



CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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

**Regular Meeting - Tuesday, May 19, 2015
Veteran's Memorial Building – 6:00 P.M.
209 Surf Street, Morro Bay, CA**

Chairperson Robert Tefft

Commissioner Gerald Luhr
Commissioner Richard Sadowski

Vice-Chair Katherine Sorenson
Commissioner Michael Lucas

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

PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on matters not on the agenda may do so at this time. In a continual attempt to make the public process open to members of the public, the City also invites public comment before each agenda item. Commission hearings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present comments must observe the following rules to increase the effectiveness of the Public Comment Period:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Commission meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes so keep your comments brief and to the point.
- All remarks shall be addressed to the Commission, as a whole, and not to any individual member thereof. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Commission meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development at (805) 772-6264. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. There are devices for the hearing impaired available upon request at the staff's table.

PRESENTATIONS

Informational presentations are made to the Commission by individuals, groups or organizations, which are of a civic nature and relate to public planning issues that warrant a longer time than Public Comment will provide. Based on the presentation received, any Planning Commissioner may declare the matter as a future agenda item in accordance with the General Rules and Procedures. Presentations should normally be limited to 15-20 minutes.

A. CONSENT CALENDAR

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

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

B. PUBLIC HEARINGS

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

B-1 Case No.: UP0-413

Site Location: 2198 Main Street

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

CEQA Determination: Categorically exempt, 15303, Class 3.

Staff Recommendation: Conditionally Approve

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

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

Site Location: 670 Shasta

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

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

Staff Recommendation: Conditionally Approve

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

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

Site Location: 1215 Embarcadero

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

CEQA Determination: Mitigated Negative Declaration adopted, SCH#2007091057

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

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

C. UNFINISHED BUSINESS

- C-1 Design Guidelines Review.
Staff contact: Scot Graham, Community Development Manager

D. NEW BUSINESS

- D-1 Discussion of Site Posting Options for Public Noticing Requirements
Staff: Scot Graham, Community Development Manager

E. PLANNING COMMISSIONER COMMENTS

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

G. ADJOURNMENT

Adjourn to the regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on June 2, 2015, at 6:00 p.m.

PLANNING COMMISSION MEETING PROCEDURES

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Community Development Department, 955 Shasta Avenue, for any revisions, or call the department at 772-6261 for further information.

Written testimony is encouraged so it can be distributed in the Agenda packet to the Commission. Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Division at the Community Development Department, 955 Shasta Avenue, no later than 5:00 P.M. the Tuesday (eight days) prior to the scheduled public hearing. Written testimony provided after the Agenda packet is published will be distributed to the Commission but there may not be enough time to fully consider the information. Mail should be directed to the Community Development Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Community Development Department, at Mill’s/ASAP, 495 Morro Bay Boulevard, or the Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Materials related to an item on this Agenda submitted to the Planning Commission after publication of the Agenda packet are available for inspection at the Community Development Department during normal business hours or at the scheduled meeting.

This Agenda may be found on the Internet at: www.morro-bay.ca.us/planningcommission or you can subscribe to Notify Me for email notification when the Agenda is posted on the City’s website. To subscribe, go to www.morro-bay.ca.us/notifyme and follow the instructions.

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

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

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

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

APPEALS

If you are dissatisfied with an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. Pursuant to Government Code §65009, you may be

limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Community Development Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

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



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

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

Agenda No: A-1

Meeting Date: May 19, 2015

| # | Applicant/ Property Owner | Project Address | Date | Permit Numbers | Project Description/Status | Planning Comments and Notations | Building/Fire Comments and Notations | Engineering Comments and Notations | Harbor/Admin Comments and Notations |
|--|---------------------------|-----------------------|---------|-------------------|---|--|--------------------------------------|---|-------------------------------------|
| Hearing or Action Ready | | | | | | | | | |
| 1 | Fowler | 1185-1215 Embarcadero | 10/6/14 | UP0-058 | Precise Plan submittal for landside improvements | Under review. Incomplete letter 11-5-14. CJ. Fire comments emailed to applicant 11-26-14. Resubmittal received 12/29/14. Correction sent 1-29-14. Resubmittal 3-19-15. PC Agenda 5/19/15. Tentative Council date 6/23/15. | | RPS provided comments for revision of Precise Plan on 2/11/15 | |
| 2 | Morgan | 2198 Main St. | 4/15/15 | UP0-413 | Conditional Use Permit to allow business occupancy change in the MCR zone | Under review. JG. PW disapproved, needs more info. Resubmitted 4/30. JG | | | |
| 3 | Christensen | 670 Shasta | 10/9/14 | UP0-390/ AD0-095 | Conditional Use Permit and Parking Exception for SFR Addition of greater than 25% to a nonconforming SFR | Addition greater than 25% to a nonconforming structure plus parking exception to allow a single car garage where two spaces are required. Needs historical eval. Incomplete letter sent 10/23. JG. Waiting on Historic Eval. Spoke with applicant at counter 2/17 JG. Historic Eval. rcv'd 4/9/15. JG. Scheduled for PC 5/19 | BC- conditionally approved. | RPS - Conditionally Approved per memo of 10/23/14 | |
| 30 -Day Review, Incomplete or Additional Submittal Review | | | | | | | | | |
| 4 | Gambriel | 405 Atascadero Rd. | 5/13/15 | CP0-475 / UP0-417 | New construction of 10,000sf commercial retail on vacant lot | | | | |
| 5 | James | 2540 Main | 5/11/15 | CP0-474 | Administrative Coastal Development Permit for new construction of duplex in MCR/R-4/SP zone | | | | |
| 6 | James | 2500 Main St | 5/11/15 | CP0-473 | Administrative Coastal Development Permit for new construction of duplex in MCR/R-4/SP zone | | | | |

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| 7 | Robson | 110 Orcas St. | 4/24/15 | CP0-471 & AD0-100 | Coastal Development Permit & Variance for new SFR in S2A overlay. Variance to allow subterranean garage in zone which prohibits 2 story construction | Under review. | | | |
| 8 | Boisclair | 900 Main St. | 4/24/15 | CP0-472 & UP0-416 | Business change. Combine 2 separate uses, bar & restaurant | | | | |
| 9 | Merrifield | 1147 West St. | 4/24/15 | CP0- 469 & UP0-414 | Coastal Development and Conditional Use Permits to construct new SFR subject to bluff development stds. | | | | |
| 10 | Wright | 1149 West St. | 4/24/15 | CP0-470 & UP0-415 | Coastal Development and Conditional Use Permits to construct new SFR subject to bluff development stds. | | | | |
| 11 | DVP, LP | 350 Las Vegas | 4/21/15 | CP0-468 | Demo/ reconstruct. Demolish 832 sf SFR and reconstruct 1600sf with 484 sf garage | Under Initial Review. JG | | | |
| 12 | Combs | 460 & 490 Errol St. | 4/19/15 | CP0-467 | Removal of 2 residential structures on property | Project near archaeologically sensitive area. Incomplete letter sent to applicant 5/13/15. CJ. | | | |
| 13 | Verizon / Knight | 702 Morro Bay Blvd | 4/15/15 | UP0-412 & CP0-466 | Conditional Use Permit & Coastal Development permit for new Verizon antenna and cabinets, associated facilities | Under review. | | ME- Conditionally approved per memo 4/22/2015 | |
| 14 | AT&T | 590 Morro Street | 4/10/15 | UP0-411 & CP0-465 | Conditional Use Permit & Coastal Development permit to modify 2006 Planning permit approval for unmanned cell site | | | | |
| 15 | Peck | 2455 Greenwood | 3/18/15 | UP0-409 | Conditional Use Permit for an addition over 25% to a nonconforming SFR | Under initial review. JG. Incomplete letter sent. Resubmittal received 4/28 | 4/22/15 FD Cond App TP | | |
| 16 | Brickhouse BBQ | 939 Main St. | 3/13/15 | UP0-408 | Minor Use Permit for a BBQ restaurant in the C-1 zone | Under initial review. JG. Project noticed 4/14. Permit issued 4/27/15. JG | | ME- Conditionally approved per memo | |
| 17 | T-Mobile | 1478 Quintana | 1/30/15 | UP0-403 | Minor Use Permit to Modify existing wireless telecommunication site at church | JG - Under initial review. Correction letter sent 3/5/2015. JG | | JW approved | |
| 18 | Volk | 800 Quintana | 1/29/15 | CP0-461 & UP0-405 | CDP / CUP for Verizon wireless telecommunications facility | CJ - under review. Incomplete letter sent 3-2-15 | | RPS approved | |
| 19 | Knight / Verizon | 485 Piney Way | 1/29/15 | CP0-460 & UP0-402 | CDP /CUP for Verizon wireless telecommunications facility (panel antennas & equipment cabinet) | CJ - RF Compliance Report under review. Incomplete letter sent 3-2-15. | | ME conditionally approved per memo 2/3/15 | |
| 20 | Frederick/Haseley/Dunn | 413 Shasta | 1/14/15 | CP0-458 | Admin Coastal Development Permit for Demo and Reconstruction of 2,195 sq. ft. SFR w/546 sq. ft. garage | Under Review. JG. Correction letter sent 2/23. JG. Email correspondence w/ agent 3/2. JG. Resubmittal rcv'd. Under review. JG. Incomplete letter sent 4/23 | | RPS returned for clarification 2/20/15 | |

