



CITY OF MORRO BAY PLANNING COMMISSION MEETING AGENDA

Veteran's Memorial Building
Regular Meeting 6:00 p.m.

209 Surf Street, Morro Bay
Tuesday January 19, 2010

Nancy Johnson - Chairperson
Vice-Chairperson - Gerald Luhr
Commissioner - Michael Lucas
Commissioner - John Diodati
Commissioner - Jamie Irons
Bruce Ambo - Secretary

- I. CALL MEETING TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. ACCEPTANCE OF AGENDA
- V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

A. Oral Report.

VI. PUBLIC COMMENT:

Members of the audience wishing to address the Commission on matters other than scheduled hearing items may do so when recognized by the Chairman, by standing and stating their name and address. Comments should be limited to three minutes.

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on January 4, 2010

VIII. 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.

IX. FUTURE AGENDA ITEMS

- A. Downtown Visioning (Planning Commission Subcommittee).
- B. Restrictions/rules on installing gates on driveways for residential and commercial properties.
- C. Research information on allowing front porches within the front setback.
- D. Presentation from Rob Livick, City Engineer, on the Pedestrian Plan.
- E. Presentation from Dan Doris, Building Official, on Graywater systems.
- F. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

X. PUBLIC HEARINGS

- Continued from the January 4, 2010 Planning Commission Meeting
- A. **Site Location:** 612 Agave Drive
Applicant: Cathy Novak
Request: Tentative Parcel Map #S00-101 and Coastal Development Permit #CP0-321 subdividing one parcel into three parcels along with a subdivision exception request to include the square footage of the access easement into the overall lot square footage. This site is located outside the Coastal Commission Appeals Jurisdiction.
Recommended CEQA Determination: Categorically Exempt, Class 32, Section 15332.
Staff Recommendation: Conditionally approve.
Staff Contact: Genene Lehotsky, Associate Planner, 772-6270
- B. **Site Location:** 2300 Main St.
Appellant: Grant Crowl; **Applicant:** Michael Del Puppo
Request: Appeal of Minor Use Permit #UP0-255 which approved the conversion of a commercial unit to a residential unit. This site is located outside the Coastal Commission Appeals Jurisdiction.
Recommended CEQA Determination: Categorically Exempt, Class 3, Section 15303.
Staff Recommendation: Deny the Appeal.
Staff Contact: Genene Lehotsky, Associate Planner, 772-6270

XI. OLD BUSINESS

- A. Current Planning Processing List/Advanced Work Program.
- B. Climate Action Packet

XII. NEW BUSINESS

XIII. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on Monday, February 1, 2010 at 6:00 p.m.

This Agenda is available for copying at Mills Copy Center and at the Public Library

PLANNING COMMISSION MEETING PROCEDURES

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Public Services Office at 955 Shasta Avenue, during normal business hours, Mill's ASAP, 495 Morro Bay Boulevard, or Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Planning 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 Department 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.

RULES FOR PRESENTING TESTIMONY

Planning 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 testimony must observe the following rules:

1. When you come to the podium, first identify yourself and give your place or residence both orally and on the sign in sheet at the podium. Commission meetings are audio and video tape-recorded and this information is required for the record.
2. Address your testimony to the Chair. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
3. Keep your testimony brief and to the point. Speak about the proposal and not about individuals. On occasion, the Chair may place time limits on testimony: Focus testimony on the important parts of the proposal: do not repeat points made by others. Please, no applauding or making comments from the audience during the testimony of others.
4. Written testimony is encouraged so they can be distributed in the packets to the Planning Commission. However, letters are most effective when presented at least a week in advance of the hearing. Written testimony provided after the staff reports are distributed and up to the meeting will also be distributed to the Planning Commission but there may not be enough time to fully consider the information. Mail should be directed to the Public Services Department, attention: Planning Commission Secretary.

APPEALS

If you are dissatisfied with any aspect of 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. The appeal form is available at the Public Services Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 and the City Zoning Ordinance. 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.

This Agenda is available for copying at Mills Copy Center and at the Public Library

The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

HEARING IMPAIRED: There are devices for the hearing impaired available upon request at the staff's table.

COPIES OF VIDEO, CD: Copies of the video recording of the meeting may be obtained through AGP Video at (805) 772-2715, for a fee.

ON THE INTERNET: This agenda may be found on the Internet at: <http://www.morro-bay.ca.us/planningcommission>

CITY OF MORRO BAY
PLANNING COMMISSION
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

City of Morro Bay Community Center
Regular Meeting, 6:00 p.m.

1001 Kennedy Way, Morro Bay
Monday, January 4, 2010

Chairperson - Nancy Johnson
Vice-Chairperson - Gerald Luhr Commissioner - Michael Lucas
Commissioner - Jamie Irons Commissioner - John Diodati

Bruce Ambo - Secretary

I. CALL MEETING TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Ambo led the pledge.

III. ROLL CALL

Staff Present: Bruce Ambo, Kathleen Wold, Genene Lehotsky and Kay Merrill.

IV. ACCEPTANCE OF AGENDA

MOTION: Agenda accepted as presented.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Ambo reported at the December 14, 2009 meeting, City Council:

- Approved a resolution authorizing the Harbor Department to Acquire and Abandon Watercraft Grant from the Department of Boat and Waterways
- Approved a resolution authorizing the Capital Projects Manager to apply for Proposition 84 Water Treatment Grant Funds for the desal plant
- Approved for the Rec & Parks Department, through the California Energy Commission, to do an energy audit and apply for grant funds
- Heard a report regarding funding cuts to Dial-A-Ride and authorized the compensation of the Reduced Transit Development Act Funds to come from the sale of the surplus trolley and additional funds from the Stimulus Act funding
- Will adopt a resolution to participate in the AB-811 Renewable Energy Financing Package pilot program
- Adopted a resolution authorizing the sale of City property at Market and Pacific Street along the Embarcadero
- Discussed placing adjustments to the Transient Occupancy Tax (TOT) for the next election and continue hearing to next week
- Extended Mandatory Water Conservation to a moderate level
- Heard an update on the floor to area ratio (FAR) and staff will begin the code update process for neighborhood compatibility
- Heard an update on the Climate Action Plan
- Discussed housing in- lieu fee fund studies
- Authorized funding for the Visioning Study

- Reduced the parking in-lieu fees for 600 Morro Bay Blvd.

At the upcoming meeting on January 11, 2010 Ambo said City Council will:

- Consider a resolution for the 600 Morro Bay Blvd. parking in-lieu fees project
- Be given the Annual Water Report and discuss water quality testing legal requirements
- Hear a 2009 year-end report on the trolley
- Review A-Frame signs

Chairperson Johnson wanted to know if there were any bids on the trolley and Ambo stated yes. Johnson asked for moderate water conservation to be defined. Ambo replied there are pamphlets in the office which outlines water conservation practices and is defined in the code.

Diodati asked if there is a timeline for the Neighborhood Compatibility Code Update and if the Planning Commission is involved in the code update. Ambo replied the process begins with the Planning Commission and is anticipating starting within the next six months.

VI. PUBLIC COMMENT - None

VII. CONSENT CALENDAR

- Approval of minutes from hearing held on November 30, 2009
- Approval of minutes from hearing held on December 7, 2009

MOTION: Diodati/Irons 2nd to approve the minutes as presented. VOTE: 5 – 0

MOTION: Diodati/Irons 2nd to approve the minutes as presented. VOTE: 5 – 0

VIII. PRESENTATIONS –

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- Restrictions/rules on installing gates on driveways for residential and commercial properties.
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- Presentation from Rob Livick, City Engineer, on the Pedestrian Plan.
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- Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues

X. PUBLIC HEARINGS

- Continued from the December 7, 2009 Planning Commission Meeting
Site Location: 612 Agave Drive
Applicant: Cathy Novak
Request: Tentative Parcel Map #S00-101 and Coastal Development Permit #CP0-321 subdividing one parcel into three parcels along with a subdivision exception request to

include the square footage of the access easement into the overall lot square footage. This site is located outside the Coastal Commission Appeals Jurisdiction.

Recommended CEQA Determination: Categorically Exempt, Class 32, Section 15332.

Staff Recommendation: Conditionally approve.

Staff Contact: Genene Lehotsky, Associate Planner, 772-6270

Michael Lucas excused himself, because he had not reviewed the tape. Lehotsky presented the staff report.

Johnson asked if the Commission had questions for staff.

Diodati asked when the City's Subdivision Ordinance was amended and Lehotsky replied in 2007.

Irons asked if there were findings of approval made for Parcel Map 07-0232 and Lehotsky replied yes.

Irons asked Lehotsky to go over them and she replied there are similar findings for proposed Parcel Map 09-0091, as there were for Parcel Map 07-0232, including Coastal Development Permit, Subdivision Map Act, and CEQA findings.

Irons asked if there were findings for a Subdivision Exception made for Parcels 2 and 3 of Parcel Map 07-0232, since those parcels were undersized just as the three parcels on proposed Parcel Map 09-0091 are and Lehotsky said there were no Subdivision Exception findings made for Parcel Map 07-0232, only for 09-0091.

Irons asked how the Subdivision Exception to allow undersized parcels is justifiable for Parcel Map 09-0091 and Lehotsky replied that the parcels are justifiable because when Parcel Map 07-0232 was approved the turnaround was depicted on an adjacent parcel (Parcel Map 09-0091).

Johnson opened public hearing asking the applicant or their agent to address the Commission

Cathy Novak, representing the applicant, gave a presentation.

Roger Ewing urged the Planning Commission to deny this project.

Seeing no further comment, Johnson closed the public hearing

Johnson asked Novak to come back and answer questions.

Irons asked Novak to explain the condition of the driveway and turnaround easement and asked if compensation was exchanged. Novak replied all the parties involved decided to create a cost share agreement for construction of the driveway and turnaround easement.

Luhr asked if the southern adjacent parcel would be able to utilize the turnaround where it is currently proposed on this Parcel Map's property. Lehotsky stated that Fire staff indicated that as proposed the turnaround could serve Parcel Map 07-0232, Parcel Map 09-0091, and the southern adjacent parcel.

Johnson asked if there were any other questions for staff.

Diodati asked if there was no access or turnaround easement on Parcel Maps 07-0232 and 09-0091 would there be room on the southern adjacent parcel to provide a turnaround to serve all three properties. Lehotsky replied that yes that could potentially occur.

Ambo stated that the southern adjacent property is not included with this request and should not be considered in the decision of the project.

The Planning Commission discussed the turnaround, required lot size, neighborhood compatibility and flag lots.

MOTION: Luhr/Diodati 2nd to continue to the January 19, 2010 Planning Commission meeting.

VOTE: 4-0

- B. **Site Location:** 401 Panay Street
Applicant: Jon Wickstrom
Request: Conditional Use Permit #UP0-277 for a second story addition to a non-conforming residence and Parking Exception #AD0-046 to reduce required parking to one stall. This site is located outside the Coastal Commission Appeals Jurisdiction.
Recommended CEQA Determination: Categorically Exempt, Class 1, Section 15301.
Staff Recommendation: Conditionally approve.
Staff Contact: Kathleen Wold, Senior Planner, 772-6211

Wold presented the staff report.

Johnson asked if the Commission had questions for staff.

Lucas asked if the office is associated with a business and if there is a vehicle associated with the Business. Wold stated she assumed it is a residential office and you need to ask the applicant. Lucas asked if the upper deck was in the setback and Wold stated decks are allowed to project up to 5 ft. into the front yard setback

Diodati asked about widening the garage into the office area to accommodate the required 20 ft. width and Wold stated no and that the existing bedroom projects into the 10 foot setback. 1,000 sf. can be added an existing non-conforming residence without providing a second parking space.

Luhr asked if a survey was prepared for this site and Wold responded no.

Johnson asked if graveled area that wraps around the edge of the property is in the City's right-of-way and Wold stated yes.

Johnson opened public hearing asking the applicant or their agent to address the Commission.

Jon Wickstrom stated that Wold sufficiently covered the project. There is no survey for this project; however, an adjacent property recently surveyed their property so the location of the shared property line should be correct.

Seeing no further comment, Johnson closed the public hearing.

Johnson asked Wickstrom to come back and answer questions.

Lucas asked if there was a vehicle associated with the office space proposed in the residence and Wickstrom replied no.

Diodati asked if Wickstrom's truck could fit in the existing garage and Wickstrom replied yes.

Irons inquired about the gravel swale and how it is working. Wickstrom responded that the gravel is working well, especially since new homes adjacent to his home have recently been constructed and the sites were graded, which improved the drainage..

Lucas stated that a more permanent driveway should be constructed on-site to remove any vehicles currently parking on the street.

Wold stated that any parking to be relocated on-site may encroach into the right-of-way due to the limited area on the property. Encroachment into the right-of-way will also require liability insurance and an encroachment permit. However, this was not part of the applicant's request.

Diodati stated that he would like to see an additional parking space on-site.

Luhr requested a survey be conducted on this site to verify the corners.

Discussion continued regarding the deck, garage, gravel swale drainage and parking.

Johnson asked if there were any other questions before the discussion.

Discussion continued among the Commissioners.

MOTION: Lucas/Luhr 2nd to approve the project subject to the findings in Exhibit A and Conditions of Approval in Exhibit B with the following additional conditions:

- A 10 foot strip adjacent to the existing driveway be executed with pervious pavers and that at the owners option with our preference the existing drive be taken up and done with pervious pavers
- The lot survey be executed prior to the building permit application and be submitted with the building permit application by a licensed surveyor with the corners set

VOTE: 5-0

XI. OLD BUSINESS

- A. Current Planning Processing List

XII. NEW BUSINESS

- A. None

XIII. ADJOURNMENT

Johnson adjourned the meeting at 8:15 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Tuesday, January 19, 2010 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Bruce Ambo, Secretary



AGENDA ITEM: XA

DATE _____

ACTION: _____

Memorandum

TO: PLANNING COMMISSION **DATE:** JANUARY 19, 2010

FROM: GENENE LEHOTSKY, ASSOCIATE PLANNER

SUBJECT: CONTINUED HEARING REQUEST FOR PARCEL MAP (MB 09-0091) AND COASTAL DEVELOPMENT PERMIT APPROVAL TO SUBDIVIDE ONE LOT INTO THREE AT 612 AGAVE DRIVE

RECOMMENDATION:

Staff recommends that the Planning Commission conditionally approve the project by adopting a motion including the following actions(s):

- A. Adopt the Findings for Approval included as Exhibit "A" of the staff report, for the Subdivision Exception Request, CEQA Categorical Exemption, Subdivision Map Act, and Coastal Development Permit based on the Tentative Parcel Map dated November 20, 2009, subject to the Conditions of Approval included as Exhibit "B" of the staff report.

