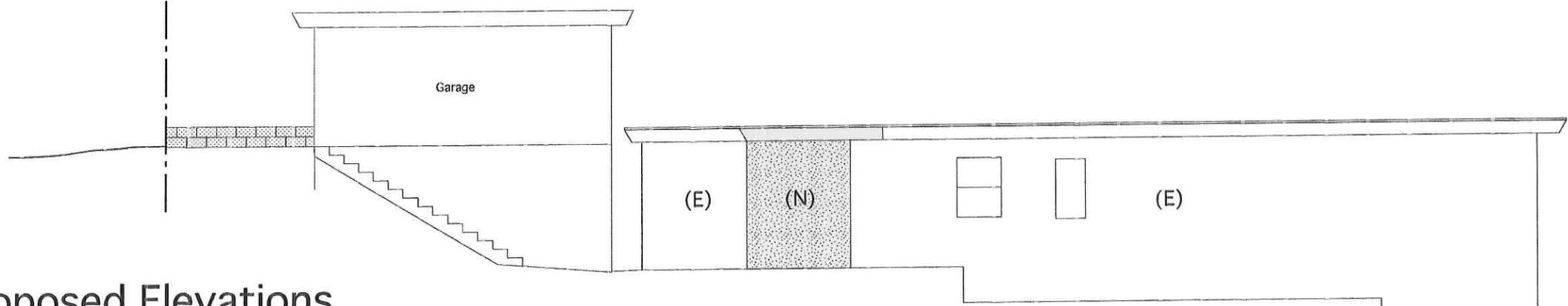
South Elevation



East Elevation



West Elevation



North Elevation

## Proposed Elevations

Scale: 1/4" = 1'

Legal Description:  
 APN : 066-263-011  
 Lot  
 City Of Morro Bay

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**Crizer Construction & Design**  
 Building Quality Since 1983  
 License Number 433754  
 p.o. box 6952 los osos, ca 93412  
 ph. (805)528-4812 fax 528-2325

Date:  
 7/15/15  
 Scale: Page Spex  
 Drawn By: SNC  
 Sht. **A-4**

# EXHIBIT B



Legal Description:  
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 Lot  
 City Of Morro Bay