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| 21 | T-Mobil e West LLC | 1245 Little Morro Creek Rd (aka 750 Radcliffe) | 1/8/15 | Modification of UP0-245 & CP0-279 | Upgrade of existing wireless facilities at PG&E lattice tower. | Requested proposed visual simulation 2-11-15. Resubmitted 4/2/15. CJ | | RPS - Encroachment Permit required for Work w/i ROW | |
| 22 | Chivens | 431 Kern | 1/6/15 | CP0-456 | Admin Coastal Development Permit. Demo existing structure. New 3,000+/- SF SFR. Development of 2nd home where previous CDP for 431 Kern approved 9-2014. WM | Incomplete letter sent 2/3/15. | 2/23/15 FD Cond App TP | RPS has approved plans 2/23/15 pending submission of sewer video and ECP prior to Building Permit. | |
| 23 | Appleby | 381 Fresno | 11/26/14 | UP0-398 | Conditional Use Permit for construction of a 15' x 35' storage shed & 37' x 15'6" carport | Under review. JG. Incomplete letter sent. Resubmittal rcv'd, under review. JG. Incomplete letter sent 2/24. JG. | | RPS returned resubmittal for same corrects 2/20/15 | |
| 24 | Verizon / Knight | 184 Main | 11/19/14 | UP0-394 | Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole. | Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG | | RPS disapproved on 12/15/14 since proposed pole site will be removed during undergrounding | |
| 25 | Leage | 833 Embarcadero | 9/15/14 | UP0-389 | Demolish existing building. Reconstruct new 1 story building (retail/restaurant use) & outdoor improvements | Under review. Deemed incompleated. Letter sent 10-13-14. CJ Resubmittal received 2/17/15. Incomplete letter sent . Resubmittal received. | BC- incomplete | RPS - Disapproved for plan corrections noted in memo of 10/14/14 | |
| 26 | Wordeman | 2900 Alder | 7/28/14 | CP0-447 | Admin Coastal Dev. Permit for new construction of duplex in R-4 zone. Unit A: 1965 sf w/605 sf garage. Unit B: 1714 sf w/605 sf garage. | Under Review. Correction letter sent 8-27-14. Resubmittal received 1-26-15. JG. Correction letter sent. Partial resubmittal rcv'd 2/23. Under Review. JG. Correction letter sent 1/30 JG | BC- conditionally approved. | BCR returned for correction 2/19/15 | |
| 27 | Hough | 289 Main | 10/16/13 | CP0-410 & UP0-369 | CDP and CUP to construct a 2,578sf single family home on vacant lot | CJ- under review. Met with Applicant's representative 11-21-13. Project subject to bluff development standards. Met w/ Applicant representative 3-3-14 regarding bluff determination per LCP maps. Letter sent 4-1-14 re completeness and bluff standards. CJ. Visited site to review project 10-24-14. Concurrent request sent re bluff to Coastal Commission 10-27-14. Discussed project with Coastal staff 11-18-14 with referral to CCC Geologist 1-2015. Met w/ Coastal geologist 2-12-15 on site. Resubmittal received. | BC- conditionally approved. TP-Disapprove 12/6/13. | BCR: Conditionally approved: ECP and sewer video required per memo of 10/28/13. Began resubmittal review 3/18/15 | |
| 28 | Sonic | 1840 Main St. | 8/14/13 | UP0-364 & CP0-404 | Conditional Use Permit and Coastal Development Permit to develop Sonic restaurant. | Under initial review. Comment letter sent 9/10/13. CJ. Spoke w/ applicant 10/3 re: traffic study. CJ. Public Works & Fire comments received & forwarded 10/8/13 to applicant. Comments from Cal Trans received 10/31 and forwarded to Applicant. Applicant requested meeting w/ City staff & Cal Trans to review project requirements. Had project meeting-discussed traffic study requirements on 11-21-13. Requested fee estimate from environmental consultant for CEQA purposes. CJ. Resubmitted 5/27. Environmental Review in process. Correction letter based on environmental review sent 8-6-14. Resubmittal received 1-23-15 and correction sent 2-23-15. Resubmittal received 5/8/15. | Bldg -- Review complete, applicant to obtain building permit prior to construction.FD-Disapprove UPO 364/CPO 404 9/11/13.9/9/14 FD App TP. 2/10/15 FD Not App TP. | RPS: Intial conditions provide by memos of 9/10/13 and 10/14. Met with Caltrans on 10/17. 7/22/14 Resubmittal review underway. Application still incomplete per memo of 2/23/15 | |

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| 29 | Perry | 3202 Beachcomber | 9/8/2011 & 10/25/2012 | AD0-067 / CP0-381 | Variance. Demo/Reconstruct. New home with basement in S2.A overlay. Variance approved for deck only; the issue of stories was resolved due to inconsistencies in Zoning Ordinance. | Variance approved at 8/15/12 PC meeting. Appealed by 3 parties to City Council. Appeal to be heard. City Attorney reviewing. Appeal in abeyance until coastal application complete. Incomplete letter for CDP sent 12/13/12. No response since 2012. Sent Intent to Deem Withdrawn Letter 9-2-14. JG. Applicant responded with Request for Meeting to keep CDP application open. SG. | Review complete, applicant to obtain building permit prior to construction. | No review since conditional approval of 6/11/12 | |
| 30 | LaPlante | 3093 Beachcomber | 11/3/11 | CP0-365 | Coastal Development Permit for New SFR in appeals jurisdiction. Proposed SFR of 3,495sf w/ 500 sf garage on vacant land. | SD-- Incomplete Letter 12/12/11. Phase 1 Arch Report required and Env. Document. Environmental in process. Letter sent 4/11/2012 requesting environmental study. MR-Met with Applicant and discussed potential impacts of project and CEQA information requested to complete MND. Applicant is preparing Bio. Report. Bio. report received 3/13 and under review. Project referred to env. consultant and Coastal. MND in process. Applicant revising bio report and snail study. Spoke w/ Applicant Representative 3-13-14. Snail study complete and sent to Dept of Fish and Wildlife for concurrence review. Spoke w/ env. consultant re completion of environmental 4/7 C.J. Met with application 7-18-14 to request addendum to bio report in order to complete CEQA. Bluff determination and snowy plover report submitted 8-14-14. C.J. MND complete. Anticipate routing to State Clearinghouse on 9/18/14. Coastal Commission comment letter received 10-20-14. City responded to Coastal on 10-27. Applicant working to address comments. Discussed project with Coastal staff in meeting 11-18-14 and met with applicant 12/4/14 and 1/20/15. Waiting on plan revisions. C.J. | Review complete, applicant to obtain building permit prior to construction. | No review since conditional approval of 11/20/12 | No Comments to date |
| Planning Commission Continued projects | | | | | | | | | |
| 31 | Seashell Estates, LLC | 361 Sea Shell Cove | 1/26/15 | CP0-459/ UP0-401 | Coastal Development Permit/Conditional Use Permit for new SFR. Lot 4 of 1305 Teresa Subdivision | Reviewing CC&R Design Guidelines. Deemed complete 3-2-15. Anticipate 4/21 PC hearing. Project continued to a date uncertain. C.J. | 2/23/15 FD Cond App TP | BCR has for review 2/3/15 | |