BACKGROUND:

This project was initially heard by the Planning Commission on December 7, 2009. At the meeting, the Commission directed staff to return with findings of approval for the subdivision exception request, which would allow the accessway to be included to meet the required lot square footage for single family residentially zoned lots. On January 4, 2010, based upon direction from the Planning Commission, staff brought forward findings of approval for the subdivision exception request.

DISCUSSION:

Commissioner Lucas abstained from voting on the project at the January 4, 2010 Planning Commission meeting since he was not present at the December 7, 2009 Planning Commission Meeting and had not had an opportunity to review the audio and associated materials. The applicant requested that the project be continued to this Planning Commission meeting to allow Commissioner Lucas to review the audio and other materials presented at the December 7, 2009 Planning Commission meeting so that he would be fully informed and prepared to vote on the project.

CONCLUSION:

As conditioned, the proposed project would be consistent with all applicable development standards of the Zoning Ordinance, and applicable provisions of the General Plan and Local Coastal Plan and would not have a significant impact on the environment. The project would further goals for orderly and harmonious development, would be an attractive addition to the neighborhood, provide home ownership units to the city housing supply, and as such, all of the required findings could be made for project approval.

Attachments:

- Exhibit A – Findings for Approval
- Exhibit B – Conditions of Approval
- Exhibit C – January 4, 2010 Staff Report
- Exhibit D – December 7, 2009 Staff Report

EXHIBIT A **FINDINGS**

California Environmental Quality Act (CEQA)

In accordance with California Environmental Quality Act (CEQA) (Public Resources Code 21000 et. Seq.), the project is exempt pursuant to Section 15332 (Infill Development), Class 32. There are no known sensitive environmental resources on the project site, nor would the creation of new lots cause directly or indirectly a potentially significant impact. An archaeological survey was conducted as well as a soils report to determine if site had potential concerns for future development and no known concerns were raised required as conditions of approval.

Subdivision Map Act Findings

- A. As conditioned, the proposed map to create a three lot deep subdivision project, where new parcels will have single-family residences, is consistent with the General Plan and Coastal Land Use Plan because residential development and the given parcel sizes are allowed under the land use designation and zoning & subdivision ordinance.
- B. As conditioned, the design and improvements to create three single-family residences for the proposed subdivision is consistent with the General Plan and Coastal Land Use Plan because all public improvements will be constructed in accordance with City Engineers recommendation.
- C. The site is physically suitable for the type and density of development proposed because the site is zoned for single-family residential low to medium density (4-7 du/ac) and consistent with the land use designation.
- D. The design of the subdivision and related improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because all precautions will be implemented to catch and direct all runoff.
- E. The design of the subdivision and improvements will not cause serious public health problems.
- F. The design of the subdivision and related improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because no easements are required for the public however, facilities are designed to handle the adjacent properties as well.
- G. As conditioned, the design, architectural treatment, and general appearance of all buildings and open space areas are in keeping with the character of the surrounding area pursuant to 17.48.200, and will not be incompatible with the uses permitted in the surrounding areas and zoning district because new development will be subject to coastal development permits and neighborhood compatibility standards; and

- H. The City has available adequate water to serve the proposed subdivision based upon the water regulations and water equivalency table (Exhibit A) enforced at the time of approval of the tentative parcel map pursuant to the certified Water Management Plan and General Plan LU-22.1.
- I. Improved design based on density control and better community environment. As conditioned, the map will be consistent with Subdivision Ordinance and will allow orderly development consistent with the zoning district designation.

Coastal Development Permit Findings

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

Subdivision Exception Findings

Pursuant to Section 16-15.020 of the Subdivision Ordinance, before any exception is authorized, the Planning Commission must make all of the below findings.

As discussed above in the staff report, staff made the below findings to justify allowing the Parcel Map to deviate from the required residential lot size because the property has been encumbered by the turnaround to provide access not just to the subject property but for other properties as well. This turnaround creates a unique or unusual situation because it encumbers the subject property with a regional turnaround to serve more than one project. Typically, turnarounds for a project would be required on that project's property; however the turnaround for Parcel Map MB 07-0232 was placed and approved on the subject property. Therefore, the allowance of three undersized parcels, in lieu of two parcels on the subject site, which will include the accessway square footage to meet the minimum square footage requirements is justifiable, since the turnaround reduces the developable square footage of the subject property. Due to the unique situation, the project as conditioned, is consistent with the General Plan and with all applicable specific plans or other plans of the City.

- M. That the property to be divided is of such size or shape, or is affected by such topographic conditions, that it is impossible, impractical or undesirable, in the particular case, to conform to the strict application of the regulations codified in this title; and

- N. That the cost to the subdivider of strict or literal compliance with the regulations is not the sole reason for granting the modification; and
- O. That the modification will not be detrimental to the public health, safety and welfare, or be injurious to other properties in the vicinity; and
- P. That granting the modification is in accord with the intent and purposes of these regulations, and is consistent with the General Plan and with all applicable specific plans or other plans of the City.

EXHIBIT B
CONDITIONS OF APPROVAL

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated December 7, 2009 for the project depicted on the attached plans labeled “Exhibit C”, dated November 20, 2009 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Planning and Building Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Planning and Building Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Building Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the

use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.

7. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities including electrical, telephone and cable television shall be installed underground.
8. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. during the weekdays and eight a.m. and seven p.m. during the weekends, unless an exception is granted by the Building Official pursuant to the terms of this regulation.
9. Dust Control: Prior to issuance of a grading permit, a method of control to prevent dust, construction debris, and wind blown earth problems shall be submitted to and approved by the Building Official to ensure conformance with the performance standards included in MBMC Section 17.52.070.
10. 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 and implementation of any protective measures as determined by the Director of Planning & Building.
11. Property Line Verification. It is owner's responsibility to verify lot lines. Prior to foundation inspection the lot corners shall be staked and setbacks marked by a licensed professional.
12. Transportation/Circulation: The project shall provide approved "Fire Lane-No Parking" signage with red-painted curbs on the frontage of the alley where applicable.

PLANNING CONDITIONS

13. The accessway serving the proposed parcels shall be paved and shall be no less than 20 feet wide, as approved by the Planning Commission.

FIRE CONDITIONS

14. Access: A Fire Department Access Road is required pursuant to 2007 California Fire Code, Section 503.
15. Turnaround: A Fire Department Apparatus Turnaround is required and the Alternative to the 120-foot Hammerhead (contained in Appendix D) shall be used. (CFC 503.2.5)

16. Access Dimensions: Fire Department Access Road Dimensions shall have an obstructed width of not less than 20 feet. (CFC 503.2.1)
17. Access Surface: Fire Department Access Road Surface shall be designed and maintained to support imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. (CFC 503.2.3)
18. Fire Hydrant System: Project shall provide an on-site fire hydrant for this subdivision, in accordance with CFC 508.1
19. Fire Sprinklers: All structures of this new subdivision shall be provided with automatic fire sprinkler systems, in accordance with NFPA 13-D and Morro Bay Municipal Code, Section 14.60.200.

PUBLIC WORKS CONDITIONS

20. Stormwater Requirements:
 - a. Provide water quality treatment for the runoff resulting from a two year storm event either through retention (infiltration) or an alternative Water Quality BMP such as biofiltration, mechanical filtration or hydrodynamic separation.
 - b. Provide peak runoff rate control for the runoff resulting from the ten through hundred year rainfall events. For the purposes of stormwater management the pre-construction condition shall be natural soil and vegetation. Post development shall assume a fully built out parcel map.
 - c. Drainage analysis, runoff calculations, design and justification of drainage facilities shall be performed by a Registered Civil Engineer and submitted prior to recordation of the Final Parcel Map. The responsible Soils Engineer shall review all proposed infiltration and storage systems for site suitability.
21. Stormwater Requirements: With any building or grading permits, 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.

RECREATION AND PARKS CONDITIONS

22. Parkland In-Lieu Fees: In accordance with the Morro Bay Municipal Code 16.16.030 Parkland Dedication Requirements, the subdivision will require payment of an in-lieu fee. Based on the County of San Luis Obispo Assessed Value for 2009-2010, the anticipated in-lieu fee total is: \$17,864.00. Note that this fee may be redetermined at the time of payment and that the value of the land based on 2009-2010 is vested.



CITY OF MORRO BAY PLANNING COMMISSION

January 19, 2010

AGENDA ITEM: <u>XB</u>
DATE <u>1/19/10</u>
ACTION: _____

PROJECT SUMMARY

Appeal of Minor Use Permit UP0-255 to allow the conversion of a commercial use to a residential use.

FILE NUMBER

UP0-255

LEGAL DESCRIPTION

Lots 24 & 25, Block 7, Tract Morro Del Mar Subdivision #1

ADDRESS

2300 Main St., Unit #1

APN

068-262-060

APPELLANT

Grant Crowl
450 Fairview Ave.
Morro Bay, CA 93442
(805) 772-2812

APPLICANT

Michael Del Puppo
2542 Laurel St.
Morro Bay, CA 93442
(559) 281-0902

ATTACHMENTS

- Exhibit A: Findings
- Exhibit B: Conditions of Approval
- Exhibit C: Graphics/Plan Reductions
- Exhibit D: Appeal Form
- Exhibit E: Minor Use Permit UP0-255
- Exhibit F: Photos of the On-site Postings
- Exhibit G: Memo - Residential Development Regulations in the North Main Street Area, Dated May 2, 2006



Vicinity Map

ISSUE SUMMARY

Staff issued Minor Use Permit UP0-255 on November 10, 2009 to convert an existing commercial unit to a residential unit within an existing mixed use building. On November 20, 2009, Grant Crowl filed an appeal to Minor Use Permit UP0-255 citing that the granted request is not consistent with City regulations.

STAFF RECOMMENDATION

The Planning Commission should *DENY THE APPEAL* by adopting a motion including the following action(s):

- A. Adopt the Findings for Approval included as Exhibit “A” of the staff report for the Minor Use Permit, including the CEQA Categorical Exemption based on the Site Plan dated April 3, 2009, subject to the Conditions of Approval included as Exhibit “B” of the staff report.

ENVIRONMENTAL DETERMINATION:

In accordance with California Environmental Quality Act (CEQA) (Public Resources Code 21000 et. Seq.), the project is exempt pursuant to Section 15303 (Conversion of Small Structures), Class 3. There are no known sensitive environmental resources on the project site, nor would the conversion of use of one unit from commercial to residential potentially cause, directly or indirectly, a significant impact.

SETTING/BACKGROUND

The project site, which is approximately 8,036 square feet, is located at 2300 Main St. between Bonita and La Jolla Streets. The existing building on site was originally approved by Planning Commission in 1971 as a mixed use commercial/residential project within a C-1, S-8 zoning district. The approximately 4,502 square foot, two-story building was approved with commercial uses on the ground floor, residential uses on the top floor and 10 parking spaces. The site is currently zoned Mixed Commercial/Residential District MCR/R.4 (SP) and is located within the North Main Specific Plan. Pursuant to Section 17.24.110 of the Zoning Ordinance, residential use is allowed in the MCR/R-4 (SP) zoning district with the issuance of Minor Use Permit.

<u>Adjacent Zoning/Land Use</u>			
North:	Mixed Use Commercial/ Residential (MCR, R-4, SP)	East:	Mixed Use Commercial/ Residential (MCR, R-4, SP)
South:	Mixed Use Commercial/ Residential (MCR, R-4, SP)	West:	Across the Fwy. - Mariculture and Marine Research, Coastal Resource Residential, Golf Course, Planned Development (MMR, CRR, GC, PD)
<u>Site Characteristics</u>			
Site Area	8,036 square feet		
Existing Use	Mixed Use (Commercial and Residential)		
Terrain:	Relatively flat		
Vegetation/Wildlife	Two trees and shrubs in planters located in the parking lot		
Archaeological	Greater than 1,200 feet from any known site		

Resources	
Access	Main and La Jolla Streets
<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
Land Use Plan Designation	Mixed Use Area
Base Zone District	MCR
Zoning Overlay District(s)	R-4, SP
Coastal Zone	Yes, but not within appeals jurisdiction

DISCUSSION

The proposed project is the conversion of one 960 square foot commercial unit (Unit #1) to a residential unit within a seven unit building. Unit #1, located on the bottom floor, was converted to a 1-bedroom residential unit without a permit. Staff learned about the conversion pursuant to a code enforcement complaint and gave the owner the option to revert the residential use back to commercial use or apply for a Minor Use Permit. The existing building’s configuration on the bottom floor includes four units; one 1-bedroom residential unit, two residential studios, and a barber shop. The top floor consists of two 2-bedroom residential units and a storage area. Although the building was originally approved with 10 parking spaces, today, there are nine parking spaces on-site but only eight usable parking spaces. The tenth parking space was eliminated from the site due to the applicant installing a handicap parking space to serve the commercial uses. Two of the original parking spaces were combined into one to accommodate the required dimensions for a handicap parking space. The ninth parking space is not utilized, as it is located behind the building and a fence has been erected to prevent access. However, a condition was placed on Minor Use Permit UP0-255 requiring that this space be usable and available to the on-site residents and patrons of the barber shop.

Pursuant to the City’s current regulations, the requested change in use is allowable. Attached to the staff report is a memo to Council dated May 2, 2006, which states that policies and regulations for development in the North Main Street Area are addressed in the North Main Street Specific Plan and most of the recommendations in this Specific Plan have been codified in the Zoning Ordinance or other regulatory documents. However, more stringent planning and development policies in this area were included in the 2005 updates to the Zoning Ordinance, which require a Conditional Use Permit for all mixed-use projects with a residential component, whereas current regulations require a Minor Use Permit. The memo recommends revisiting the issue of residential development in the North Main Street Area once the Coastal Commission has certified the Zoning Ordinance and General Plan.