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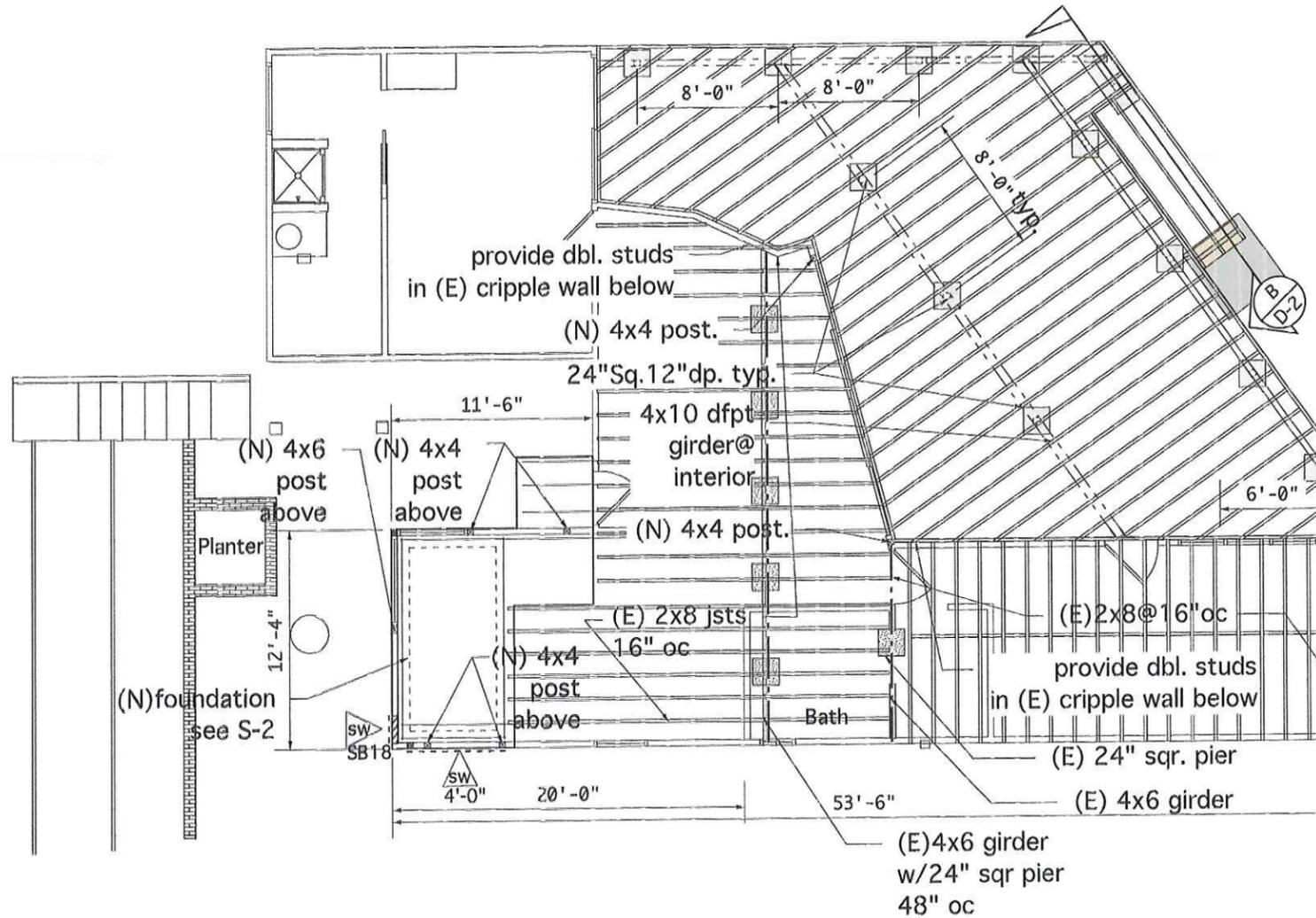
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 7/15/15  
 Scale: Page Spex  
 Drawn By: SNC  
 Sht. S-1

- (N)2x4 bearing wall @16"oc
- (N)2x4 in-fill@(E) opening @16"oc
- (E)2x4 wall or partition to remain

- dfpt - doug fir pressure treated
  - (N) post size per plan 4x4min.
  - (N) post size per plan 4x4min.

Min. length of (N) shear wall/3/8" OSB Struct 1 w/8d @ 6"oc edges and field, 5/8" A bolts@48"oc max, 2 bolts per section min.

Strong Wall Shear Brace by Simpson (ESR-2652 size as noted, yield verify ht.)



**FRAMING NOTES:**

1. All dimensional lumber shall be No.2 DF-L, UNO
2. Laminated Veneer Lumber (LVL) by Weyerhaeuser in accordance with ESR-1387
3. Built-up posts shall be nailed w/ 10d nail @ 6" oc ea ply, staggered
4. Provide 2x blocking at floor framing under (N) post locations in raised floor area
5. Holes in framing for bolts shall be standard size (bolt diam + 1/16")
6. Lead holes for lag screws shall not exceed 70% of the nominal diameter
7. Provide plate washers for all bolted and lag screw connections
8. All hardware and fasteners in contact with pressure treated lumber shall be hot-dip galvanized
9. All hardware by Simpson Strong-Tie shall be installed with manufacture specified fastener sizes