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| 32 | Redican | 725 Embarcadero Rd. | 6/26/13 | UP0-359 | Use Permit for seven boat slips and gangway | Under review. Incomplete letter sent 7-23-13. Resubmittal received on October 1, 2013. Additional info requested and resubmittal received 12-2-13. Incomplete letter sent 12-30. Meeting with Applicant on 2-13-14. Emailed Applicant 2-26-14 to clarify eelgrass study requirements for environmental review. Info hold letter sent 9-2-14. Resubmitted 10-28-14. Initial Study/MND complete & routed to State Clearinghouse 1-2-15. Anticipate 2-17-15 PC hearing. Comments received from Coastal Commission regarding eelgrass mitigation. Dock revision in progress. Project continued to 3-17-15 mtg to ensure legal noticing. Applicant submitted revised dock plans based on Coastal Commission feedback re: MND. Supplemental info sent to Coastal on 5/12/15. | Bldg -- Review complete, applicant to obtain building permit prior to construction. Disapproved 4/21/14TP-Disapprove 11/19/13. | PW requirements will be addressed with Building Permit review | Harbor conditions: 1. one slip to be reserved for public use; 2. southern-most end tie to remain vacant in order to not encroach on neighboring lease site. Note-water lease line will need to be extended out to accommodate slips. EE 12/16/13 |
| 33 | Frye | 3420 Toro Lane | 1/13/14 | CP0-419 & UP0-383 | Coastal Development Permit and Conditional Use Permit for New 2,209sf SFR and 551sf garage w/ approx. 300 sf of decking on vacant lot. | Under initial review. Met w/ Applicant 1-17-14 re Incomplete Submittal of Plans. Resubmitted 1-23-14. Correction letter sent 2-20-14 CJ Met w/ Applicant 2-28-14 to review process - CJ. Correction letter sent 3-28-14. Met w/ environmental consultant 4/7. Draft initial study under review and plans resubmitted 6/25/14. WM. MND routed to State Clearinghouse with tentative PC hearing date for 9/2/14. Correspondence received from Coastal Commission and Ca Dept of Fish and Wildlife regarding environmental. Applicant addressing concerns. PC continued to date uncertain. Met with Applicant 9-30-14. Addendum to Bio report received 11/11. Need to revise and recirculate MND. Discussed project with Coastal staff in meeting 11-18-14. WM | BC-disapproved- need geologic and engineering geology report.FD/TP Approve2/24/14 | RPS conditinoally approved per memo of 7/20/14 | |

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| 34 | City of Morro Bay | End of Nutmeg | 1/18/12 | UP0-344 | Environmental documents for Nutmeg Tanks. Permit number for tracking purposes only County issuing permit. Demo existing and replace with two larger reservoirs. City handling environmental review | KW--Environmental contracted out to SWCA estimated to be complete on 4/27/2012. SWCA submitted draft I.S. to City on May 1, 2012. MR-Reviewed MND and met with SWCA to make corrections. In contact with County Environmental Division for their review. MND received by SWCA on 10/7/12. MND out for public notice and 30 day review as of 11/19/12. 30 day review ends on 12/25/12. No comments received. Scheduled for 1/16/13 Planning Commission meeting and then to be referred back to SLO County. Planning Commission continued this item to address concerns regarding traffic generated from the removal of soil. In applicant's court, they are addressing issues brought up by neighbors during initial P.C. meeting. Project has been redesigned and will be going forward with concrete tanks. Modifications to the MND are in process. Neighborhood meeting conducted with Engineering on 9/27/2013. Revising project description and MND. | No review performed. | BCR- New design concept completed. Needs new MND for concrete tank, less truck trips. Neighborhood mtg held 9/27. Neighbors generally support new design that reduces truck trips by 80%. Concrete batch plant set up on site will further reduce impact. 5/5/14 - Cannon contract signed to finish permit phase. Construction will be delayed to FY15/16 | |
| Environmental Review | | | | | | | | | |
| 35 | City of Morro Bay | N/A | | | MND for Chorro Creek Stream Gauges | Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. To be routed to State Clearinghouse for required 30 day review period. | No review performed. | MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15 | |
| Pre-application | | | | | | | | | |
| 36 | | 570 Kings | | | Multi-family in R-2 / WUI | Coordinating with applicant and Fire Department regarding fire protection for property adjacent to a wildland urban interface (WUI). | | | |
| 37 | | Morro Mist | | | Final Map questions on 23 lot community housing project. | Received property inquiries from interested parties regarding conditions of approval on final map. | | | |
| 38 | | Black Hill Villas | | | Final Map questions on 16 lot tract map approved by Coastal | Coordinating with applicant regarding conditions of approval relative to recent Coastal Commission approval of CDP. | | | |
| Grants | | | | | | | | | |
| 39 | Coastal Conservancy, California Coastal Commission, California Ocean Protection Council | City-wide | | | \$250,000 Grant Opportunity for funding for LCP update to address sea-level rise and climate change impacts. | Application submitted July 15, 2013. Awaiting results. Agency requested additional information and submitted 10-7-13. Notice received application was successful for amount requested. City funded \$250,000. Staff in contact with CA Ocean Protection Council staff to commence grant contract. | No review performed. | N/A | |