The Appellant cites that the project, as approved with Minor Use Permit UP0-255 is: 1) inconsistent with the City’s regulations regarding mixed use ratios (i.e. commercial vs. residential use); 2) inconsistent with current parking regulations and; 3) inadequate with respect to posting of the site notice. Below is an analysis of the contentions made by the Appellant.

ANALYSIS:

1) Mixed Use Ratios

The project was approved with commercial use on the bottom floor and residential on the top floor in 1971. At the time the zoning of the parcel was C-1, S-8. In 1989, the North Main Specific Plan was adopted and changed the zoning to MCR/R-4 (SP). Not only does the North Main Specific Plan apply to this project, but the Zoning Ordinance, General Plan, and Local

Coastal Plan also provide regulations and direction for this site. It should be noted that the project is simply a conversion of commercial to residential use within an existing non-conforming structure and is not new development or redevelopment of the site. Further, the change from commercial to residential use may contribute to market rate affordable housing.

Local Coastal Plan

The project is located in an area of City that the Local Coastal Plan designates as “Mixed Use Area F”, where a mix of all uses as appropriate shall be encouraged. The Local Coastal Plan states that:

“An evaluation of appropriate uses on a parcel by parcel basis will be conducted during the implementation phase.”

This indicates that the mix of uses for the project site is to be determined at the time of project review.

The project, as approved, consisted of a 50/50 mix of commercial and residential. Since 1971, it appears that two units on the bottom floor were converted from commercial to residential uses and back again which is afforded to the project since it is mixed use. Consistent with the Local Coastal Plan, a mix of uses as appropriate shall be encouraged in this area. The request to convert from commercial to residential is reasonable because the project was originally constructed with the mixed use concept and one commercial unit is being retained. Therefore, the mixed use concept is still in tact. Adjacent properties are zoned MCR/R-4 and the change in use of Unit #1 is consistent with the surrounding uses.

North Main Specific Plan

As mentioned above, the project is within the North Main Specific Plan. According to the section titled “Commercial Use on North Main Street”, the MCR/R-4 zone allows C-1-N, C-1, and C-2 uses, mixed commercial and residential, or exclusive residential use according to R-4 standards. The property owner is given discretion to choose the best use as long as they comply to the development standards of the plan. As stated above, the Specific Plan allows for exclusive residential use at the R-4 density, mixed use commercial or residential, or exclusive commercial use.

Zoning Ordinance

Section 17.24.110 of the Zoning Ordinance (Mixed Commercial/Residential (MCR) District) requires a Minor Use Permit to allow residential use in the MCR zone. Within this section, Special Standards state:

“The MCR zone allows uses which are found to be similar and consistent with the General Plan and Local Coastal Plan as those found within the C-1 and C-2 districts, mixed commercial and residential uses in any proportion, or exclusive residential use.”

Further, under Residential Uses, it states:

“Designation of the MCR zone with an R-4 suffix will permit residential development according to the designated density and applicable development standards of this plan.”

According to the above section, exclusive residential use is allowed with an R-4 designation. The conversion of Unit #1 from a commercial to residential use conforms to these standards, as one commercial unit in the building still remains. The MCR zone supports the mixed use

concept of both the Local Coastal Plan and the General Plan and the evaluation of appropriate uses on a parcel by parcel basis is accomplished through the conditional use process.

The project is also subject to another layer of zoning; the SP overlay zone. Section 17.40.070 (Combining Mixed Use Overlay Zone) of the Zoning Ordinance states:

“The Local Coastal Plan has designated certain areas of the City as mixed use designation and shall be addressed for development of each of these areas.”

This section continues with the following:

“In mixed use areas combining commercial and residential designations, the commercial district shall be the primary district and at least fifty percent of the gross floor area of the project shall be devoted to commercial or office uses. An exception is for those areas in which the Local Coastal Plan text specifically describes the mixed use relationship that should be allowed.”

As stated above, the project is to be reviewed on a case by case basis pursuant to Mixed Use Area F identified in the Local Coastal Plan.

2. Parking

The project was originally approved in 1971 with 10 parking spaces for approximately 2,234 square feet of commercial and 2,034 square feet of residential. Pursuant to the current Section 17.44.020 (Parking Facilities) of the Zoning Ordinance, the following parking requirements are as follows:

- 1 space per studio unit
- Multiple spaces for apartments of 1 bedroom or more, equaling 1.5 spaces for the first bedroom and .5 spaces for every additional bedroom and;
- 1 space for every 300 square feet of commercial space

To meet current parking requirements with a 50/50 mix of uses, 7 spaces would be required for the originally constructed 2,234 square feet of commercial use and 4 spaces would be required for the residential uses for a total of 11 parking spaces, without guest parking spaces. However, the current configuration of the project approved with Minor Use Permit UP0-255 requires only 9 total parking spaces because the additional residential use is not as intense as commercial use, and therefore, requires less parking. As demonstrated by the site plan, adequate space on the site plan is not available to accommodate parking that would be required for additional commercial uses. To provide the required amount of parking for the original project of 2,234 square feet of commercial, pursuant to current regulations, three additional parking spaces would be required on-site. Section 17.44.020, (Parking Facilities) of the Zoning Ordinance states:

“ ... for any structure or land changed to a more intensive use that would require the provision of more parking spaces over what already exists, off-street parking spaces shall be provided in accordance with the requirements and standards...”

The residential use proposed in Unit #1 is less intense; therefore additional on-site parking, including guest parking, is not required.

Finally, the Appellant states that guest parking is required per the Zoning Ordinance. The Zoning Ordinance does require guest parking in multi-family zones if there are five or more units; however, staff reviewed the project as an existing project rather than a new project. When determining the appropriate mix of uses for an existing mixed use building, staff evaluates the site and the current uses. Because the site was developed in 1971 pursuant to different regulations, it is non-conforming and has limited parking available which has a significant impact on the site’s ability to accommodate a mix of commercial and residential uses without a

parking conflict. Unit #1 is 960 square feet in size which requires a minimum of three parking spaces to accommodate a standard commercial use. The proposed residential unit requires two parking spaces. The requirement of a guest parking space further restricts the mixed use flexibility of the project.

The maximum number of parking spaces that could be provided on-site given the original design is ten. The location of the ninth parking space, originally approved behind the building would not be allowed today due to its location; however, it currently exists so the project was conditioned to make the space accessible as originally approved. If the project does revert back to the original 50/50 mixed use configuration with exclusive commercial use on the bottom floor, the requirement for the eleventh space will be reviewed at that time.

3. Site Posting

The Appellant alleges that the site plan without text was posted on-site on November 6, 2009; however, the site plan with the text was posted on-site on October 27, 2009. In addition, the site notice is created as one 11” x 17” laminated sheet and always consists of the site plan and text. Attached are photos of the site postings for Minor Use Permit UP0-255 and the Appeal.

PUBLIC NOTICE:

Notice of this item was posted at the site and published in the San Luis Obispo Telegram-Tribune newspaper on January 8, 2010, and all property owners of record within 300 feet of the subject site were notified of the public hearing and invited to voice any concerns on this application.

CONCLUSION:

With recommended Conditions of Approval as provided with the issuance of Minor Use Permit UP0-255, the proposed project is consistent with the Zoning Ordinance, North Main Specific Plan, General Plan, and Local Coastal Plan and would not have a significant impact on the environment. It is recommended that the Appeal be denied.

Report prepared by: Genene Lehotsky, Associate Planner

EXHIBIT A
FINDINGS

Minor Use Permit Findings

1. That the project, as conditioned and approved with Minor Use Permit UP0-255, will not cause any health and safety concerns, and will not impact neighboring uses, environmentally sensitive habitat areas, or otherwise create significant impacts.
2. The Project is exempt from the California Environmental Quality Act, under the Class 3, 15303, for construction and location of limited numbers of new, small facilities or, structures; installation of small structure new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

EXHIBIT B
CONDITIONS OF APPROVAL

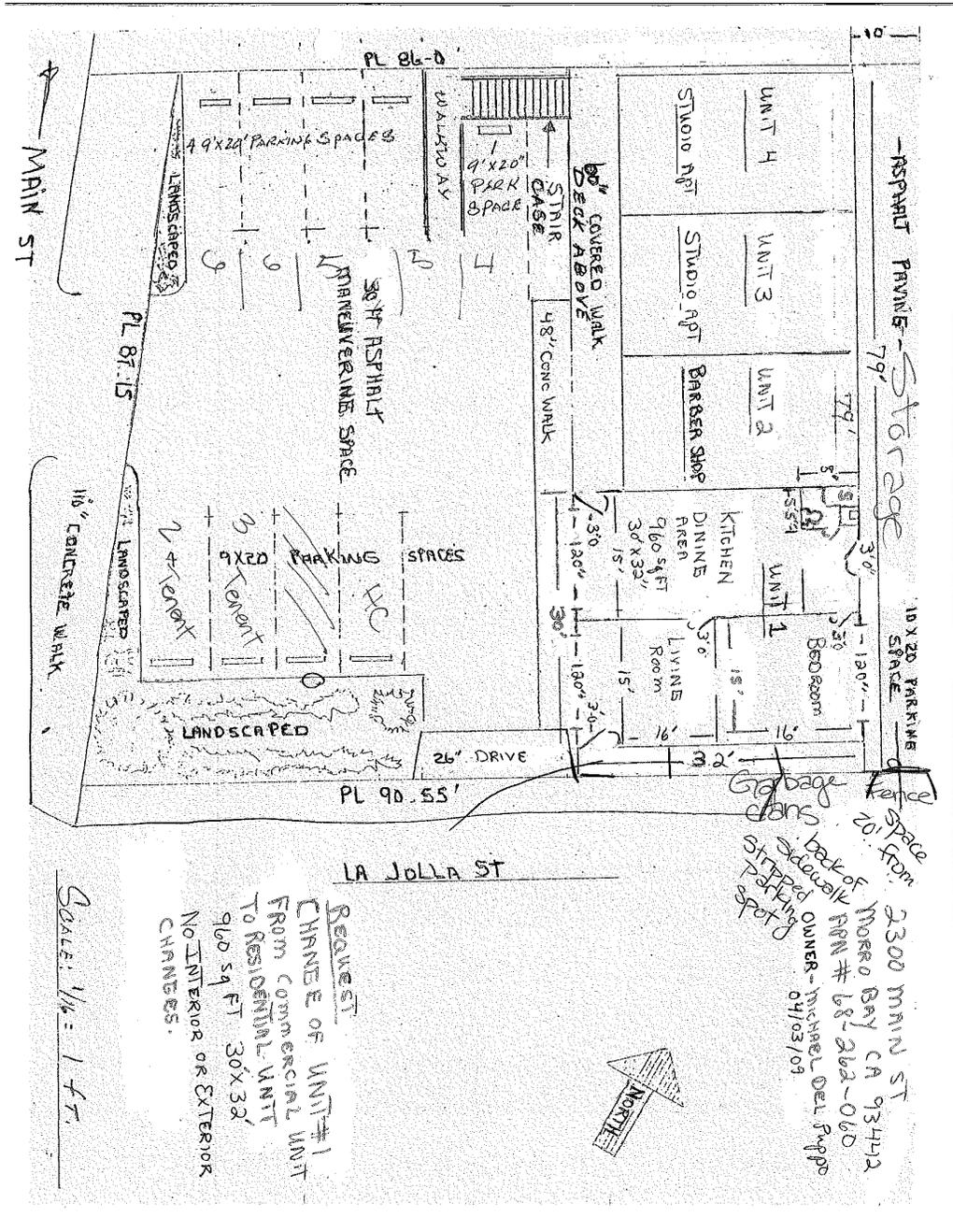
1. Inaugurate Within Six Months: Unless the construction or operation of the structure, facility, or use is commenced not later than Two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two (2) one year periods. Said extensions may be granted by the Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
2. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
3. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
4. Compliance with Conditions: Compliance with and execution of all conditions listed hereon shall be necessary, unless otherwise specified. Deviation from this requirement shall be permitted only by written consent of the Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
5. Compliance with Morro Bay Standards: This poroject shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

PUBLIC SERVICES CONDITIONS

6. Revised Site Plan: The applicant will submit a revised site plan that depicts the existing parking space configuration and tenant space assignment, including the location of the existing handicap parking space.
7. Parking: The site plan submitted indicates a parking space at the rear of the site; however, pursuant to a site visit, the parking space is currently fenced off and garbage cans are placed in front of the entrance of the fence. The fence shall be opened and the garbage cans shall be removed and relocated. The parking space will accommodate the parking requirement for Unit 1.

8. Parking: All parking shall be allocated to the uses on-site. Boats and any other recreational vehicles shall not be stored or parked anywhere on-site.
9. Use Change: Any future use changes shall require a use permit.