**Deck Framing Plan**  
 scale - 1/4" = 1'-0"

# EXHIBIT B

06/30/15

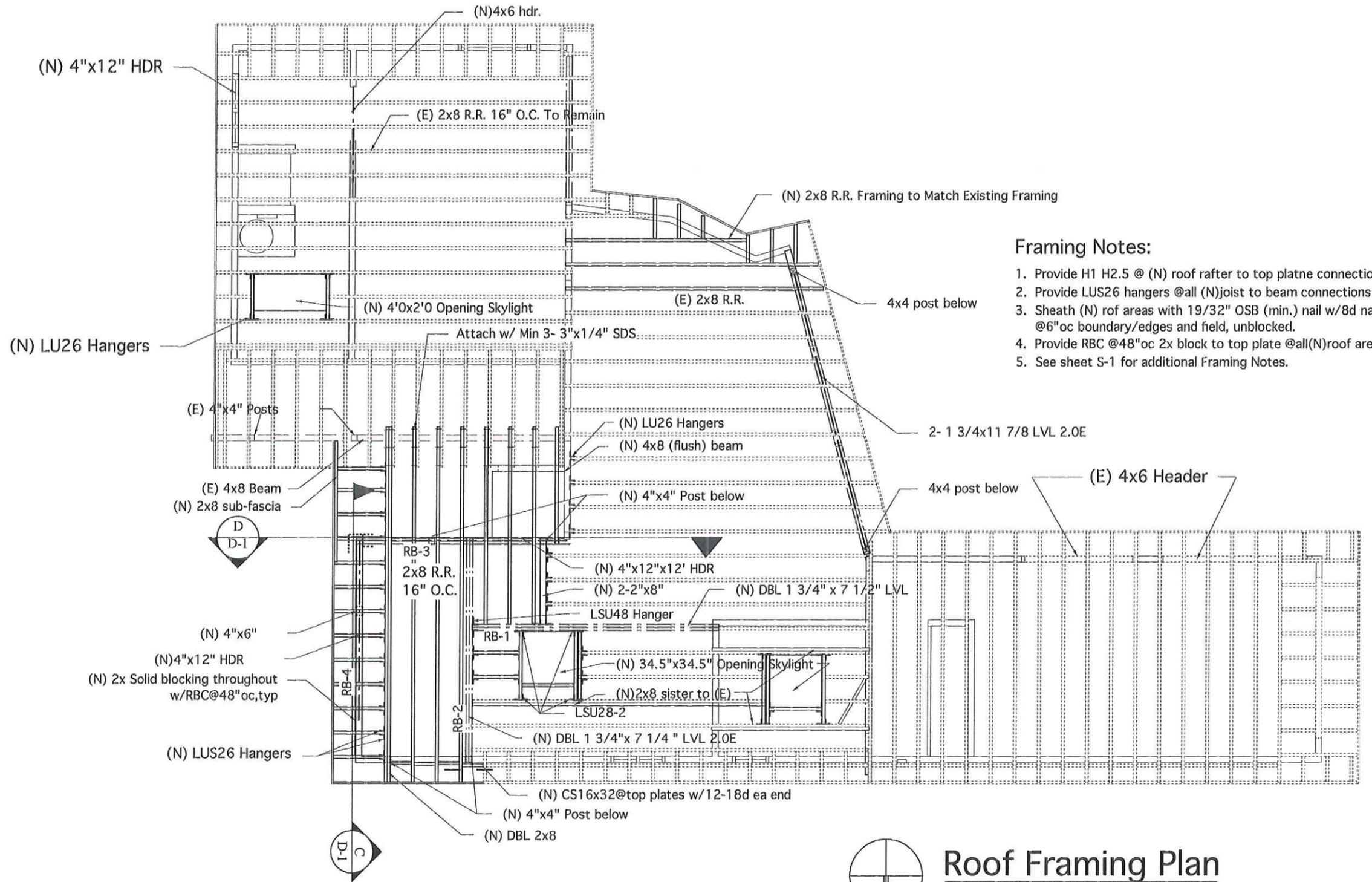
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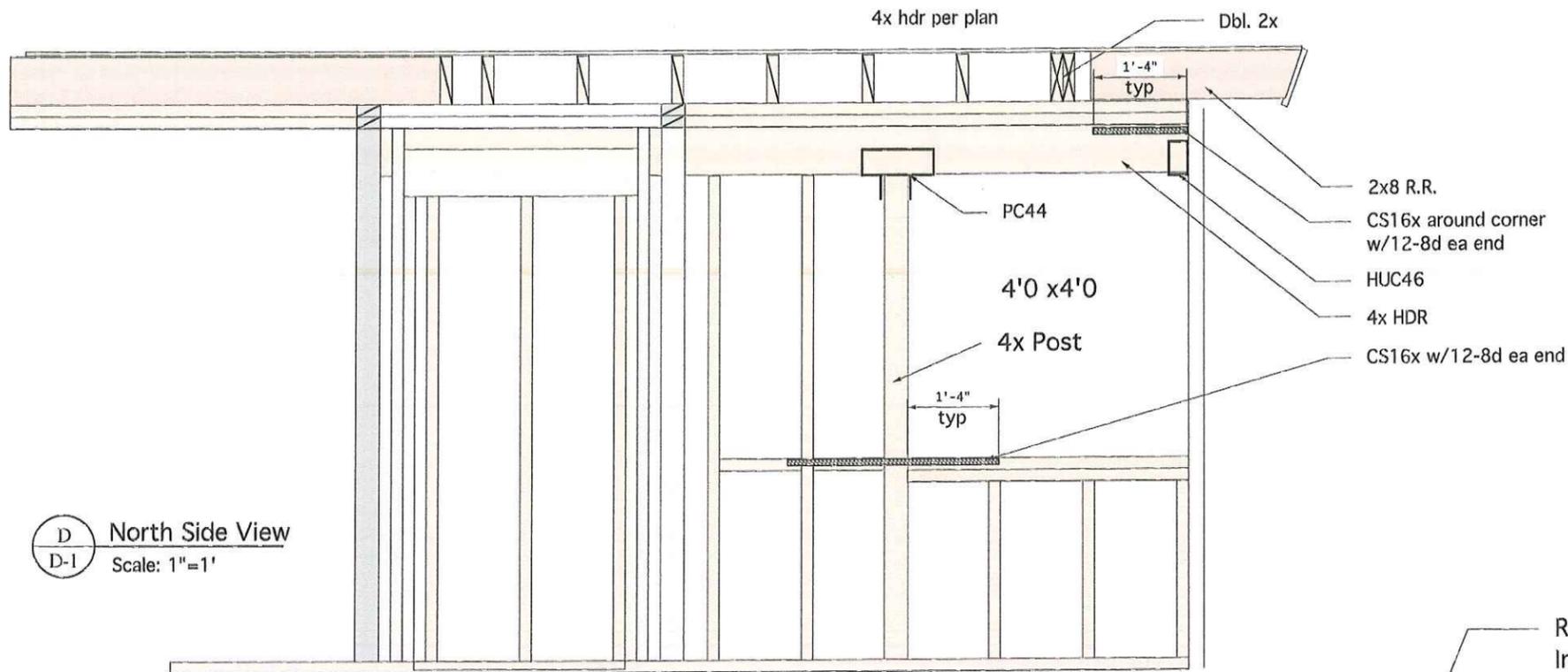
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 7/15/15  
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 Sht. **S-3**