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|--|-------------------------------|-----------------|---------|----------------|---|--|--------------------------------------|--|-------------------------------------|
| 40 | City of Morro Bay | City-wide | | | Community Development Block Grant/HOME Program - Urban County Consortium | Staff has ongoing responsibilities for contract management. 2012 contracts in progress. 2013 contracts in progress. City Council approval 6/10/14 for City participation in Urban County consortium for Fiscal Years 2015-2017. Needs Assessment Workshop scheduled for 9/11/14 in tandem with Cities of Atascadero and Paso Robles at Atascadero City Hall 5pm. Draft 2015 CDBG funding recommendation approved by Council 12/9/14. | No review performed. | N/R | |
| 41 | City of Morro Bay | City-wide | | | Climate Action Plan - Implementation | Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD. | | | |
| Project requiring coordination with another jurisdiction | | | | | | | | | |
| 42 | City of Morro Bay | Outfall | | | Original jurisdiction CDP for the outfall and for the associated wells | Coastal staff is working with staff. Coastal letter received 4/29/2013. Discussed project with Coastal staff in meeting 11-18-14. | No review performed. | City provided response to CCC on 7/12/13. Per Qtrly Conference Call CCC will take 30days to respond | |
| 43 | City of Morro Bay Desal Plant | 170 Atascadero | | | Project requires a Coastal Development Permit for upgrades at the Plant. Final action taken Sent to CCC but pursuant to their request the City has rescinded the action. | Waiting for outcome from the CDP application for the outfall. Discussed project with Coastal staff in meeting 11-18-14. | No review performed. | BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15/13. Phase 1 complete and finalized. Phase 2 on hold as | |
| Preapplication projects - None currently | | | | | | | | | |
| Final Map Under Review | | | | | | | | | |
| 44 | Medina | 3390 Main | 10/7/11 | Map | Final Map. Issues with ESH restoration. Applicant placed processing of final map on hold by proposing an amendment to the approved tentative map and coastal development permit. Applicant proposed administrative amendment. Elevated to PC, approved 1/4/12. Appealed, scheduled for 2/14/12 CC Meeting. Appeal upheld by City Council, and project with denied 2/14/12. map check returning for corrections on 3/9/12 | SD--Meeting with applicant regarding ESH Area and Biological Study. MR- Received letters from biologist regarding revegetation on 9/2/12. Letter sent to biologist. Recent Submittal reviewed and memo sent to PW regarding deficiencies. Initial review shows resubmitted map does not meet the 50 foot ESH buffer setback requirement. Creek restoration required per Planning condition #4 prior to recordation of the final map. | No review performed. | DH - resubmitted map and Biological study on Dec 19th 2012. PW has completed their review. Received a letter from Medina's lawyer and preparing response. PW comments sent to RS to be included with his response letter. RS said to process map for CC. Letter being prepared to send to applicant to submit mylars for CC meeting. | |
| Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive | | | | | | | | | |

| # | Applicant/ Property Owner | Project Address | Date | Permit Numbers | Project Description/Status | Planning Comments and Notations | Building/Fire Comments and Notations | Engineering Comments and Notations | Harbor/Admin Comments and Notations |
|--|---|-------------------------|----------|-------------------|---|--|---|---|-------------------------------------|
| 45 | Maritime Museum Association (Larry Newland) | Embarcadero | 11/21/05 | UP0-092 & CP0-139 | Embarcadero-Maritime Museum (Larry Newland). Submitted 11/21/05. Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Resubmitted 5/25/07. Resubmitted additional material on 9/30/09. Applicant working with City Staff regarding lease for subject site. Applicants enter into agreement with City Council on project. Applicant to provide revised site plan. Staff processing a "Summary Vacation (abandonment)" for a portion of Surf Street. Staff waiting on applicant's resubmittal. Meeting held with applicant 2/23/2011. Staff met with applicant 1/27/11 and reviewed new drawings, left meeting with applicant indicating they would be resubmitting new plans based on our discussions. | KW--Incomplete 12/15/05. Incomplete 3/7/07. Incomplete Letter sent 6/27/07. Met to discuss status 10/4/07 Incomplete 2/4/08. Met with applicants on 3/3/09 regarding inc. later. Met with applicants on 2/19/2010. Environmental documents being prepared. Meeting held with city staff and applicants on 2/3/2011. Sent Intent to Deem Withdrawn letter 9-2-14. JG. | Please route project to Building upon resubmittal. | An abandonment of Front street necessary. To be scheduled for CC mtg. | |
| 46 | Lucky 7 | 1860 Main | 3/12/13 | CP0-394 | Construct Fuel Island Canopy & Initial Study/MND | CJ- Requested additional info. 3-29-13 Resubmittal received 7-22. Project deemed not exempt from CEQA. Initial Study in process. Requested photometric plan for new lighting of canopy via phone 1-28-14 for initial study. Photometric plan and revised plans received 2-10-14. Reviewing new material submitted for inclusion in Initial Study. Initial Study complete and ready for signature 5/1/14. Reviewed with applicant 5/12. Waiting on Applicant to sign mitigations. WM. Sent Intent to Deem Withdrawn letter 8-28-14. JG. | Review complete, applicant to obtain building permit prior to construction. FD Approval CPO 394 8/23/13 | Approved BCR 3/18/13 | |
| 47 | AT&T | 590 Morro | 1/16/14 | CP0-126 / UP0-084 | Upgrade of unmanned telecommunications facility | Under initial review. Emailed update to Applicant 3-3-14. Correction letter sent 3-19-14. WM. Intent to Deem Withdrawn letter sent 8-28-14. JG. Spoke with applicant 9-16, intends to resubmit. JG. | BC- conditionally approved. | BCR- ADA ramp upgrade required | |
| 48 | James Maul | 530, 532, 534 Morro Ave | 3/12/10 | SP0-323 & UP0-282 | Parcel Map. CDP & CUP for 3 townhomes. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter. | KW-Incomplete letter sent 4/20/10. Met with applicant 5/25/10. Letter sent to applicant/agent indicating the City's intent to terminate the application based on inactivity. City advised there will be a new applicant and to keep the application viable.MR: Received letter from applicant's rep 11/15/12 requesting project remain open. Called B. Elster for further information. Six month extension granted. Sent Intent to Deem Withdrawn Letter 8-28-14. Applicant requested to keep project open 9-25-14. | Please route project to Building upon resubmittal. | N/A | |
| Projects going forward to Coastal Commission for review (Pending LCP Amendments) / State Department of Housing | | | | | | | | | |

| # | Applicant/ Property Owner | Project Address | Date | Permit Numbers | Project Description/Status | Planning Comments and Notations | Building/Fire Comments and Notations | Engineering Comments and Notations | Harbor/Admin Comments and Notations |
|--|---------------------------|-----------------|----------|----------------|---|---|--------------------------------------|------------------------------------|-------------------------------------|
| 49 | City of Morro Bay | Citywide | 10/16/13 | A00-013 | Zoning Text Amendment - Second Unit | Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. 6-11-13 City Council direction to staff to bring back to Planning Commission for review of ordinance. At 10-16-13 PC meeting, Commission recommended changes to maximum unit size and tandem parking design where units over 900 sf and/or tandem parking design of second unit triggers a CUP process. Council accepted PC recommendation at 2-11-14 meeting and directed staff to bring back revised ordinance for a first reading and introduction. Item continued to 4/22/14 Council meeting to allow time for Coastal staff comment regarding proposed changes. Council approved Into and First Reading on 4/22/14. Final Adoption of Ord. 585 at 5/13/14 Council meeting. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission. | No review performed. | | |
| 50 | City of Morro Bay | Citywide | 2/1/13 | Ordinance 556 | Wireless Amendment - LCP Amendment CHAPTER 17.27 Amendment for "Antennas and Wireless Telecommunications Facilities" AND MODIFYING CHAPTER 17.12 TO INCORPORATE NEW DEFINITIONS, 17.24 to MODIFY primary district matrices to incorporate the text changes , 17.30 to eliminate section 17.30.030.F "antennas", 17.48 modify to eliminate section 17.48.340 "Satellite dish antennas". | Application for Wireless Amendment submitted to Coastal Commission 9-11-13. Received comments back from CCC 11-27-13, working on addressing issues. | No review performed. | N/A | |
| Projects Appealed or Forwarded to City Council | | | | | | | | | |