EXHIBIT C
GRAPHICS/PLAN REDUCTIONS

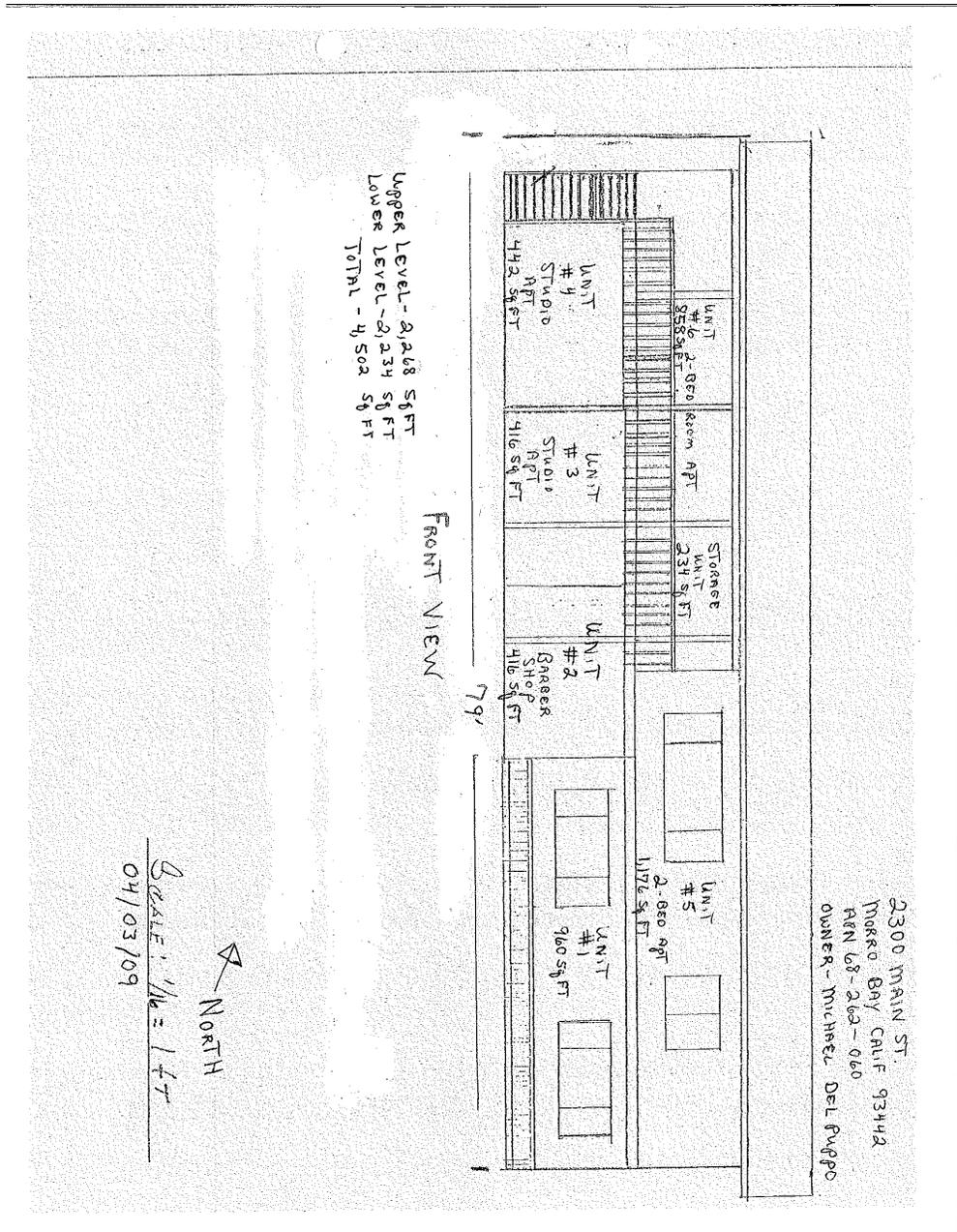


Planning Commission



Site Plan

EXHIBIT C
GRAPHICS/PLAN REDUCTIONS



Planning Commission



Elevation

EXHIBIT D

History: When the property was first developed in the early 1970s, it was required that all 4 units downstairs were for commercial use only, while upstairs was residential. Subsequently, 2 of the downstairs units were illegally converted. Now, a third downstairs unit has been illegally converted leaving 1 commercial unit, a barber shop.

GROUND FOR THE APPEAL:

1. Parking. The parking as configured now is 5 regular parking spaces on the north side, 2 regular parking spaces on the south side, and 1 handicapped parking space on the south side. That is a total of 7 spaces for 7 residences plus 1 business which is only 7 spaces to accommodate 8 units, plus a handicapped space. In the proposal, the applicant is removing the 1 handicapped space and converting it to 2 regular spaces to get a total of 9 regular parking spaces for 7 residential units and 1 business, with no handicapped space.

However, since there is a commercial operation at this location, I would assume under the law that a handicapped space must be provided to accommodate patrons of the commercial operation. In addition, I believe our ordinances would require that 1 of the regular spaces would also be designated for the commercial use on this property. If this is true, that leaves 6 parking spaces for 7 residential rental units.

Also, I believe under our ordinances that any multiple unit residential project must provide at least 1 guest parking space. Since this is a change in use permit, this would require the property be brought up to the current requirements of our ordinances. Each of the triplex's built down the street by the Lucky Seven business required a guest parking space.

With the North Main Street bike line funded, on-street parking cannot be counted on to accommodate overflow parking needs.

2. Residential to Commercial Ratio. Initially, this development was approved as a mixed use project in a C-1 zone; now it has mixed use zoning of MCR/R-4(SP). When the project was built the ratio allowed was 50-50. City Council voted on November 9, 2009, that it is willing to go as high as 80-20. If this project were allowed, the ratio would be 87.5 to 12.5% in clear violation of the new recommended allocation as well as the old one.

The City Council in prior discussions has indicated that it did not want to lose anymore commercial property, particularly south of San Jacinto on Main Street. It undermines the City's tax base and reduces support for remaining adjacent businesses.

3. Posting time inadequate. Pedestrians first observed the posting on November 6, 2009. At that time there was only the drawing with none of the regular notice. Later, text was observed.

Conclusion: The current owner has already gone in and illegally made the conversion to a residential unit as the prior owner illegally did the other two lower units. Should a residential unit be converted from a prior Commercial Use unit? I do not believe the proposal meets or can meet the city requirements and/or ordinances.



CITY OF MORRO BAY
PUBLIC SERVICES DEPARTMENT
APPEAL FORM

RECEIVED

NOV 20 2009

City of Morro Bay
Public Services Department

APPEAL FROM THE DECISION OR ACTION OF (GOVERNING BODY OR CITY OFFICER):

Public Service Director

APPEAL OF SPECIFIC DECISION OR ACTION:

2300 Main St VPO-55 Conversion from Commercial to residential use

DATE DECISION OR ACTION RENDERED: Posted on property 11-06-09

APPELLANT (PLEASE PRINT): Grant E Crowl

SIGNATURE: *Grant E Crowl*

ADDRESS: 450 Fairview Ave TELEPHONE NUMBER: 772-2812

GROUND(S) FOR THE APPEAL (ATTACH SHEETS AS NECESSARY):

See Attached

REQUESTED RELIEF OR ACTION: ① To deny conversion from commercial to residential "previous glass shop"

FOR OFFICE USE ONLY

DATE APPEAL FILED: ACCEPTED BY:

APPEAL BODY:

DATE OF APPEAL HEARING:

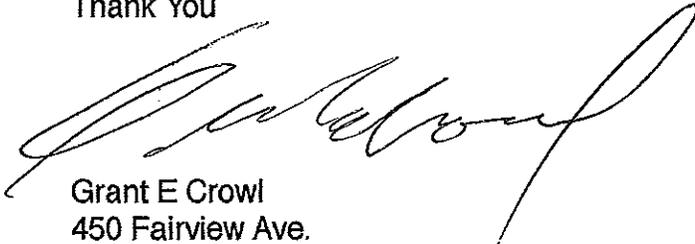
Monday November 23, 2009

To: City of Morro Bay Public Services Department

Re: Appeal Permit No. UP0-000-255

With the holidays in the immediate future and the stress that is caused by the season, I request that the appeal be scheduled for January 2010.

Thank You

A handwritten signature in black ink, appearing to read 'Grant E Crowl', written in a cursive style.

Grant E Crowl
450 Fairview Ave.
Morro Bay, CA 93442
805-772-2812

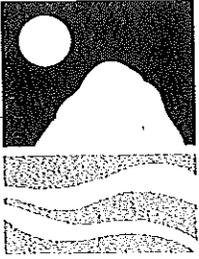


EXHIBIT E

City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200
www.morro-bay.ca.us

November 10, 2009

Michael Del Puppo
2542 Laurel Street
Morro Bay, CA 93442

SUBJECT: Case No.: UP0-255

SITE: 2300 Main Street, Unit #1

Dear Mr. Del Puppo,

The Public Services Department has approved your request for a Minor Use Permit with the attached conditions. This action does not constitute a building permit. Any further processing of this project must be initiated by the applicant, subject to the applicable rules and regulations of the Morro Bay Municipal Code. *Please be advised that you must return the enclosed Acceptance of Conditions form, signed, to this department within thirty (30) days of this approval or the action is null and void.*

The Morro Bay Municipal Code provides for an appeal of the action by the Planning Commission within ten (10) days of adoption and anyone wishing to appeal may do so in writing by delivering such letter to the office of the City Clerk. There is a fee for processing appeals that are not coastal permits.

Please also find enclosed the Notice of Exemption for your project. The City of Morro Bay no longer files notices of exemptions. You may file the Notice of Exemption with the County Clerk's office located in the County Government Building in San Luis Obispo. The filing Fee is \$25.00.

Section 15062 (d) of The California Environmental Quality Act (CEQA) provides:

"The filing of a Notice of Exemption and the posting on the list of notices start a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply."

Sincerely,

Bruce Ambo
Director Public Services Department

By: 

FINANCE
595 Harbor Street

HARBOR DEPARTMENT
1275 Embarcadero Road

ADMINISTRATION
595 Harbor Street

CITY ATTORNEY
955 Shasta Avenue

FIRE DEPARTMENT
715 Harbor Street

POLICE DEPARTMENT
850 Morro Bay Boulevard

PUBLIC SERVICES
955 Shasta Street

RECREATION AND PARKS
1001 Kennedy Way

Project Discussion

The applicant is proposing a use change from commercial use to residential use in Unit 1.

The building was constructed in 1971 and proposed as a mixed commercial and residential project. The project historically had commercial in the four floor units totaling 2,234 square feet. The top floor consists of two residential units totaling 2,034 square feet and a storage unit totaling 234 square feet. When the site was built the project provided 10 on-site parking spaces.

Section 17.44.020, Parking Facilities, of the Zoning Ordinance requires 1 space per studio unit, multiple spaces for the apartments of 1 bedroom or more, equaling 1.5 spaces for the first bedroom and .5 space for every additional bedroom and 1 space for every 300 square feet of commercial space. To have adequate parking on site they would have needed to provide 8 spaces for commercial uses and 4 spaces for residential spaces, totaling 12 spaces.

In order to conform to American Disability Act (ADA) standards, two spaces were utilized for handicap parking, one for the handicap parking space and one for access to the parking space. After the addition of the handicap parking space the total on-site parking spaces totaled 9 spaces.

Per section 17.24.110, Mixed commercial/residential (MCR) district, the Special Standards state, "The MCR zone allows uses which are found to be similar and consistent with the general plan and local coastal plan as those found with the C-1 and C-2 districts, mixed commercial and residential uses in any proportion, or exclusive residential use." The conversion of unit 1 from a commercial use to a residential use still conforms to the standards of a MCR zone. There is one unit that is commercial in the building.

Currently the parking is non-conforming, but the applicant will be required to keep 9 spaces that were originally available on-site open and available. Section 17.44.020, Parking Facilities, state for every "new use, and for any structure of land changed to a more intensive use that would require the provision of more parking space over what already exists, off-street parking spaces shall be provided in accordance with the requirements and standards." The use proposed in unit 1 is not more intense; therefore additional on-site parking is not required.

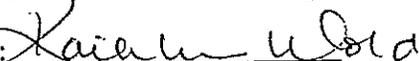
Staff visited the site and observed one space being used for boat storage. The project is being conditioned to prohibit recreational vehicle or boat storage.

Section 15062 (d) of The California Environmental Quality Act (CEQA) provides:

"The filing of a Notice of Exemption and the posting on the list of notices start a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply."

Sincerely,

Bruce Ambo
Director, Public Services Department

By: 

enc: Permit, Findings, Conditions of Approval, and Acceptance of Conditions Form

NOTICE OF EXEMPTION

TO: San Luis Obispo County Clerk
County Government Center
San Luis Obispo CA 93401

FROM: City of Morro Bay
Public Services Department
955 Shasta Avenue
Morro Bay, CA 93442

Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

Project Title: Conversion of commercial unit to residential use.

Project Location - Specific: 2300 Main Street, Unit #1

Project Location - City: MORRO BAY County: SAN LUIS OBISPO

Description of Project: Conversion of commercial unit into one bedroom apartment with no interior or exterior changes at 2300 Main Street, Unit #1 with conditions.

Name of Public Agency Approving the Project: CITY OF MORRO BAY

Name of Person or Agency Carrying Out Project: Michael Del Puppo

Exempt Status: (Check One)

Reasons why project is exempt: Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small structure new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

- Ministerial (Sec. 21080(b)(1); 15268);
- Categorical Exemption:
Type and Section Number: Conversion of Small Structures 15303
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Statuary Exemption Code No. _____

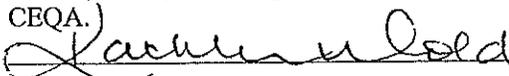
Lead Agency: CITY OF MORRO BAY

Contact Person: Kathleen Wold Telephone: (805) 772-6211

Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Certification:

I hereby certify that the public agency has made the above finding and that the project is categorically exempt from CEQA.


Signature

Title: Senior Planner

Date: 11/10/09

Minor Use Permit

CASE NO: UPO - 255

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 2300 Main Street, Unit #1

APPLICANT: Michael Del Puppo

APN/LEGAL: 68-262-060

DATE APPROVED: November 10, 2009 APPROVED BY : Bruce Ambo, Director Public Services Department

BY: _____

**CEQA DETERMINATION:
DESCRIPTION OF APPROVAL**

THIS APPROVAL IS BASED UPON THE ATTACHED FINDINGS AND IS VALID ONLY IF CONDITIONS (ATTACHED) ARE MET AND ONLY AFTER THE APPLICABLE APPEAL PERIOD. Failure to comply with the conditions of this permit shall, at the discretion of the Public Services Director pursuant to Municipal Code Section 17.60.150, render this entitlement null and void.

YOUR PROPERTY IS LOCATED IN THE CITY OF MORRO BAY JURISDICTION, THERE IS AN APPEAL PERIOD OF TEN (10) *Calendar days*, WITHIN WHICH TIME YOUR PERMIT IS APPEALABLE TO THE CITY COUNCIL/PLANNING COMMISSION

YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION APPEALS JURISDICTION: THE FOLLOWING COASTAL COMMISSION APPEAL PERIOD APPLIES TO YOUR PROJECT: This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) *Working days* following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 415-427-4863. If you have any questions, please call the City of Morro Bay Public Services Department, 772-6261.