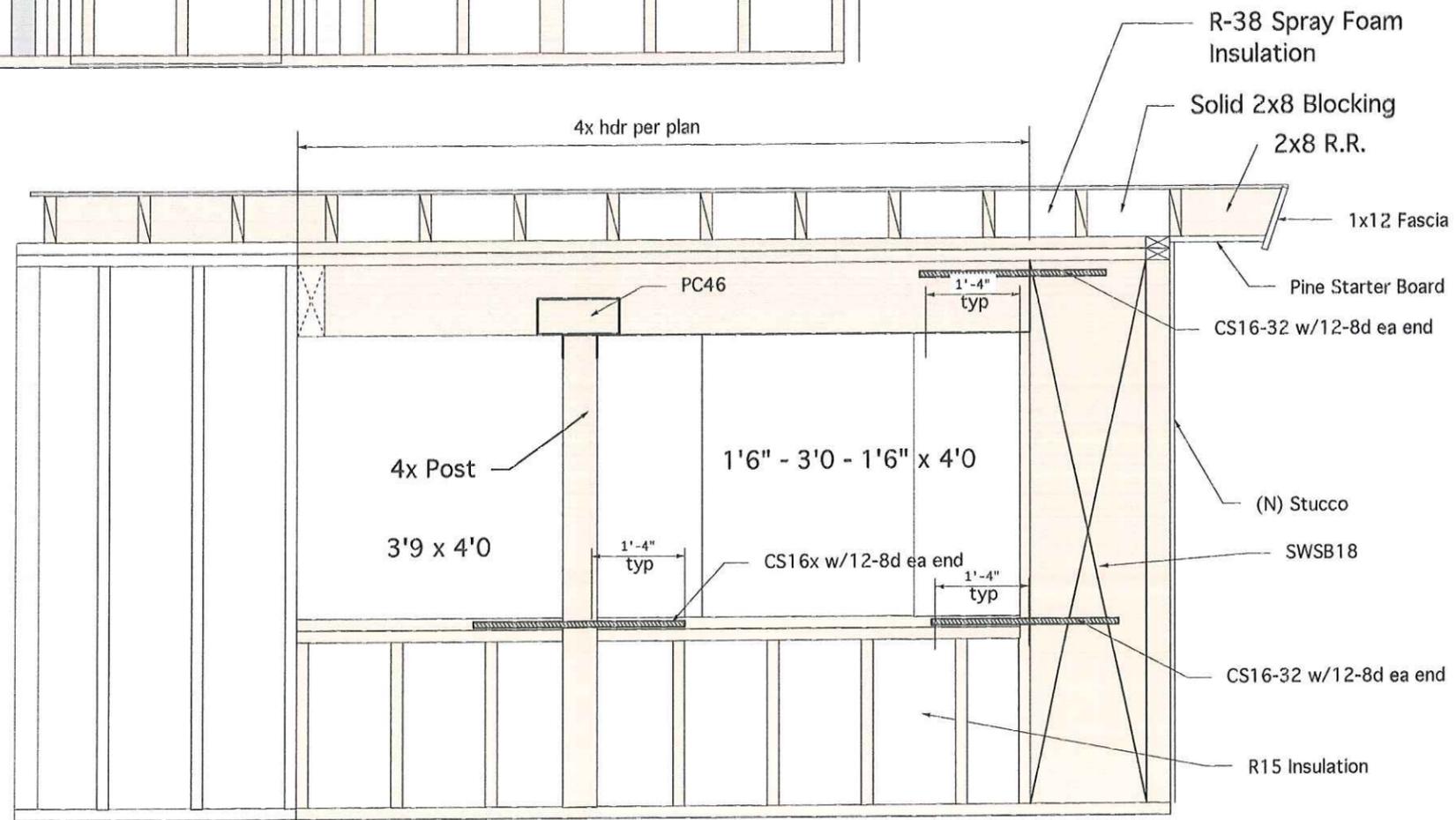
- Framing Notes:**
1. Provide H1 H2.5 @ (N) roof rafter to top platne connections
  2. Provide LUS26 hangers @all (N)joist to beam connections
  3. Sheath (N) rof areas with 19/32" OSB (min.) nail w/8d nail @6"oc boundary/edges and field, unblocked.
  4. Provide RBC @48"oc 2x block to top plate @all(N)roof area
  5. See sheet S-1 for additional Framing Notes.