| # | Applicant/ Property Owner | Project Address | Date | Permit Numbers | Project Description/Status | Planning Comments and Notations | Building/Fire Comments and Notations | Engineering Comments and Notations | Harbor/Admin Comments and Notations |
|--|---------------------------|------------------|----------|----------------|--|--|---|---|-------------------------------------|
| 51 | City of Morro Bay | Citywide | 6/19/13 | A00-015 | Sign Ordinance Update. Text Amendment Modifying Section 17.68 "Signs" | Text Amendment Modifying Section 17.68 "Signs". Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs. 5/17/2010. PC made recommendations and forwarded to Council. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. A report brought to PC on 2/7/2011. Workshops scheduled 9/29/11 & 10/6/11. -Workshop results going to City Council 12/13/11. Continued to 1/10/12 CC meeting. Staff Report to PC. Project went to 5/2/2012. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13. Continued to 7/3/13 PC meeting for further review. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 Final Draft of Sign Ordinance approved at 9/4/13 PC meeting with recommendation to forward to City Council. Council directed staff to do further research with local businesses. First workshop held 11/14 with approx. 12 Quintana area businesses. Downtown workshop held March 2014, North Main business workshop held 4/28/14 and Embarcadero business workshop held 5/19/14. Result of sign workshops to be agendized for Planning Commission. | No review performed. | N/R | |
| Projects in Building Plan Check | | | | | | | | | |
| 52 | Sangren | 675 Anchor | 11/28/12 | B-29813 | SFR Addition | Requested corrections 1/9/13. CJ. Resubmittal received and under review (November 14, 2013). Denial letter sent 4/24/14 GN | BC- Returned for corrections 1/9/13. | N/A | |
| 53 | LaPlante | 3093 Beachcomber | 11/3/11 | B-29586 | New SFR: 3,495sf w/ 500 sf garage on vacant land. | SD--Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012. MR: Met with applicant to go over environmental issues. | BC- Application on hold during planning process | DH- Provide SW mgmt, drainage rpt, EC per memo of 1/18/12. | |
| 54 | Jeffers | 2740 Elm | 3/12/14 | B-30126 | SFR Demo/ Reconstruct | GN - Needs CDP; Correction memo sent 4/10/14. Pending CDP approval. CJ. Correction letter sent. JG. Appealed to PC 4/7. Appeal Denied. | BC-returned for corrections 4/15/14. | JW- 4/7/14 corrections needed. JW- 9/9/14 2nd Submittal: Corrections | |
| 55 | Caldwell | 801 Embarcadero | 8/18/14 | B-30250 | Commercial Hood System | | BC- returned for corrections 10/8/14. | NRR | |
| 56 | Fowler | 1213 Embarcadero | 9/11/14 | B-30270 | Phase 1-B Water Site Improvements | Requested correction 10-7-14 - CJ | BC-under review. | RPS - Disapproved per memo of 10/31/14 | |
| 57 | PG&E | 1290 Embarcadero | 10/2/13 | G-040 | Soil Removal | CJ- Monitoring Well location partially in Coastal original jurisdiction. Coastal Commission processing consolidated permit. Waiver granted by Coastal 9-14-1491-W | BC- on hold pending planning process. | Memo of 11/29/13. CDP application should address soil revegetation | |
| 57 | Buquet | 647 Estero | 3/14/14 | B-30129 | New SFR: 1662 sf living, 577 sf garage, 564 sf unfinished space, and 230 sf deck | GN- conditionally approved, need to add conditions as a separate plan sheet. 3/27/14 | BC- RTI 5/12/14. | DH - approved 5.8.14 | |
| 58 | Appleby | 381 Fresno | 7/31/14 | B-30227 | Carport& Storage Shed | Correction sent 8-7-14. WM. Will require a CUP prior to building. JG. Corrections sent 2/23 JG | BC-on hold pending Planning process. | RPS - No PW comments if street access is not required for storage bldg | |
| 59 | Montecalvo | 510 Fresno | 5/16/14 | B-30212 | New 2car gargaie (508 sf) w/ storage (383 sf) above, and 93 sf deck | Corrections sent 8-11-14. WM. | BC- returned for corrections 8/22/14. | Assigned to ME/DH for review | |
| 60 | Conrad | 2820 Greenwood | 12/30/13 | B-30079 | SFR Add/ Second Unit: 300 sf attached studio (27 new sf and convert 273 sf) | Under review. 2nd unit will require CDP. | BC- returned for corrections 2/28/14. | NRR | |
| 61 | Sotello | 420 Island | 6/30/14 | B-30192 | New SFR: 1678 sf living, 482 sf garage, 106 sf decking | Sent corrections 3/18/15. 2nd corrections sent 5/12/15. CJ. | Corrections 3/23/15. CL. | BCR conditionally approved plans per | |

| # | Applicant/ Property Owner | Project Address | Date | Permit Numbers | Project Description/Status | Planning Comments and Notations | Building/Fire Comments and Notations | Engineering Comments and Notations | Harbor/Admin Comments and Notations |
|---|---------------------------|---------------------|----------|----------------|--|---|---------------------------------------|---|-------------------------------------|
| 62 | Gonzalez | 481 Java | 10/6/13 | B-30029 | SFR Addition/ Remodel: add 578 sf living and 112 sf decking | KM - Disapproved due to nonconforming issues 10/22/13. GN - Sent out incomplete letter 1/30/14 with revisions. Resubmitted 4/3/14. Third incomplete letter sent 4/8/14. | BC- on hold pending planning process. | Return for resolution of Planning issues. BCR - Conditionally approved per memo of 10/9/14 | |
| 62 | Herrera | 2820 Juniper | 2/19/15 | B-30375 | New 203 sf deck addition to front of residence | Approved 3/4/15 JG | | | |
| 63 | Rockenbach | 2670 Juniper | 3/4/15 | B-30387 | Bathroom remodel | Approved 3/5/15. CJ. | Corrections 3/25/15. CL. | Approved. RS 3/4/15 | |
| 64 | Candy Fish Sushi | 898 Main | 2/23/15 | B-30380 | Demise wall to add inside seating in restaurant | Approved 2/26/15 JG | | | |
| 65 | Dyson | 1177 Main | 8/18/14 | B-30248 | Covered Patio | Corrections. 9-5-14. WM. | BC-Returned for corrections 9/8/14. | NRR | |
| 66 | Meisterlin | 315 Morro Bay Blvd. | 9/12/14 | B30275 | Commercial Alteration-Handicap restroom | Approved 9/25/14. CJ. | BC-returned for corrections 10/2/14. | RPS returned for corrections per memo of | |
| 67 | Hammond | 2621 Nutmeg | 1/13/15 | B-30355 | Remove top half of retaining wall due to stem wall failure and new wood deck | | | ME conditionally approved pending detail of drainage system at retaining wall per memo | |
| 67 | Wikler | 405 Pacific | 12/11/14 | B-30338 | | Corrections 12-18-14. WM | | BCR returned for corrections per memo of | |
| 68 | Dennis | 270 Piney | 2/13/15 | B-30383 | New SFR | Under review 2/26 JG. Waiting for conditions of approval to be included in plan set. 3/5 JG Approved 3/17 JG | | ME - Needs Eroison control plan & sewer | |
| 69 | Dennis | 280 Piney | 2/13/15 | B-30384 | New SFR | Under review 2/26 JG. Waiting for conditions of approval to be included in plan set. 3/5 JG Approved 3/17 JG | | ME - Needs Eroison control plan & sewer | |
| 70 | Dennis | 290 Piney | 2/13/15 | B-30382 | New SFR | Under review 2/26 JG. Waiting for conditions of approval to be included in plan set. 3/5 JG. Approved 3/17 JG | | ME approved 4/16/2015 | |
| 71 | Nagy | 371 Piney | 8/11/14 | B-30237 | New SFR: 3,022 square-foot SFR and garage, plus deck and balcony. | | BC-out for corrections. | JW returned for corrections per memo of 8/14/14 w/ Sample Offer of Dedication. Reviewed Findings & Conditions of Approval 11/13/14. Provided Sample | |
| 72 | Frye | 244 Shasta | 5/7/13 | B-29910 | Garage to Second Unit conversion | KM - Needs to comply with or amend existing CDP. 2006 Planning permit modified to allow non-conforming structure. No activity since 2014 on this building permit. | BC- on hold pending planning process. | BCR-approved 5/13/13 | |
| 73 | Lindsey | 413 Shasta | 1/14/15 | B-30357 | Demo / Reconstruct SFR. | Needs CDP. Under review. JG | | RPS returned for correction per memo of 2/20/15 | |
| 74 | Wammack | 505 Walnut | 12/31/13 | B-30076 | New SFR: 2611 sf living, 489 sf garage, 190 sf decks and covered porch | CJ - needs CDP. Appealed. Building permit on hold pending appeal outcome. | BC-on hold pending Planning process. | BCR sidewalk deferral agreement | |
| Projects & Permits with Final Action | | | | | | | | | |
| 72 | Held | 901-915 Embarcadero | 2/25/15 | UP0-342 | Precise Plan approval for New Docks, Retail Unit, Public Access and Façade Changes at Harbor Center | Concept Plan approval received by Council in 2012. CDP approval received by Coastal Commission. Precise Plan approval to be reviewed by PC. Project deemed complete. Conditionally approved by PC at 5/5 mtg. | | | |