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: November 23, 2009

ATTEST: *Kathleen Wood* DATE: 11/25/2009

THIS IS A DISCRETIONARY APPROVAL AND DOES NOT CONSTITUTE A BUILDING PERMIT

RECEIVED

DEC 04 2009

City of Morro Bay
Public Services Department

APPLICANT'S ACCEPTANCE
OF
CONDITIONS OF APPROVAL

CASE NO. UPO - 255

SITE LOCATION: 2300 MAIN STREET, UNIT #1

APPLICANT NAME: MICHAEL DEL PUPPO

APPROVAL BODY: Public Services Director
 Zoning Administrator
 Planning Commission
 City Council

DATE OF ACTION: NOVEMBER 10, 2009

I, MICHAEL DEL PUPPO the undersigned, have read and
(APPLICANT'S NAME - PLEASE PRINT)

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

approving Case Number: UPO - 255

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

Michael Del Puppo
APPLICANT'S SIGNATURE

12/04/09
DATE:

MINOR USE PERMIT
CASE NO. UPO-255
SITE LOCATION: 2300 MAIN, UNIT #1

I. FINDINGS OF APPROVAL

The Director has reviewed this Minor Use Permit application and finds the following:

1. That the project will not cause any health and safety concerns, and will not impact neighboring uses, environmentally sensitive habitat areas, or otherwise create significant impacts.
2. The Project is exempt from the California Environmental Quality Act, under the Class 3, 15303, for construction and location of limited numbers of new, small facilities or structures; installation of small structure new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

II. CONDITIONS OF APPROVAL

1. Inaugurate Within Six Months: Unless the construction or operation of the structure, facility, or use is commenced not later than Two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two (2) one year periods. Said extensions may be granted by the Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
2. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
3. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
4. Compliance with Conditions: Compliance with and execution of all conditions listed hereon shall be necessary, unless otherwise specified. Deviation from this requirement shall be permitted only by written consent of the Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this

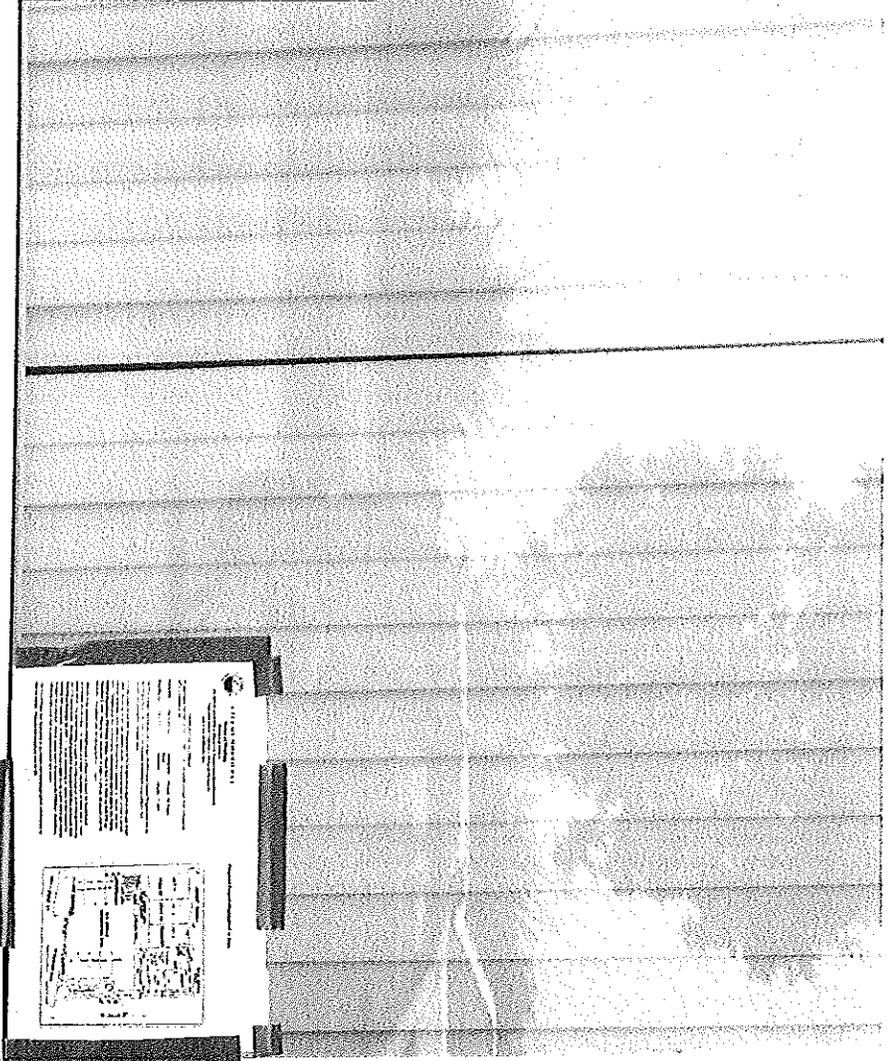
entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.

5. Compliance with Morro Bay Standards: This poroject shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

PUBLIC SERVICES CONDITIONS

6. Revised Site Plan: The applicant will submit a revised site plan that depicts the existing parking space configuration and tenant space assignment, including the location of the existing handicap parking space.
7. Parking: The site plan submitted indicates a parking space at the rear of the site; however, pursuant to a site visit, the parking space is currently fenced off and garbage cans are placed in front of the entrance of the fence. The fence shall be opened and the garbage cans shall be removed and relocated. The parking space will accommodate the parking requirement for Unit 1.
8. Parking: All parking shall be allocated to the uses on-site. Boats and any other recreational vehicles shall not be stored or parked anywhere on-site.
9. Use Change: Any future use changes shall require a use permit.

EXHIBIT F



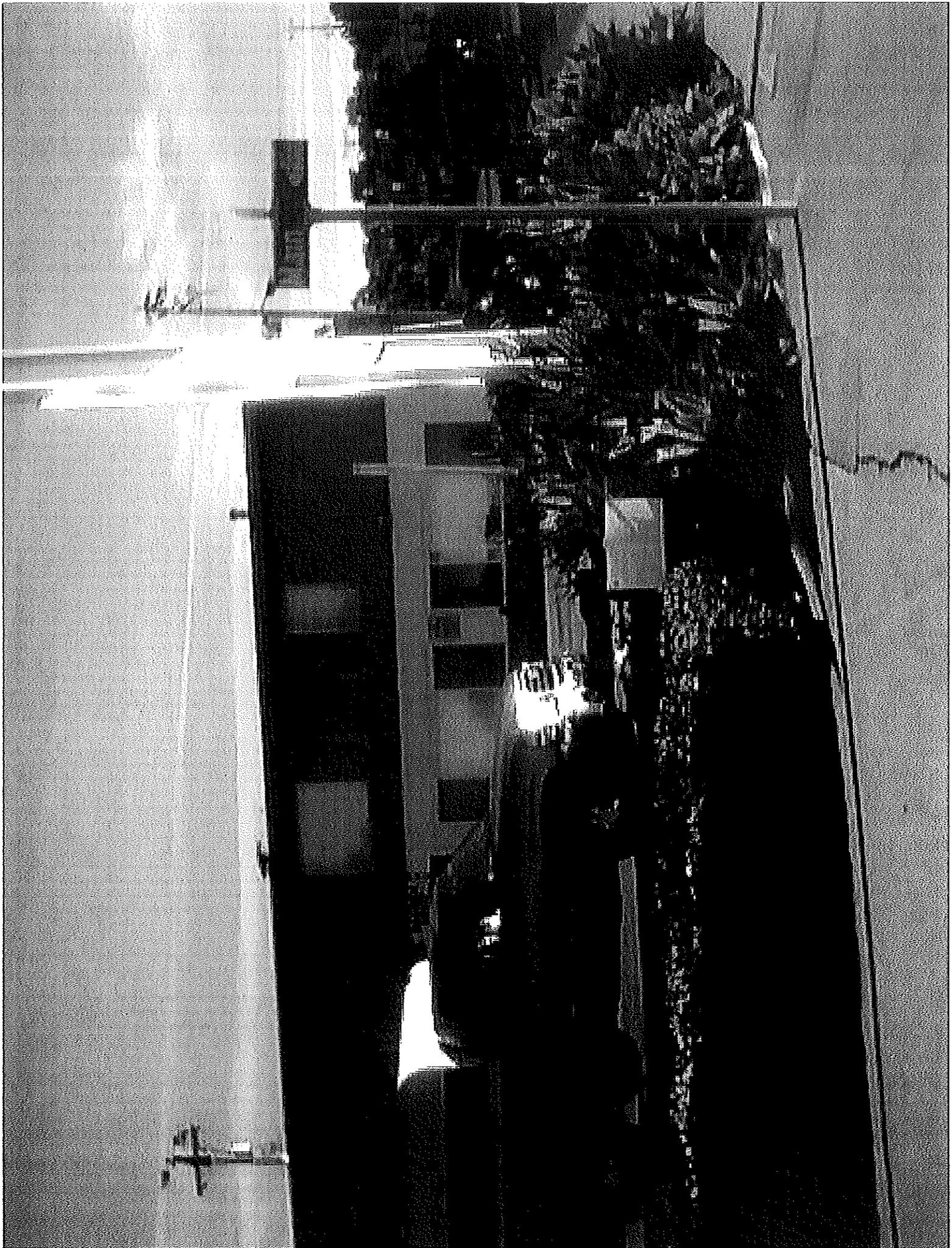


EXHIBIT G



AGENDA NO:	D-1
Meeting Date:	May 8, 2006
Action:	

Staff Report

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE:** May 2, 2006
FROM: Bruce Ambo, Public Services Director
SUBJECT: Residential Development Regulations in the North Main Street Area

RECOMMENDATION: It is recommended that the City Council receive and file this report, or provide further direction to staff.

FISCAL IMPACT: The fiscal impact associated with the staff response to this request for Council information is minimal. Potential fiscal impacts beyond the recommendations in this report would need to be determined based upon a clearer definition of the project and scope of work.

BACKGROUND: On April 24 the City Council requested a future agenda discussion item on what staff believes is the review process for residential projects in the North Main Street Area. For purposes of this discussion, staff suspects the area in question may be the MCR/R-4 Zone (Mixed Commercial Residential/Multifamily Residential) that generally fronts along Main Street in a north-south alignment. An Administrative or Minor Use Permit (MUP) is required for any residential project or component of a mixed-use project in this area, and densities are set at R-4 allowances. In addition to the noticing required for these use permits, all administrative applications are listed on the Planning Commission agendas for additional advanced notification.

Policies and regulations for development in this area were addressed in the North Main Street Specific Plan that was adopted in 1989. The plan had a 10-year time horizon and since that time nearly all of the recommendations in the specific plan have been codified and/or standards incorporated into other plans and ordinances.

All aspects of planning and development policies in this area were most recently considered through the General Plan/Local Coastal Plan update process that was completed in 2004. Similarly, the update to the City's Zoning Ordinance also included numerous code amendments that were also completed in 2005. You may recall that in the update to the Zoning Ordinance, all mixed-use projects with a residential component were elevated to a Conditional Use Permit (CUP), and development regulations were added that require the residences to be either above or at the rear of the commercial space. These provisions are more restrictive than the current ordinance.

The updated GP/LCP and new Zoning Ordinance have been submitted for review and certification at the California Coastal Commission. Additional concerns and possibly other regulations can be considered when the new Zoning Ordinance comes back before both the Planning Commission and City Council following the Coastal Commission review.

Prepared by:		Dept. Review:	
City Manager Review:			



City of Morro Bay
Public Services
Advanced Planning Work Program

Work Item	Planning Commission	City Council	Coastal Commission	Comments	Estimated Staff Hours
Neighborhood Compatibility Standards (Variable Height & Setbacks, FAR)	TBD	TBD			120 to 160
Strategic plan for managing the greening process				Pending County AB811 analysis and Board of Supervisor's action.	200 to 300
	7/6/09	12/14/09			
AB811	7/6/09	8/24/09			120 to 160
Safety Element	Approved	TBD			20 to 40
Draft Urban Forest Management Plan	TBD	TBD			200 to 300
CEQA Implementation Guidelines	TBD	TBD	NA		120 to 160
Update CEQA checklist pursuant to SWMP (2/2011)	TBD	TBD			120 to 160
Downtown Visioning	TBD	TBD			120 to 160
PD Overlay	TBD	TBD			3/20/00
Annexation Proceeding for Public Facilities		TBD			TBD
<i>Planning Commission Generated Items</i>					
Work Item	Requesting Body				Estimated Staff Hours
Pedestrian Plan	Planning Commission				TBD
<i>Items Requiring Further Analysis When Activated</i>					
Work Item	Plng. Comm.	City Council	Coastal Comm.		Estimated Staff Hours
Updated Zoning Ordinance	TBD	TBD			1,800
Updated General Plan/LCP	TBD	TBD			1,800
NPDES Storm Water Management Plan			Approved By RWQCB 2/17/09		
<i>Completed projects</i>					
Housing Element Update/ SB 1818				Submitted to HCD by 6/17/09. HCD returned comments 8/2009. Staff/consultant responded to comments 9/15/2009. Item scheduled for P.C. on 10/5/2009. Revised PC date to 10/19/2009. Submitted responses to HCD comments on 9/15/2009. P.C. forwarded a favorable recommendation on Neg Dec and 2009 Element. City Council adopted the Neg Dec and 209 Housing Element with minor modifications. Housing Element Certified by State Department of Housing and Community	200 to 300
	10/26/09	11/9/09			



City of Morro Bay
Public Services
Current Project Tracking Sheet

New items or items which have been recently updated are italicized. Approved projects are deleted on next version of log.