**Roof Framing Plan**  
 Scale: 3/8" = 1'  
 Project North

# EXHIBIT B



D North Side View  
D-1 Scale: 1"=1'



C East Side View  
D-1 Scale: 1"=1'

Wall beyond

06/30/15

Legal Description:  
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Lot  
City Of Morro Bay

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## Curtis Residence

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ph. (805)528-4812 fax 528-2325

Date:  
7/15/15

Scale: Page Spex

Drawn By: SNC

Sht. D-1





**AGENDA NO: C-1**

**MEETING DATE: February 16, 2016**

## Staff Report

**TO: Planning Commission** **DATE: 02/10/16**

**FROM: Scot Graham, Community Development Manager**

**SUBJECT: Review of City of Morro Bay Manufactured Home requirements related to placement of units on Single-Family lots.**

### **RECOMMENDATION**

Review the staff report and attached materials for discussion.

### **BACKGROUND**

The City has recently received applications for the installation of two manufactured homes within existing single family residential neighborhoods within the City. As a result of these recent manufactured home applications, the Planning Commission requested that staff bring forward, for a policy discussion, an agenda item related to the City's Manufactured Home policies.

The City's Manufactured Home policies are found in section 17.48.350 of the Municipal Code and require among other things that the unit be installed consistent with the following requirements:

- Meets minimum setback requirements
- Placed on a permanent foundation as determined by the Building Official
- Placed on single family zoned lots, while meeting the minimum parking requirements
- Compliant with National Mobile Home Construction and Safety Standard Act of 1974 and the Building Code
- Covered with an exterior material similar to those used for conventional dwellings
- Utilize roof materials similar to those used for conventional dwellings
- Obtain a building permit
- Be installed not longer than 10-years after the home was manufactured

The full text of Section 17.48.050 can be found in Attachment A.