| # | Applicant/ Property Owner | Project Address | Date | Permit Numbers | Project Description/Status | Planning Comments and Notations | Building/Fire Comments and Notations | Engineering Comments and Notations | Harbor/Admin Comments and Notations |
|----|---------------------------|-----------------|--------|----------------|---|--|--------------------------------------|---|-------------------------------------|
| 73 | Salin | 845 Ridgeway | 8/8/14 | CP0-448 | Admin Coastal Development Permit for demo of existing SFR and construction of new 2,420 sq. ft. SFR w/766 sq. ft. garage | Correction letter sent 8-28-14. with follow-up direction emailed 9/10/14. Confirmed with Applicant's Representation 9-30-14. Property older than 50 years requires historical evaluation per CEQA. Historical study in progress. Received neighborhood letter/emails. CJ. Noticed 2/13. Admin CDP Issued 2/24. Appealed to PC. meeting date 4/7. JG Meeting continued to allow applicant and appellant to work together. PC date 5/5 | BC- conditionally approved. | DH/ME- returned for correction 11/24/14 | |



AGENDA NO: A-2

MEETING DATE: May 19th, 2015

Staff Report

TO: Planning Commissioners **DATE:** May 19th, 2015

FROM: Joan Gargiulo, Contract Planner

SUBJECT: Denial of the appeal and approval of modified Administrative Coastal Development Permit #CP0-448 for demolition of an existing single-family residence and new construction of a 2,467 square-foot single-family residence with a 766 square-foot garage at 845 Ridgeway

EXHIBIT:

A. Planning Commission Resolution 19-15

RECOMMENDATION:

Deny the appeal and conditionally approve modified Administrative Coastal Development Permit CP0-448 for 845 Ridgeway by adopting Planning Commission Resolution 18-15.

APPELLANTS: Kenneth Blackwell and Lisa Wieler

APPLICANTS: Helen Torino and Eric Salin

LEGAL DESCRIPTION/APN: 066-233-007

PREVIOUS REVIEW:

At its meeting on April 7th, 2015, the Planning Commission voted 5-0 to continue this item to the May 5th, 2015 Planning Commission meeting with direction to the applicants and the appellants to attempt to come into agreement concerning the design and location of the proposed residence. At the May 5th, 2015 meeting, the applicants and the appellants agreed to the approval of modified project plans. The Planning Commission directed staff to return to the May 19th, 2015 meeting with a resolution to deny the appeal and approve modified project plans for Administrative Coastal Development Permit #CP0-448.

Prepared By: ___JG___

Department Review: ___SG___

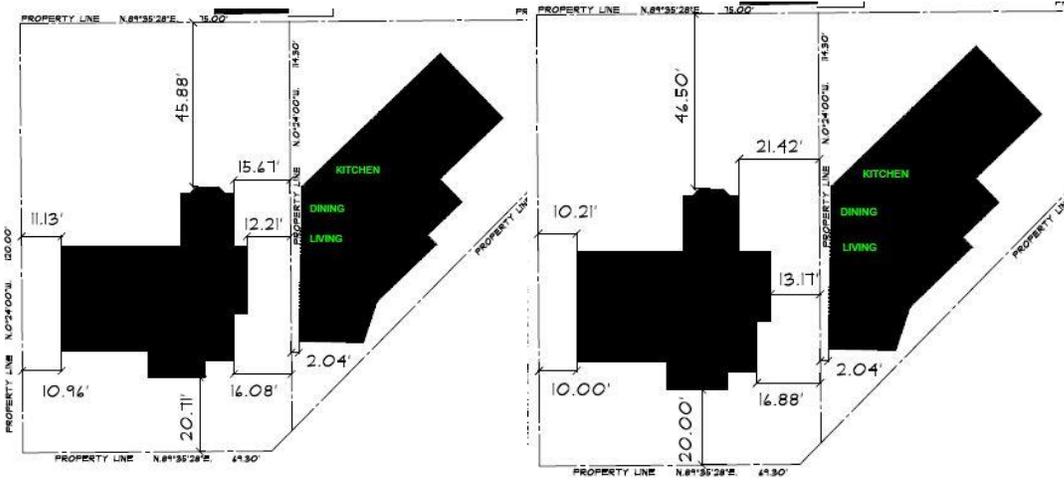
PLAN MODIFICATION:

Development plans for the project located at 845 Ridgeway have been modified as follows: The entire building footprint has been moved to the south approximately 9 inches and to the west approximately 1 foot. The single-story master bedroom at the rear of the building has been moved 5.75 feet to the west, lowered 1 foot 10 inches, and the roof has been changed to a hip roof.



Original Design

Design as Modified



Original Site Plan

Site Plan as Modified

EXHIBIT A

RESOLUTION NO. PC 19-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION DENYING THE APPEAL OF THE APPROVAL OF ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (CP0-448) FOR THE DEMOLITION OF THE EXISTING RESIDENCE AND CONSTRUCTION OF A NEW TWO STORY SINGLE-FAMILY RESIDENCE AT 845 RIDGEWAY AVENUE AND APPROVING THE AMENDED PROJECT AND ADOPTING A CLASS 3 CATEGORICAL EXEMPTION FOR THE DEMOLITION OF THE EXISTING RESIDENCE AND CONSTRUCTION OF A NEW 2,467 SQUARE FOOT HOME WITH A 766 SQUARE-FOOT TWO-CAR GARAGE.

WHEREAS, on February 24, 2015, the Director issued an Administrative Coastal Development Permit CP0-448 for the demolition of an existing residence and the construction of a new two-story single-family residence proposed to be 2,467 sq. ft. with a 766 sq. ft. garage at 845 Ridgeway; and

WHEREAS, on February 24, 2015 an appeal was filed to the Planning Commission on Administrative Coastal Development Permit CP0-448 specifically due to private view protection and neighborhood compatibility concerns; and

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on April 7, 2015, for the purpose of considering the appeal of the Director's approval of Administrative Coastal Development Permit CP0-448; and

WHEREAS, the Planning Commission at its April 7th, 2015 meeting directed the Applicant and the Appellant to work together to attempt to reconcile their differences and continued the matter until May 5th, 2015; and

WHEREAS, the Planning Commission of the City of Morro Bay conducted the continued public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on May 5th, 2015, for the purpose of considering the appeal of the Director's approval of Administrative Coastal Development Permit CP0-448; and

WHEREAS, notices for all public hearing were made at the time and in the manner required by law; and

WHEREAS, the Appellants stated on the record during the hearing they had resolved their concerns with the Applicants and did not object to approval of the project as modified; and