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	Case No.'s	30-Day Review
Hearing or Action Ready								
1	Cathy Novak	612 Agave	9/17/09	Parcel Map. One lot to three lots. Incomplete letter sent to applicant. Applicant respond to items on letter 11/4/2009. Subdivision Review Board approved the map for processing on 11/17/2009. Item continued until 1/4/09, staff to bring back findings. Item continued to 1/19/2010	GL	PC		
2	Michael Del Puppo	2300 Main	4/3/09	Appeal of Minor Use Permit to convert a commercial use to a residential use. Approved 11/13/09. Hearing scheduled for 1/19/2010	GL/SD	PC		
New Submittals								
3	Bob Crizer	Water Lease Site 34 206 Main St./Oak St.	11/9/09	Oak Street Parking Exception. Also see 206 Main St. (Botch). Request to allow parking spaces to be placed on Oak street to replace parking currently provided at 206 Main Street. Waiting for parties to resolve issue of ownership.	KW	PC/CC		
4	City of Morro Bay	Harbor Department	11/10/09	Marina Dredging. CUP to dredge.	KW	PC		
5	Robert Fiori	2655 Koa	11/25/09	SFR Demo/Reconstruction. Incomplete letter sent to applicant	KW	Bld Permit		
6	Cathy Novak	560 Embarcadero	12/3/09	Height & Setback Exception for Fence/Windscreen.	GL	PC		
7	Dan Yates	221 Main	12/11/09	SF added to NCS and Parking Exception.	KW	PC		1/12/10
8	Mike Prater	235 Atascadero	12/16/09	Solar Arrays. Solar arrays located on carport structures at Morro Bay High School.	GL	PC		
30 -Day Review, Incomplete or Additional Submittal Review								
9	Wayne Colmer	485 South Bay	4/28/05	17 Lot Subdivision. Submitted 4/28/05.SRB 3/15/06, Staff requested information Starting Initial Study. MND Circulating, tentative PC 8/21/06 Approved, tentative CC 10/9 Continued to 11/13/06 Approved Appealed by CCC Tentative November hearing Continued to March, CCC approved with Conditions, Pry Mod PC concurrence needed pending lawsuit; Resubmitted 11/19/08; awaiting CCC appeal and concurrence; Approved by CCC; 2/17/09 PC continue to date uncertain with direction. Applicant is addressing traffic concerns.	KW	PC		
10	Mark Hoppe	2840 Cedar	11/18/09	Demo SFR. Fire department O.K. 12/4/2009. Comment letter sent 12/23/09.	GL/SD	Admin		
11	Valley and Crafton	430 Olive	11/23/09	Lot Line Adjustment. Comment letter sent 12/23/09.	GL/SD	Admin		
12	Larry Newland	Embarcadero	11/21/05	Embarcadero-Maritime Museum (Larry Newland). Submitted 11/21/05, Incomplete 12/15/05 Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Incomplete 3/7/07. Resubmitted 5/25/07 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. Applicant resubmitted additional material on 9/30/2009.	KW	PC		
13	Dan Reddell	1 Jordan Terrance	7/25/08	New SFR. Submitted 7/25/08, Inc. Later 8/19/08; resubmitted 2/24/09, project under review. Letter sent to agent regarding issues. Applicant and staff met 1/2010 on site to further discuss issues	JH/KW	PC		
14	Kleinhammer	160 Anchor	7/29/08	Parcel Map dividing one parcel into two with Right of Way abandonment. Incomplete letter sent.	KW	PC/CC		
15	Pina Noran	2176 Main	10/3/08	Convert commercial space to residential use. Submitted 10/03/08, Inc. Later 10/22/08, resubmitted 2/5/09. Project still missing vital information for processing.	KW	PC		
17	Greg Kircher	350 Java	1/22/09	Addition to Nonconforming SFR. Submitted 1/22/09, incomplete letter 2/27/09, incomplete 5/21/09, Response letter 6/30/09.Resubmittal 1/7/10.	KW	PC		
18	John Christie	2330 Hemlock	4/27/09	2nd unit to nonconforming site. No scaled plans submitted. Comment letter sent 11/3/09.	GL	PC		

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	Case No.'s	30-Day Review
19	Todd Schnack	2248 Emerald	9/30/09	New Guesthouse Cloisters, 11/09 incomplete letter sent. Applicant responded 11/19. Cloisters Design Reviewed project 11/30 deemed it in conformance with Cloister Design guidelines. Comment Letter sent 12/22/09.	GL	PC		
20	Phil & Maureen Kispersky	560 Embarcadero	9/30/09	Sign Permit for Pelican Grill. Waiting for resubmittal. Submittal 12/14/09. Comment letter sent 12/22/09. Applicant resubmitted on	GL	Admin		
21	Studio Design Group	962 Piney	10/15/09	Preapplication Demo., addition and remodel of existing church., application taken to DRT. Coment letter sent 12/4/09.	KW	PC		
22	Les & Larri Deedon	3044 Ironwood	10/21/09	New SFR. 2-story 1,412 sq. ft.with 3 car garage and 2 decks. Incomplete letter sent to applicant 10/29/09. applicant resubmitted on 11/18/2009. Resubmittal did not address all incomplete items. Comment letter sent 12/9/09.	GL/AC	Admin		
23	Kent Snowden	2570 Nutmeg	10/27/09	New SFR. 2,437 square feet with a 616 square foot garage. Incomplete letter sent to applicant 11/4/09. P.W.comments 11/18/2009.	AC	PC		
24	Robert Romero	3033 Ironwood	11/18/09	New SFR. Project incomplete. Comment Letter sent 12/11/09.	GL/AC	Admin		
25	Robert Tefft	395 Acacia	11/10/09	Demo SFR & Carport. Incomplete letter sent 12/31/2009	GL/SD	Admin		
Projects in Process								
26	Great American Fish Co.	1185 Embarcadero	1/6/05	GAFC, Virg's, & Harbor Huts Revitalization Plan. Submitted 1/06/05, Starting Initial Study Draft MND, eel grass study complete concurrence on findings Tentative PC 11/5/07 Continued, date uncertain CC March Phase I approved Phase II approved 5/12/08. CDP approval from Coastal Commission on June 10, 2009. Project submitted for precise review.	KW	PC		
27	Rudolph Kubes/Mike Prater	1181 Main & Bonita	11/23/06	Morro Mist 20 Lot SFR Subdivision. Submitted 11/23/06.SRB 3/15/06, Staff requested information Resubmitted 8/16/06 MND analysis needed MIND Complete 7/20 PC 8/20/07 Continued date uncertain revised project smaller units still 100% residential. Applicant has redesigned project and resubmitted on June 1, 2009. Project under review. Letter sent to applicant regarding issues on 7/2009. Subsequent meeting with applicant team 8/2009. Staff has had additional correspondence with the applicant. Project tentatively scheduled for Planning Commission late February/early March 2010	JH/KW	PC		
28	Frank Loving	247 Main	10/27/07	Docking for Vessels. Submitted 10/29/07, Incomplete 11/19/07 PC 2/4/08, Continued to PC 3/17/08, continued to PC 9/15/08 Applicant has indicated to staff that they wish to move ahead with the project.	KW	PC		
29	Johnnie Medina	3390 Main	5/29/08	2 Lot Subdivision. Submitted 5/29/08, Incomplete CCC coordination; Inc. Later 12/2/08; Resubmitted 1/5/09. Staff working on environmental document, MND Noticed as available for review 6/9/09. Hearing schedule 7/20/09. Item continued to date uncertain. Applicant submitted additional materials, staff waiting for applicant's response to ESH/Willow buffer. Biologist letter submitted November 30, 2009.	KW	PC		
30	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	WWTP Upgrade. Submitted 7/1/08, Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent renoticing.	BA	PC/CC/RW OCB		
31	Nina Hartley	1290 Embarcadero	9/17/08	Relocate well and pump house. Submitted 9/17/08, Inc. letter 10/15/08. Applicant has resubmitted items from inc. letter, submittal under review. Initial Study in process. Applicant has submitted additional arch/information 11/09.	KW	PC		
32	Chevron	3072 Main	12/31/08	Remove Underground Pipes. Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed.	KW/SD	PC		

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	Case No.'s	30-Day Review
33	Candy Botich	MainWater Lease Site 34 206 Main & Oak St.	6/17/09	New Parking. Project under review. Agent given DRT comments July 10, 2009. Applicant submitted redesigned project 9/30/2009. Associated application submitted for a parking exception for the lease site generating the parking demand.	KW	PC/CC		
34	Gene Doughty	201 Main	7/24/09	Subdivide one lot into three. Comment letter sent 8/19/09. Resubmittal 12/22/09.	KW	PC	1/22/10	
Environmental Review								
35	Ron McIntosh	190 Olive	8/26/08	New SFR. Submitted 8/26/08, Inc. Letter 9/24/08; Resubmitted 12/10/08, 1/9/09 request for more information. Applicant resubmitted on 2/06/09. Environmental under review. Applicant and City agree to continuance.	GL	PC		
36	Chevron	3072 Main	12/31/08	Remove Underground Pipes. Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed.	KW/SD	PC		
37	Smith Held	575& 591 Embarcadero	04/21/09	Demo existing retail and vacation rentals, construct 2 retail units and a 6 unit hotel. Submitted 9/27/06, Incomplete 11/7/06 Resubmitted 12/21/06 Environmental Review MND Circulating, tentative PC 4/2/07 Continued, date uncertain Resubmitted 4/26/07 Incomplete 5/2/07 Resubmitted 5/30/07 Environmental document re-circulating 6/6/07, tentative PC 7/16/07 Concept plan approved, tentative CC 8/27/07 Concept Plan Approved, needs CDP from CCC -Hearing 11/12/08. Project back from Coastal Commission, ready for Precise Plan processing. Precise Plan submitted 4/21/09, Incomplete letter 6/25/09. Resubmitted 7/27/2009. Responses to applicant on 10/12/2009. Scheduled for hearing on 10/19, continued to 11/2 by applicant. Applicant requests continuation to date uncertain. Revised environmental in process	GL	PC		
38	Imani	571 Embarcadero	5/14/09	Remodel of Salt Building to include new public walkway and additional piling for support. Eel grass study submitted. Initial Study in process.	GL	PC		
39	City of Morro Bay	235 Main	10/20/09	Demolish Wharf. Demo 7,400 sf. wharf, decking and support structure. Initial Study	KW	Admin		
Coordinating with Other Jurisdictions								
40	Burt Caldwell	801 Embarcadero	5/15/08	Conference Center. Submitted 5/15/08, Inc Ltr 5/23 Resubmitted MND Circulating 7/15/08 PC 9/2 Approved, CC 9/22/08 Approved, needs CDP from CCC.	GL	PC/CC/ CCC		
41	City of Morro Bay	887 Atascadero	3/9/09	Nutmeg Water Tank Upgrade (City of Morro Bay CIP project). Oversight of County of San Luis Obispo application process. Preapplication meeting 3/9/09. Consultant coordination meeting 3/12/09.	KW	SLO County		
42	John King	60 Lower State Park	7/2/08	Lower parking lot resurface and construction of 2 new stairways. Submitted 7/02/08, PC Tent 10/6, PC Date TBD Applicant coordinating w/ CCC 10/20/08.	KW	PC		
Projects Continued Indefinitely or No Response to Date on Incomplete Letter								
43	SLO County	State Park	09/28/04	Master Plan for Golf Course. Submitted 9/28/04, On hold per applicant, project to be amended. Resubmitted 2/9/07 Tentative PC 3/19/07 Continued, date uncertain; Planting trees.	KW	PC/CC		
44	Cameron Financial	399 Quintana	04/11/07	New Commercial Building. Submitted 4/11/07, Inc. Letter 5/09/07.	KW	Admin		
45	West Millennium Homes	895 Monterey	7/10/07	Mixed-use building. 16 residential units and 3 commercial units, Submitted 7/10/07, Inc Later 7/25 Resubmitted 1/14/08 SRB 3/10/08.	KW	PC		
46	Kenneth and Lisa Blackwell	2740 Dogwood	07/20/07	Addition to nonconforming residence. Submitted 7/20/07, Complete, tentative PC 9/17/07 Continued, date uncertain Resubmitted 10/31/07, PC 12/17/07 Continued, date uncertain.	KW	PC		
47	Jeff Gregory	1295 Morro	09/25/07	Coastal Development Permit to allow a second single family residence on lot with an existing home. Incomplete letter sent 10/9/2007. Intent to Deem Application Withdrawn Letter sent 12/29/09. Response from applicant 1/8/10 keep file open indefinitely.	KW	AD		
48	Nicki Fazio	360 Cerrito	08/15/07	Demo/Reconstruct SFR. Submitted 8/15/07, Incomplete 9/12/07, Complete and noticed 9/24/07. Issued 10/5/07, Appealed 10/15/07, Tentative PC 12/3/07 Continued, date uncertain. Applicant has made contact with staff regarding moving project along but no submittal to date.	KW	PC		

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	Case No.'s	30-Day Review
49	Alicia Baroque	545 Napa	05/27/08	New guest house and parking exception. Submitted 5/27/08 Incomplete 6/13/08 Resubmitted 10/14/08, Complete 11/10, PC 12/15; Continued to a date uncertain.	KW	PC		
50	City of Morro Bay	595 Harbor Depart	02/27/09	New stand-by generator. Submitted 2/27/09, City Council did not fund. Continued date uncertain.	KW	Admin		
Projects in Building Plan Check								
51	Don Doubleddee	360 Morro Bay Blvd	5/15/09	Mixed Use Project.	GL	N/A		
52	Travis Leage	1155 West	11/17/09	Single Family Residence. Comment Letter sent 12/22/09. Resubmittal 1/8/10.	SD	N/A		
53	Robert Fiori	2655 Koa	11/25/09	SFR Demo/Reconstruction.	KW	N/A		
54	Victor Graziano	515 Morro Bay Blvd	11/19/09	Convert Portion of Retail to Deli. Comment letter sent 12/10/09.	GL	N/A		
55	Robert & Paula Coomer	3440 Toro	12/28/09	Retaining Wall.	KW	N/A		
56	Cathy Novak	585 Morro	12/23/09	As-Built Review of Community Housing Project.	KW	N/A		
Completed Projects								
57	Jon Wickstrom	401 Panay	10/13/09	SF added to NCS and Parking Exception. Incomplete letter sent to applicant. Applicant resubmitted additional material 11/6/09. Ready for PC Hearing.	KW	PC		
58	Ken Scott	501 Embarcadero	12/3/09	Sign Permit for Estero Inn. Comment letter sent 12/18/09. Permit issued	SD	Admin		



cc: Planning Commission; Planning, Bldg. & Engineering Staff
1/5/10

AGENDA ITEM NO: XI
DATE: 1/19/2010
ACTION: _____

Staff Report

TO: City Council **DATE:** December 8, 2009
FROM: Bruce Ambo, Public Services Director
Christine Rogers, Housing Programs Coordinator
SUBJECT: Update on the Work Program for Developing a Preliminary Climate Action Plan

RECOMMENDATION

Staff recommends that the City Council receive and file this update of activities to be undertaken related to state, county, and/or local programs and updates to regulatory codes and standards.