### **DISCUSSION**

The item of particular concern noted by the Planning Commission previously, appeared to center on what constitutes a permanent foundation. City staff has typically relied upon FHA/HUD guidelines for

Prepared By: SG Dept. Review: SG

permanent foundations, which can be found at the following link:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips/guidebooks/4930.3G](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/guidebooks/4930.3G)

San Luis Obispo County has a handout explaining the process for installing, inspecting, and certifying permanent foundations for Manufactured home installations (see Attachment B for a Copy of the County Handout). The process outlined in the handout is similar to the process followed by the City.

### **CONCLUSION**

The Commission should discuss manufactured home installation, paying particular attention to the requirements found in Municipal Code section 17.48.350 (found in Attachment A). Based on the overall discussion from the Commission, staff may return at a future Planning Commission meeting with an interpretation resolution outlining additional requirement for manufactured home installation.

### **ATTACHMENTS**

- A. Municipal Code Section 17.48.350 – Manufactured home on single-family lots
- B. San Luis Obispo County “Placing Your Manufactured Home on a Permanent Foundation” Handout

## ATTACHMENT A

### **17.48.350 - Manufactured homes on single-family lots.**

Manufactured homes on single-family lots shall be subject to the following standards:

A. The manufactured home shall be subject to the same minimum setback requirements as specified in each residentially-zoned district.

A. The manufactured home shall be placed on a permanent foundation as determined by the building official.

C. Manufactured homes placed on lots zoned for single-family dwellings shall have the same minimum off-street parking requirements as are required for single-family dwellings.

D. Each manufactured home to be placed on a lot zoned for a single-family dwelling shall have a certificate or seal indicating conformance with the National Mobile Home Construction and Safety Standards Act of 1974 and the Uniform Building Code as adopted and amended by the city.

E. Each manufactured home to be placed on a lot zoned for a single-family dwelling shall be covered with an exterior material customarily used on conventional dwellings. These materials include wood, stone, masonry, stucco, or other nonreflective material. Such exterior covering material shall extend to the ground, except when a solid concrete or masonry perimeter foundation is used; then the exterior covering material need not extend below the top of the foundation. Perimeter foundations consisting of concrete or masonry material shall be architecturally painted or treated to blend with the exterior material of the unit.

F. Each manufactured home to be placed on a lot zoned for a single-family dwelling shall have a roof consisting of shingles or other materials customarily used for conventional dwellings. These materials include wood, asphalt, rock, clay, concrete, or other nonreflective materials.

G. Subsequent to applying for the required building permit, and prior to occupancy, the owner shall request certification from the building department that a certificate of occupancy is to be issued pursuant to subsection (b)(2) of Section

18551 of the Health and Safety Code of the state. Thereafter, any vehicle license plate, certificate of ownership, or certificate of registration issued by a state agency shall be surrendered to the appropriate state agency.

H. Prior to the installation of a manufactured home on a lot zoned for a single-family dwelling, owner or a licensed contractor shall obtain a building permit from the building department.

I. No manufactured home shall be installed if more than ten years has elapsed between the date of the manufacture of the manufactured home and the date of application for issuance of a permit to install the manufactured home.

## ATTACHMENT B

### PLACING YOUR MANUFACTURED HOME ON A PERMANENT FOUNDATION

OFFICE OF TOM J. BORDONARO, JR. COUNTY ASSESSOR  
[www.slocounty.ca.gov/assessor](http://www.slocounty.ca.gov/assessor)



**San Luis Obispo Office**  
1055 Monterey Street, Suite D360  
San Luis Obispo, CA 93408  
(805) 781-5643

**North County Office**  
6565 Capistrano Avenue  
Atascadero, CA 93422  
(805) 461-6143

#### FREQUENTLY ASKED QUESTIONS

##### **I am considering placing my existing manufactured home on a permanent foundation. How would this be taxed?**

A manufactured home (also known as a "mobile home") attached to the land on a permanent foundation is taxed in the same manner as a conventional home. Manufactured homes on permanent foundations may be subject to supplemental taxes and are entitled to the Homeowners' Property Tax Exemption. (For more information, please see our pamphlets on Supplemental Taxes and Homeowners' Property Tax Exemptions.) Once the manufactured home has been installed on a permanent foundation, the entire manufactured home and *all* accessory improvements become assessable as real property. (Note: For the definition of a "permanent foundation," please refer to section 18551 of the California Health & Safety Code).