WHEREAS, the Applicants agreed with the modifications to the project and approval of the same; and

WHEREAS, after closing the public testimony the Planning Commission duly considered all evidence, including the testimony of the appellant and testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at the April 7, 2015, and May 5, 2015 hearings; and

WHEREAS, Planning Commission then continued the item until May 19, 2015, and directed staff to return with a resolution at that time to deny the appeal and approve the project as modified consistent with the direction of the Planning Commission; and

WHEREAS, the Planning Commission of the City of Morro Bay considered this matter at the continued public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on May 19th, 2015, for the purpose of rendering a final decision; and

WHEREAS, the Planning Commission has duly considered all evidence and now desires to deny the appeal of Administrative Coastal Development Permit CP0-448 and approved the project as modified.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Morro Bay hereby denies the appeal of Administrative Coastal Development Permit CPO-448 and approves the revised project as follows:

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

Findings upholding the Director's Approval and denying the Appeal

1. Coastal Development Permit CPO-0448 was approved in a manner consistent with the City's General Plan and Local Coastal Program.
2. The City's General Plan, Local Coastal Program and Zoning Code do not protect private views across private property and public views (Scenic Views and of Visual Significance or otherwise) are not adversely affected by the project.
3. The project meets or exceeds all development standards for height, setback and lot coverage, and is consistent with the scale and character of other residences in the vicinity.
4. The project is two stories in height and reflective of a Mediterranean style similar to other residences in the project vicinity, is visually compatible with the character of the surrounding area, and there are no design guidelines adopted by the City applicable to the project.
5. The project design and location is consistent with the Visual Resources Chapter XIII of the Local Coastal Land Use Plan.

Findings for approval of the revised project

California Environmental Quality Act (CEQA)

1. Pursuant to the California Environmental Quality Act, the project as modified is categorically exempt under Section 15303, Class 3(a), "New Construction or Conversion of Small Structures," because the project is a single-family home in a residential zone and does not have a significant effect on the environment. Furthermore, none of the exceptions to this Categorical Exemption set forth in CEQA Guidelines, section 15300.2 apply to this project.

Coastal Development Permit Findings

2. The Planning Commission finds the development of a new single-family residence is consistent with the applicable provisions of the General Plan and certified Local Coastal Program.
3. The Planning Commission finds the project as proposed is consistent with the character of the neighborhood in which it is located. It is surrounded by compatible uses of low density development; has similar bulk and scale to the adjacent structures; and like other structures in the neighborhood, the proposed project is two stories and has an attached two car garage.
4. The Planning Commission finds that the development of a new single-family residence will not cause any health and safety concerns, and will not impact neighboring uses, environmentally sensitive habitat areas, or otherwise create significant impacts.

Section 2. Action. The Planning Commission does hereby approve Administrative Coastal Development Permit CP0-448 as modified subject to the following conditions:

STANDARD CONDITIONS

1. 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.
2. Compliance with Conditions: By signing the Acceptance of Conditions of Approval form, the owner or designee accepts and agrees to comply with all Conditions of Approvals. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
3. Compliance with Morro Bay Standards: 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 Zoning Ordinance, certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
4. Conditions of Approval: The Findings and Conditions of Approval shall be included as a full-size sheet in the Building Plans.

CODE REQUIREMENTS:

1. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become

null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request. (MBMC Section 17.58.130)

2. Changes: Any minor change may be approved by the Community Development Manager. Any substantial change will require the filing of an application for an amendment to be reviewed by the Planning Commission. (MBMC Section 17.58.120)
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. (MBMC Section 5.30.540)
4. Construction Hours: Pursuant to Morro Bay Municipal Code Section 9.28.030.I, Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the community development department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues. (MBMC Section 9.28.030)

Planning Conditions:

1. Building Height Certification: Note on the site plan prepared for the building permit, "Prior to either roof nail or framing inspection a licensed surveyor is required to measure the height of the structure and submit a letter to the Planning Division, certifying that the height of the structure is in accordance with the approved set of plans and complies with the height requirements of the Morro Bay, Municipal Code Section 17.12.310." (MBMC Section 17.12.310)
2. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems, shall be submitted for review and approval by the Building Official. (MBMC Section 17.52.070)
3. 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, knowledgeable in local indigenous culture, 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. (MBMC Section 17.48.310)

4. The northwest corner of the property must be left free and clear of visual obstructions pursuant to Morro Bay Municipal Code 17.48.210.
5. The applicant shall comply with all Planning conditions listed above and obtain a final inspection from the Planning Division at the necessary time in order to ensure all conditions have been met.

Building Conditions:

1. Prior to construction, the applicant shall submit a complete building permit application and obtain the required building permit.

Fire Conditions:

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

Applicant shall submit plans to Morro Bay Public Services for review.

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

Applicant shall install carbon monoxide alarms in accordance with California Residential Code, (Section R315.2).

Public Works Conditions:

1. Frontage Improvements: The installation of frontage improvement with the exception of sidewalks is required. Show the installation of a City standard driveway approach (B-7 or B-8), curb and street tree. An encroachment permit is required for any work within the Right of Way.
2. Sewer Lateral Verification: Indicate on the plans the location of the sewer lateral and if the lateral is proposed or existing (it appears from our records that the existing lateral is located towards the front and center of the property). If the existing sewer lateral is going to be used the following must be completed prior to building permit issuance:
 - a. Conduct a video inspection of the conditions of existing sewer lateral prior to building permit issuance. Submit a DVD to City Public Services Department.

Repair or replace as required to prohibit inflow/infiltration.

3. Erosion and Sediment Control: Provide a standard erosion and sediment control plan (MBMC 12.04 & 14.48). 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. This Plan shall be provided with the Building Permit application.

Add the following Notes to the Plans:

4. No work within nor any use of any public rights of way shall occur without an encroachment permit. A standard encroachment permit shall be required for the proposed driveway replacement. Encroachment permits are available at the City's Public Services Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.
5. Any damage to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 19th day of May, 2015 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Tefft, Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 19th day of May, 2015.



AGENDA NO: B-1

MEETING DATE: May 19th, 2015

Staff Report

TO: Planning Commissioners

DATE: May 19th, 2015

FROM: Joan Gargiulo, Contract Planner

SUBJECT: **Conditional Use Permit (UP0-413) Request** to allow for an occupancy change to allow the operation of a welding and metalworks shop located within 100 ft. of a residential use. The project site is located at **2198 Main Street**, within the MCR/R-4/SP zone, and outside of the Coastal Commission Appeal Jurisdiction.

RECOMMENDATION:

Approve Conditional Use Permit No. UP0-413 by adopting Planning Commission Resolution 20-15 including the following action (s):

1. Approve the Class 3, Section 15303 Categorical Exemption in accordance with applicable provisions of the California Environmental Quality Act
2. Adopt the findings and conditions of approval included in Planning Commission Resolution 20-15 (Exhibit A) and the site development plans.

APPLICANT: Scott Morgan, Morro Bay Inspired Iron

LEGAL DESCRIPTION/APN: 068-264-029

SUMMARY:

The applicant requests Conditional Use Permit approval to establish an ornamental metalwork/fabrication business within an existing 750 square-foot building located in the MCR/R-4/SP (Mixed Commercial/Residential) zoning district. The commercial site was previously used as an art gallery, glass blowing studio, and neighborhood grocery store. The proposed business location is within 100 feet of existing residential uses and adjacent to other established light industrial uses including a metal fabrication/welding business. There is no record of noise or other complaints which would indicate incompatibility between these uses. The property is not located within the Coastal Commission Appeal Jurisdiction.