MOTION: I move that the City Council receive and file this update.

FISCAL IMPACT

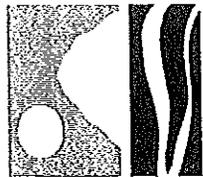
There is no direct fiscal impact associated with this action other than the administrative costs for staff support at this meeting. However, the staff time required for the administration of these project and program activities outlined in this update easily amount to an approximate average of about 20 hours each month.

BACKGROUND/DISCUSSION

The purpose of this working program is to identify all of the unfunded environmental and energy efficiency programs that are mandated by the State, establish some sort of timing and order to accomplishing the implementation of them, and efficiently allocate staff resources. The work program is a living document, and must respond to frequent changes in the regulatory and environmental framework, as well the availability of pertinent data and improved methodologies. A review of the work program identifies the program activities, target dates, responsible department, outcome and progress to date.

Attachment:

1. Work Program for Developing a Preliminary Climate Action Plan



CITY OF MORRO BAY
PUBLIC SERVICES DEPARTMENT
 955 SHASTA AVENUE
 MORRO BAY, CA 93442
 (805) 772-6261

WORK PROGRAM FOR DEVELOPING A PRELIMINARY CLIMATE ACTION PLAN

Five-Year Plan
 2009 - 2014

Fiscal Year 2009 - Ongoing Programs

Activity	Target Date	Department	Outcome	Progress
Green Building				
Green Building Incentive Program	In Process 2009 Ongoing thru 2014	Building	Energy Conservation Water Conservation Resource Conservation	Incentives and expedited plan check for projects pursuing third-party certification and/or incorporating green building measures/renewable energy.
Referrals to SLO Green Build	In Process 2009 Ongoing thru 2014	Building	Energy Conservation Water Conservation Resource Conservation	Residential development applications are provided referral information for no cost PEER review services by SLO Green Build for sustainable design recommendations.
Toilet Retrofit Program	In Process 2009 Ongoing thru 2014	Building	Water Conservation Energy Efficiency	Program in place for verification and rebates for low flow toilet retrofit.
Washing Machine Rebate Program	In Process 2009 Ongoing thru 2014	Building	Water Conservation Energy Efficiency	Program in place for verification and rebates for Energy Star washing machine replacement.
Owner Occupied Rehabilitation Programs				
Home Investment Partnership Program	2009/12	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Implement program - guidelines incorporate energy efficient and water conservation measures as eligible program activities.
Energy Efficiency Audit Program Target Income Groups Single Family Residential	Pending	Housing	Energy Conservation Water Conservation	CDBG Grant application for reimbursement of Energy Efficiency Audits to identify potential energy and water conservation measures. Partnering with SLO Energy Watch. Program to implemented in Targeted Income Areas.
NPDES Stormwater Management Plan				
Public education Outreach & Public Participation	In Progress 2009 Ongoing thru 2014	Stormwater	Water Conservation Water Quality	Provide brochures and hold event supporting the stormwater program.
Illicit Discharge and Elimination Program	In Progress 2009 Ongoing thru 2014	Stormwater	Water Conservation Water Quality	Restaurant inspection to educate restaurants on proper BMP to improve water quality.
Construction Site Runoff	In Progress 2009 Ongoing thru 2014	Stormwater Building	Water Conservation Water Quality	Public Works and Building departments ensure proper erosion and sediment control is included with building plan submittal. Building department conducts erosion control inspections during wet weather.

Post Construction Stormwater Controls (Hydro-modification Control)	In Process 2009 Ongoing thru 2014	Stormwater	Water Conservation Water Quality Water Quantity	Development review by Stormwater Division to ensure compliance with SRWQB requirements for water quality and water quantity. Adopted interim standard by 12/09.
SLO County Hydro-modification Technical Advisory Committee	In Process 2009 Ongoing thru 2014	Stormwater	Water Conservation Water Quality Water Quantity	Participate with SLO County Hydro-modification Technical Advisory Committee to develop interim and long-term Hydro-modification Control Criteria.
Municipal Operations	In Process 2009 Ongoing thru 2014	Stormwater	Water Conservation Water Quality	Develop a program to train municipal staff on stormwater management practices. Develop a landscape and lawn care stormwater pollution and prevention procedures.

Codes and Planning Documents

Building Plan Check Review	In Process 2009 Ongoing thru 2014	Building	Energy Conservation Water Conservation Resource Conservation	Program in place for development review by Building Division (code compliance and appropriate technologies)
General Plan/Local Coastal Plan Updates	1/10 – 12/14 Ongoing	Planning	Energy Conservation Water Conservation Resource Conservation Walkable Communities	Mandatory five year update to incorporate goals related to new green building standards, sustainable design, reduced vehicle miles, etc.
Zoning Code Update	1/10 – 12/14 Ongoing	Planning	Energy Conservation Water Conservation Resource Conservation Walkable Communities	Mandatory five year update to incorporate goals related to new green building standards, sustainable design, reduced vehicle miles, etc

Waste Management

Construction Demolition and Debris Recycling Program	In Process 2009 Ongoing thru 2014	Building	Resource Conservation Energy Conservation	Program requires 50% C&D recycling prior to issuance of final occupancy.
Green waste/Composting Program	In Process 2009 Ongoing thru 2014	WWTP	Resource Conservation Water Conservation	Recycle/Re-Use, free composting improves soil quality and enhances infiltration of Stormwater for groundwater recharge. Central location for waste handling and re-use reduces vehicle miles.
Curbside Recycling Program	In Process 2009 Ongoing thru 2014	Public Services	Resource Conservation	Recycle/Re-use reduces resource consumption; central waste handling reduces vehicle miles.
Household Hazardous Waste Program	In Process 2009 Ongoing thru 2014	Public Services	Resource Conservation Water Quality	Centralized waste handling reduces vehicle miles and reduces illicit discharges and potential illegal disposal impacting water quality.
Recycle/Re-use Program	In Process 2009 Ongoing thru 2014	Public Services	Resource Conservation	Program in place for recycling of Batteries, Cell phones, Fluorescent Tubes. Centralized waste handling reduces vehicle miles and reduces potential illegal disposal resulting in environmental impacts.
Home Generated Sharps Program	In Process 2009 Ongoing thru 2014	Public Services	Resource Conservation Public Safety	Program in place for recycling of used syringes. Centralized waste handling reduces vehicle miles and reduces potential illegal disposal resulting in public safety issues.

Walkable Communities

Harborwalk	Complete	Capital Projects	Carbon Reduction Resource Conservation Eco Tourism	Pedestrian access to marine resources, protection of existing natural habitats, tourism benefits.
Trolley and Dial A Ride Programs	In Process 2009 Ongoing thru 2014	Public Services	Carbon Reduction Ecotourism	Alternative transportation, reduced vehicle miles, tourism benefit.
Roundabout	Complete	Public Works	Carbon Reduction	Reduce carbon resulting from idling, traffic calming.
North Main Bike Plan Project	In Process 2009 Ongoing thru 2010	Public Works	Carbon Reduction Ecotourism Walkable Communities	Alternative transportation, reduced vehicle miles, tourism benefit.

Resource Conservation

Desalination Plant Energy Recovery	In Process 2009 Ongoing thru 2014	WWTP	Resource Conservation Water Conservation	Reduces reliance upon imported water supplies, reduced groundwater use, facilitates wastewater reclamation.
Tree Planting and Maintenance Program	In Process 2009 Ongoing thru 2014	Public Works	Carbon Reduction Heat Island Effect Walkable Communities	Increased carbon sequestration, reduced heat island effect, enhanced walkability and community visual experiences.
Tree City USA	In Process 2009 Ongoing thru 2014	Public Works	Carbon Reduction Heat Island Effect Walkable Communities	City participates in Tree City USA and ensures associated minimum requirements for tree planting and maintenance are met.

Fiscal Year 2009/2010

Activity	Target Date	Department	Outcome	Progress
<p>Green Building Green Building Incentives Program</p>	05/09	Building Planning	Resource Conservation Water Conservation Walkable Communities	<p>Incentive program of building and plan check fee rebates for third party green building certification or incorporation of sustainable components into project design.</p> <p>The Green Building Incentive Program was adopted May 26, 2009. To date one application for a photovoltaic system has been received. No formal applications have been received for third party certification, however, verbal interest and discussions have occurred on two projects currently under review. There has also been a high level of interest pertaining to greywater systems.</p> <p>The program continues to be marketed on the City's websites, and through the local chapters of SLO Green Build, USGBC and National Association of Home Builders.</p>
<p>LEED Version 3</p>	04/09	Building Planning	Resource Conservation Water Conservation Walkable Communities	<p>USGBC initiated the new version LEED 2009, Version 3. Building Design and Construction Reference Guide currently under review. New version incorporates weighting of points for environmental benefit and regional credits.</p> <p>The Reference Guide for Building Design and Construction has been purchased and is available for staff review. Invitations were made to the Planning Commission and City Council members for online access to information and resources under the City's National USGBC Membership. City Staff attended the USGBC Annual Green Build Conference and Expo for additional training, and participates on the California Central Coast Chapter Regional Council Board with a specific focus on Education and Events.</p>
<p>Toilet Retrofit Program</p>	2009	Building	Water Conservation Energy Efficiency	<p>This fiscal year, nine properties have received rebates during the 2009/10 fiscal year, retrofitting 21 toilets/bathrooms.</p>
<p>Washing Machine Rebate Program</p>	2009	Building	Water Conservation Energy Efficiency	<p>This fiscal year date 40 properties have received rebates during the 2009/10 fiscal year.</p>
<p>NPDES Stormwater Management Plan</p>				
<p>Illicit Discharge and Elimination Program</p>	2010 thru 2014	Stormwater	Water Conservation Water Quality	<p>Illicit Discharge Ordinance adopted. Pet Waste Ordinance adopted.</p>
<p>SLO County Hydro-modification Technical Advisory Committee</p>	2010 thru 2014	Stormwater	Water Conservation Water Quality Water Quantity	<p>Interim Hydro modification Control Criteria adopted.</p>
<p>Municipal Operations</p>	In Process 2009 Ongoing thru 2014	Stormwater	Water Conservation Water Quality	<p>Storm Drain Maintenance and Cleaning. Municipal Staff training.</p>
<p>Joint Hydromodification Effort</p>	2010	Stormwater	Water Conservation Water Quality	<p>Develop/Modify enforcement mechanisms to implement Hydromodification controls and Low Impact Development.</p> <p>Develop and enact a strategy for implementing Low Impact Development and Hydromodification Controls for new and redevelopment projects.</p>

Low Impact Design and applicable thresholds.

Apply Low Impact Development principles and features to all applicable new and redevelopment projects.

Owner Occupied Rehabilitation Programs

<p>Home Investment Partnership Program</p>	<p>2009/12 2010/13</p>	<p>Housing</p>	<p>Energy Conservation Water Conservation Affordable Housing Preservation</p>	<p>Continued implementation of Program. Grant application for new funding cycle. The HOME Program Guidelines were revised to increase the maximum loan amount and to address the rehabilitation and/or replacement of Mobile Homes more specifically. A mobile home reconstruction (replacement) project is currently underway. Staff attended a two day workshop on the USGBC ReGreen program which focuses on residential rehabilitation. The City website incorporates links to various Green Building Rehabilitation online tools. Grant application for new funding cycle.</p>
<p>CDBG Owner Occupied Rehabilitation</p>	<p>2010/13</p>	<p>Housing</p>	<p>Energy Conservation Water Conservation Affordable Housing Preservation</p>	<p>Due to the availability of HOME Program funds, the CDBG General Allocation did not include a rehabilitation component, but instead requested financial assistance for an Energy Audit Program, Sewer Line Repairs, and Public Access Improvements for Del Mar Elementary students. A CDBG Planning and Technical Assistance grant application is planned to fund an Income Survey within target census block groups. The Notice of Funding Availability has not yet been issued. Grant application for new funding cycle.</p>
<p>Call-home Owner Occupied Rehabilitation Energy Efficiency Audit/Retrofit Program Single Family Residential Targeted Income Groups</p>	<p>2010/13 2009/10 2010/13</p>	<p>Housing Housing</p>	<p>Energy Conservation Water Conservation Affordable Housing Preservation Energy Conservation Water Conservation Affordable Housing Preservation</p>	<p>The Notice of Funding Availability has not yet been issued. Implementation of Program. Grant application for new funding cycle. Staff has been working with the Energy Watch Program representatives on the 2010 Energy Efficiency Program. The following programs are currently available: <u>Very Low Income (<75% of Median)</u> The Community Action Partnership provides Energy Efficiency Audits and Retrofits to eligible homeowners as a grant (no cost). <u>Low Income (<80% of Median)</u> The Community Action Partnership provides Energy Efficiency Audits and Retrofits to eligible homeowners as a grant (no cost). The Home Investment Partnership Program includes energy efficiency audits and retrofit as eligible expenses. The City is evaluating the potential to participate in the County-wide AB 811 District which would provide a financing mechanism for these types of improvements. <u>Moderate Income (>80% of Median)</u></p>

<p>Potential AB 811 participation.</p> <p>The Energy Watch Partnership does not currently have a program for this income group but will be updating the current rebates and incentives.</p> <p>The City has also implemented additional energy efficiency incentives through its Retrofit Rebate and Green Building Incentive programs, and provides community members with information on additional financial resources.</p>				
<p>Working in partnership with SLO Energy Watch, coordinate no cost mobile home energy audit and retrofit program.</p> <p>The Energy Watch Program will provide a no cost program for Energy Efficiency Audits and Direct Installs specific to Mobile Homes in the 2010 Program.</p> <p>The HOME Investment Partnership Program also provides for energy efficiency upgrades in mobile homes.</p>	<p>Energy Conservation Water Conservation Affordable Housing Preservation</p>	<p>Housing</p>	<p>1/10 – 12/10</p>	<p>Energy Efficiency Audit Program Mobile Homes</p>
<p>City staff has worked with the SLO Energy Watch to promote the Small Business Direct Install Program. Small business owners contact the third party contractor to schedule a site visit and appropriate direct install occurs. This program includes lighting, controls, and HVAC tunes up as appropriate.</p> <p>The Energy Watch Program provided a no cost Small Business Direct Install program for the installation of specific measures.</p> <p>The 2010 program will incorporate a more comprehensive list of options. The financial structure has been based upon energy savings, which may result in co-pay. The current proposal is a #30 co-pay for each \$500.</p>	<p>Energy Conservation Water Conservation</p>	<p>Housing</p>	<p>1/10 – 12/10</p>	<p>Commercial Energy Efficiency Audits</p>

Codes and Planning Documents

Housing Element Update	In process 2009	Planning	Energy Conservation Water Conservation Resource Conservation Affordable Housing Preservation	Mandated five-year update in process. Will address preservation of housing stock, including resource preservation goals (energy and water conservation). The Housing Element was adopted by the City Council on November 9, 2009 and was certified by the Department of Housing and Community Development on November 12, 2009. In addition to affordable housing preservation and enhancement, green house gas emissions, energy efficiency and resource conservation were also addressed within the document. Title 24 Updates incorporating substantial changes to energy efficiency requirements will become effective 8/1/2009. Updated requirements will require Staff training.
Title 24 Update	1/10	Building	Energy Conservation Water Conservation	The effective date for the updates was changed to January 1, 2010. Reference guides have been received from the California Energy Commission and are under review. California Building Code Updates will be adopted July 2010, effective January 2011. Specific Green Building Standards have been made mandatory. Updated requirements will require Staff training.
Green Building Code Standards Supplement	8/09	Building	Energy Conservation Water Conservation Resource Conservation	Pending adoption in July 2010.