##### **Do I need to obtain a permit in order to install a permanent foundation?**

Yes. The first step to installing a permanent foundation is to obtain a permit from the agency with jurisdiction over your manufactured home. If the property is located in a state-approved manufactured home park, that agency is the California Department of Housing and Community Development (HCD). If the manufactured home is located on a leased or fee-owned parcel of land, that agency is the Planning and Building Department that has jurisdiction where the manufactured home is located (either county or city). The remainder of this pamphlet deals only with the legal requirements of HCD and the County Planning Department. For information on requirements in a particular city, please contact that city's planning department. (See the Government Pages in your local telephone book for the telephone numbers of city planning departments.)

##### **What information will I need to submit in order to obtain a permit?**

There are several items that will be required by HCD and/or the County Planning Department before they will issue a permit for a permanent foundation. Those items are:

1. *Two sets of plans of a state-approved foundation system.* Most state-licensed contractors will be able to tell you which of their foundations are state-approved.
2. *Specific letters granting permission for installation* from the park owner (if applicable), the registered owner of the manufactured home (usually the applicant), and the lien holder or legal owner of the real property (usually the applicant, the park owner, or the lender).
  - Each letter must identify the manufactured home by serial number, license plate number and legal mailing address.
  - Each letter must grant specific permission for the new manufactured home foundation system.
  - If the manufactured home is located on leased property (that is, not in a park), the landowner must grant permission for the work to be done *and* verify that the lease runs for a term of *not less than 35 years*.
  - Each of the letters *must* have an original signature.
3. *A copy of the site plan* showing the manufactured home's location on the site or in the park.
4. *Proof* that the manufactured home was legally placed on the property (evidence is usually in the form of a copy of the permit issued for the original installation).
5. An application fee may be required to process the permit request.

#### **How do I find outside help to make sure the procedures are followed correctly?**

Most people who put their manufactured homes on permanent foundations use a state-licensed contractor. A reputable contractor should ensure that all work, including contact with the appropriate agency and filing of the paperwork, is done properly. However, the manufactured home owner has the ultimate responsibility of making sure that all procedures are followed correctly.

#### **What happens after the paperwork is submitted?**

Once the initial application for a permit is made, HCD or the County Planning Department will review the information provided. After the review is completed, the issuing agency will contact the applicant or contractor with notification of approval, or a request for any additional items required prior to approval.

When the application is approved, the governing agency will issue the permit. Along with the permit, the owner or contractor should receive California state form HCD 433(A), the "Notice of Installation on a Foundation System."

### What happens once the permit is issued?

- Once the permit is issued, the permanent foundation may be installed.
- When the work is completed, the owner or contractor should call the issuing agency (either HCD or the County Planning Department) to request an inspection.
- Both the permit and form HCD 433(A) can be signed after the inspector views and approves the work. This is usually done at the site by the inspector, although the County Planning Department is also able to sign form HCD 433(A) at the front counter of its offices.
- After form HCD 433(A) has been signed by the appropriate agency, the owner is required to have it recorded in the San Luis Obispo County Recorder's Office.
- The owner should then send the following items to HCD:
  1. A copy of the recorded form HCD 433(A).
  2. The Certificate of Title or Application for duplicate.
  3. The last issued Registration Card or application for duplicate.
  4. A statement that all license decals and stickers have been destroyed.

Upon receipt of these items, HCD will note that the unit has been installed on a permanent foundation system. Note: Manufactured home owners currently paying yearly taxes and/or other fees to HCD will automatically be transferred to the local property tax rolls (i.e. the manufactured home and all accessory improvements will be taxed in the same manner as a conventional home [see 1st paragraph of this pamphlet]).