Resource Conservation

Redevelopment Agency Feasibility Survey	Completed	Planning	Resource Conservation Eco Tourism	Survey of existing infrastructure, commercial and residential building stock, evaluation of economic indicators and housing market impacts. Completed May 2009.
Feasibility Report	Completed	Planning	Resource Conservation Eco Tourism	Findings of feasibility survey available for public review. Potential redevelopment area boundaries recommended within the City that meet definitions for redevelopment. While the City Council did not proceed with formation of the Redevelopment Agency or preparation of a Redevelopment Plan, the final product was accepted and the CDBG Planning and Technical Assistance grant was closed out. It anticipated that the study will be beneficial in demonstrating need for future grant applications.
Public Hearings	07/09 – 09/09	Planning	Resource Conservation Eco Tourism	Workshops and Public Hearings scheduled to review findings and make a determination regarding project area boundaries and agency formation.
Redevelopment Agency Formation	10/09 – 8/10	Planning	Resource Conservation Eco Tourism	Completed in August 2009. Determination made not to proceed with formation of a Redevelopment Agency or preparation of a Redevelopment Plan. Enter into formation process and begin evaluation of potential projects. Not applicable.

SB 375

Green House Gas Inventory	9/09	Planning	Carbon Reduction	Inventory in process through PMC contract with APCD. The state will be generating GHG Reduction Targets as part of the ARB responsibilities
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<p>under SB 375.</p> <p>PMC, Consultant for the Air Pollution Control District, continues to compile Green House Gas Inventories county-wide. There have been challenges related to staff turnover in completed the Morro Bay inventory. It is anticipated that a new staff person will be assigned and completing the data collection process in early 2010.</p> <p>SLOCOG will develop Interim Targets in conjunction with APCD to use in 2010 Regional Transportation Plan as a preliminary tool to judge scenario potential as they prepare to negotiate with ARB regarding their assignment for the region that will become part of the SCS Compliant RTP (after September 2010). AB 375 allows regions to propose their own targets and negotiate final targets with the ARB.</p> <p>This program is anticipated to involve representatives from local jurisdictions/planning agencies, as well as development interests, community organizations and other stakeholders in community planning and development. The outreach would provide feedback to the Working Team on important factors to consider in the preparation of the SCS. A series of workshops (three) would be conducted to provide the opportunity for review and comment on the proposed interim regional targets, goals, performance measures and draft work products.</p> <p>Preliminary discussions have begun with the Transportation Advisory Committees to the SLOCOG Board.</p> <p>Pending GHG inventory and reduction targets.</p>	<p>Carbon Reduction</p>	<p>Planning</p>	<p>10/09 – 1/10</p>	<p>SLOCOG Greenhouse Gas Recommendations</p>
<p>AB 32</p> <p>ARB Early Action Measure Development</p>	<p>Carbon Reduction</p>	<p>ARB</p>	<p>01/09 – 12/09</p>	<p>ARB staff drafts rule language to implement its plan and holds a series of public workshops on each measure (including market mechanisms).</p> <p>Pending GHG inventory and reduction targets.</p> <p>Early action measures take effect.</p> <p>No action required.</p> <p>ARB Scoping Plan released May 2009 recommended a greenhouse gas reduction goal for local governments of 15 percent below today's levels by 2020 to ensure that their municipal and community-wide emissions match the State's reduction target.</p> <p>ARB conducts series of rulemakings, after workshops and public hearings, to adopt GHG regulations including rules governing market mechanisms.</p> <p>Relative projects currently underway which will result in reduced emissions include:</p> <ul style="list-style-type: none"> * Energy Watch Partnership Energy Efficiency Audit Completed on City Facilities – EECBG Grant to fund recommended projects. * Energy Watch Small Business Direct Install WWTP Assessment complete – Direct Install scheduled City Facilities – Assessment in process * Desalination Facility – Energy Recovery System Phase I completed, Phase II grant pending
<p>ARB Early Action Measures</p>	<p>Carbon Reduction</p>	<p>ARB Planning</p>	<p>1/10</p>	
<p>Air Resource Board Rulemaking Development</p>	<p>Carbon Reduction</p>	<p>ARB</p>	<p>01/10 – 12/10</p>	

				<ul style="list-style-type: none"> * North Main Bike Lane Project Plans and Specifications under review by Caltrans. Looking for authorization by the end of the year. * Water Conservation Retrofit Rebate Program (Ongoing) * Green Building Incentive Program (Ongoing) * Washing Machine Rebate Program (Ongoing) * Waste Management Programs (Various, Ongoing)
AB 811 Evaluation and Report	5/09	Planning	Carbon Reduction	City Council will evaluate participation in the Statewide CaliforniaFIRST Program on December 14, 2009 under a separate agenda item.

Fiscal Year 2010/2011

Activity	Target Date	Department	Outcome	Progress
Green Building Green Building Incentives Program	Re-Evaluate 12/10	Building Planning	Energy Conservation Water Conservation Resource Conservation Walkable Communities	Re-evaluate success, consider establishing new performance standards based upon Title 12 and California Building Code updates.
NPDES Stormwater Management Plan				
Low Impact Development Manual	2/2009	Stormwater	Water Conservation Water Quality	Develop a manual similar to those utilized in Santa Barbara or San Diego's LID Manual.
Owner Occupied Rehabilitation Programs				
Home Investment Partnership Program	2009/12 2010/13 2011/14	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program. Grant application for new funding cycle.
CDBG Owner Occupied Rehabilitation	2010/11 2011/14	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program. Grant application for new funding cycle.
CallHome Owner Occupied Rehabilitation	2010/11 2011/14	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program. Grant application for new funding cycle.
Energy Efficiency Audit/Retrofit Program	2010/13 2011/14	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program. Based upon previous year's success, apply for additional funds for energy efficiency audits and installation of retrofits identified in previous years audit findings.
Energy Efficiency Audit Program Mobile Homes	1/10 - 12/10	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program.
Codes and Planning Documents				
Green Building Code Standards Mandatory	1/11 - 2/11	Building	Energy Conservation Water Conservation Resource Conservation	Building Code update implementation.
Resource Conservation				
Redevelopment Agency Formation	9/10 - 12/11	Planning	Resource Conservation Eco Tourism	Begin project planning, strategic partnership building, identifying supplemental grand funding opportunities, accumulation of RDA funds.
SB 375				
Green House Gas Inventory	1/10 - 12/11	Planning	Carbon Reduction	Inventory update and monitoring.
SLOCOG Greenhouse Gas Recommendations	01/10- 12/11	Planning	Carbon Reduction	Continue work with SLOCOG on Sustainable Communities Strategy.

CARB Draft Emission Levels	1/10- 21/11	Planning	Carbon Reduction	Continued development of Emission Targets.
CEQA Green House Gas Thresholds	1/10	Planning	Carbon Reduction	CEQA to establish impact thresholds for green house gas emissions. Staff training will be required.
CARB Final Target Emissions	9/10	Planning	Carbon Reduction	Continue to work with SLOCOG on SCS based upon evaluation of target emissions.
Sustainable Communities Strategy Plan	9/10 – 12/14	Planning	Carbon Reduction	Community workshops and public hearing to draft and develop plan. Submittal to agencies for review, public hearings for adoption, implementation planning.
AB 32				
Air Resources Board Adopts Major Rulemaking	1/11	ARB	Carbon Reduction	ARB completes major rulemakings for reducing GHGs including market mechanisms. ARB may revise the rules and adopt new ones after 1/1/2011 in furtherance of the 2020 cap.
County Determination	TBD	Planning	Carbon Reduction	Ad Hoc group evaluating feasibility. City participation to occur after determination is made.

Fiscal Year 2012/2013

Activity	Target Date	Department	Outcome	Progress
Owner Occupied Rehabilitation Programs				
Home Investment Partnership Program	2010/13 2011/14 2012/15 2013/16	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program. Grant application for new funding cycle.
CDBG Owner Occupied Rehabilitation	2010/13 2011/14 2012/15 2013/16	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program. Grant application for new funding cycle.
Call-home Owner Occupied Rehabilitation	2010/13 2011/14 2012/15 2013/16	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program. Grant application for new funding cycle.
Energy Efficiency Audit/Retrofit Program	2010/13 2011/14 2012/15 2013/16	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program. Based upon previous year's success, apply for additional funds for energy efficiency audits and installation of retrofits identified in previous years audit findings.
Energy Efficiency Audit Program Mobile Homes	1/12 – 12/12	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program.
SB 375				
Sustainable Communities Strategy Plan	9/10 – 12/14	Planning	Carbon Reduction	Continue work with SLOCOG on implementation of Sustainable Communities Strategy.
AB 32				
Air Resources Board Rules Enforceable	1/12	ARB Planning	Carbon Reduction	GHG rules and market mechanisms adopted by ARB take effect and are legally enforceable.
Develop Climate Action Plan	01/13 – 01/14	Planning	Carbon Reduction	Draft Climate Action Plan based upon Sustainable Communities Strategy Plan and ARB rulemaking.

Activity	Target Date	Department	Outcome	Progress
NPDES Stormwater Management Plan				
SLO County Hydro-modification Control Plan	2/2014	Stormwater	Water Conservation Water Quality Water Quantity	Long Term Hydromodification Control Criteria adopted
General Plan Amendments	2/2014	Stormwater	Water Conservation Water Quality Water Quantity	Incorporate policies for Post Construction Stormwater Management.
Owner Occupied Rehabilitation Programs				
Home Investment Partnership Program	2010/13 2011/14 2012/15 2013/16 2014/17	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program. Grant application for new funding cycle.
CDBG Owner Occupied Rehabilitation	2010/13 2011/14 2012/15 2013/16 2014/17	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program. Grant application for new funding cycle.
CallHome Owner Occupied Rehabilitation	2010/13 2011/14 2012/15 2013/16 2014/17	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program. Grant application for new funding cycle.
Energy Efficiency Audit Program Target Income Groups Single Family Residential	2010/13 2011/14 2012/15 2013/16 2014/17	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program. Grant application for new funding cycle.
Energy Efficiency Audit Program Mobile Homes	1/13 – 12/13	Housing	Energy Conservation Water Conservation Affordable Housing Preservation	Continuation of Program
Codes and Planning Documents				
Housing Element Update	Next update 1/14	Planning	Energy Conservation Water Conservation Resource Conservation Affordable Housing Preservation	Mandated five-year update in process. Will address preservation of housing stock, including resource preservation goals (energy and water conservation).
SB 375				
Sustainable Communities Strategy Plan	9/10 – 12/14	Planning	Carbon Reduction	Implementation of Sustainable Communities Strategy Plan.
AB 32				
Develop Climate Action Plan	01/13 – 01/14	Planning	Carbon Reduction	Draft Climate Action Plan based upon Sustainable Communities Strategy Plan and ARB rulemaking.

Fiscal Year to Be Determined

Activity	Target Date	Department	Outcome	Progress
Green Building				
LEED Project Checklist Requirement	TBD	Building Planning	Energy Conservation Water Conservation Resource Conservation Walkable Communities	Evaluate requirement for submittal of green building checklists and narrative explanations of sustainable components incorporated or not incorporated in development projects. Require appropriate documentation of incorporated components. Will require staff to be well versed in certification requirements, strategies and implementation methods.
LEED Equivalent Mandatory 5,000 Sq Ft Residential 50,000 Sq Ft Commercial	TBD	Building Planning	Energy Conservation Water Conservation Resource Conservation Walkable Communities	Evaluate potential for mandatory certification and/or equivalency levels. Will require staff to be well versed in certification requirements, strategies and implementation methods.
Codes and Planning Documents				
Citywide Performance Standards Evaluation	TBD	Building	Energy Conservation Water Conservation Resource Conservation Walkable Communities	Evaluate development of Citywide performance standards, i.e., mandatory green building requirements, possible City specific certification.
Walkable Communities				
Bike Plan	TBD	Public Works	Carbon Reduction Resource Conservation Eco Tourism	Bicycle and Pedestrian access improvements, protection of existing natural habitats, tourism benefits.
Resource Conservation				
Urban Forest Management Plan	TBD	Public Works	Carbon Reduction Heat Island Effect Walkable Communities	Draft Urban Forest Management Plan. Increased carbon sequestration, reduced heat island effect, and enhanced walkability and community visual experiences.
Redevelopment Agency Development Projects	TBD	Planning	Resource Conservation Eco Tourism	Preservation of existing commercial/residential structures, infrastructure, eco tourism potential. Incorporate green building and sustainable design into new development projects.
AB 811				
County Determination	TBD	Planning	Carbon Reduction	Ad Hoc group evaluating feasibility. City participation to occur after determination is made.