Prepared By: ___ JG ___

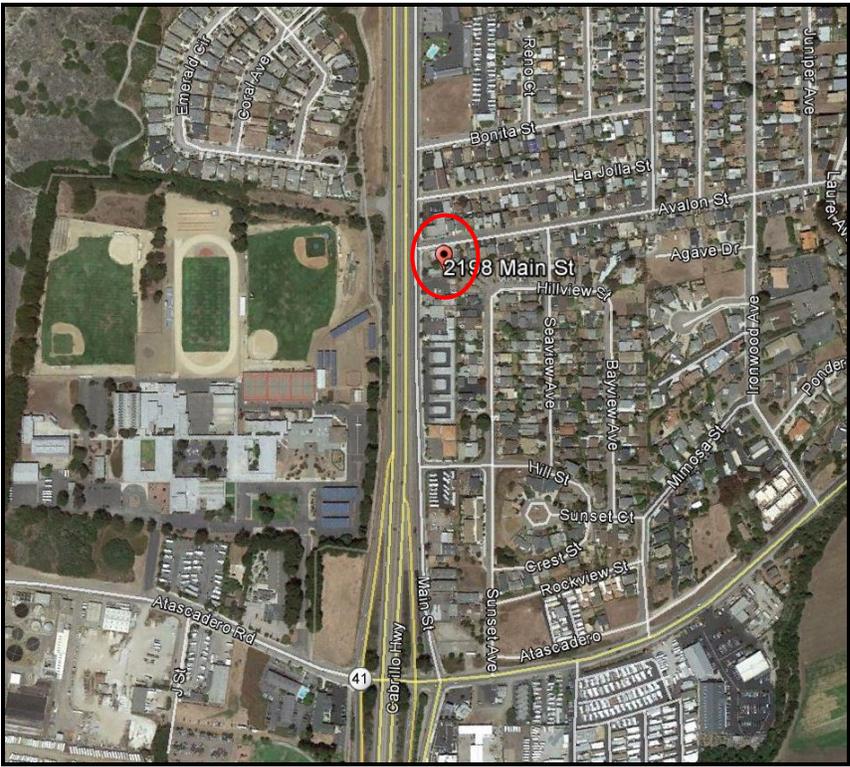
Department Review: _____

ENVIRONMENTAL DETERMINATION:

Environmental review was performed for this project and staff has determined that it meets the requirements for a Categorical Exemption under CEQA Guidelines Class 3 Section 15303. The exemption applies to the conversion of existing small structures from one use to another.

PROJECT SETTING:

The project is located in the Del Mar Area, north of Highway 41, east of Highway 1, and south of Avalon Street in Area C of the North Main Street Specific Plan. The proposed business site is located directly north of and adjacent to Erik’s Muffler and Welding and Shorty & Sons Auto Service Shop.



Vicinity Map

| Adjacent Zoning/Land Use | | | |
|--------------------------|---|--------|---|
| North: | MCR/R-4/SP Mixed Commercial/Residential | South: | MCR/R-4/SP Mixed Commercial/Residential |
| East: | R-2/ Duplex Residential | West: | MCR/R-4/SP Mixed Commercial/Residential |

| Site Characteristics | |
|-----------------------------|--|
| Site Area | Approximately 9,000 square feet |
| Existing Use | Commercial |
| Terrain | Gently sloping down to the north west, graded and developed |
| Vegetation/Wildlife | Previously disturbed site |
| Archaeological Resources | Site is not located within 300 feet of an archeological resource |
| Access | Main and Avalon Street |

| General Plan, Zoning Ordinance & Local Coastal Plan Designations | |
|---|--|
| General Plan/Coastal Plan Land Use Designation | Mixed Commercial/Residential District |
| Base Zone District | MCR/R-4 |
| Zoning Overlay District | N/A |
| Special Treatment Area | N/A |
| Combining District | N/A |
| Specific Plan Area | North Main Street Specific Plan |
| Coastal Zone | Located in the Coastal Zone, however not in the Appeals Jurisdiction nor Original Jurisdiction |

PROJECT DISCUSSION:

The project is located on the corner of Main Street and Avalon Street. The proposed site is part of a larger parcel of land that has additional buildings including a garage, a commercial space that is currently used as a retail/wholesale clothing shop, and a residential security unit behind the commercial space that is currently occupied by the landowner. The commercial space was previously used as an art gallery and a neighborhood grocery store. The proposed project site is a 750 square-foot prefabricated metal building previously used as a glass-blowing shop.

Parking

There is adequate parking on site to accommodate the proposed manufacturing use. Parking for the residential unit is provided in the garage at the rear of the lot. There are five parking spaces in the parking lot at the front of the project site. The retail use requires three parking spaces. The proposed manufacturing use will require two parking spaces.

Noise

The main issue with the proposed use the potential for incompatibility with nearby residential uses. That being said there are other similar light manufacturing uses operating in the immediate vicinity and the City has not received noise complaints related to these uses. Also, the

proposed manufacturing use shall adhere to Morro Bay Municipal Code requirements for stationary noise thresholds for daytime decibel levels as follows:

| | Daytime (7 a.m. to 10 p.m) |
|---|-------------------------------|
| Hourly L_{eq} , dB ⁽²⁾ | 50 |
| Maximum level, dB ⁽²⁾ | 70 |
| Maximum level dB – Impulsive noise ⁽³⁾ | 65 |
| ⁽¹⁾ As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures. ⁽²⁾ Sound level measurements shall be made with slow meter response. ⁽³⁾ Sound level measurements shall be made with fast meter response. | |

PUBLIC NOTICE:

Notice of this item was posted at the site and published in the San Luis Obispo Telegram Tribune newspaper on May 9th, 2015 and all property owners and occupants within 300 feet of the subject site were notified of this evening’s public hearing and were invited to voice any concerns regarding this application.

CONCLUSION

The proposed project would be consistent with applicable development standards of the zoning ordinance and all applicable provisions of the General Plan, Local Coastal Plan, and the North Main Street Specific Plan with the incorporation of recommended conditions. The project is not located within the California Coastal Commission appeals jurisdiction.

Staff recommends that the Planning Commission adopt the Class 3 Categorical Exemption and approve Conditional Use Permit #UP0-413 subject to the findings and conditions of approval as specified by Planning Commission Resolution #20-15 attached below as Exhibit A.

EXHIBITS:

- Exhibit A – Planning Commission Resolution #20-15
- Exhibit B – Site Development Plans
- Exhibit C – Written communication received from applicant
- Exhibit D – Conditional Use Permit Application Supplement

EXHIBIT A

RESOLUTION NO. PC 20-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION ADOPTING A CLASS 3 CATEGORICAL EXEMPTION AND APPROVING CONDITIONAL USE PERMIT (UP0-413) TO ALLOW FOR AN OCCUPANCY CHANGE TO ALLOW THE OPERATION OF A WELDING AND METALWORKS SHOP LOCATED WITHIN 100 FEET OF A RESIDENTIAL USE AT 2198 MAIN STREET

WHEREAS, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on May 19th, 2015, for the purpose of considering Conditional Use Permit UP0-413 for an occupancy change to allow the operation of a welding and metalworks shop located within 100 feet of a residential use at 2198 Main Street; and

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

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

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

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

California Environmental Quality Act (CEQA) Finding

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15303, Class 3 for the conversion of existing small structures from one use to another and will have no potentially significant environmental impacts. Furthermore, none of the exemptions to this Categorical Exemption set forth in CEQA Guidelines, section 15300.2 apply to this project.

Conditional Use Permit Findings

1. The project is consistent with the General Plan and Local Coastal Plan which establish a mixed commercial/residential district in the North Main Street Specific Plan to allow and regulate a mix of compatible commercial and residential uses.
2. The proposed business 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, because it is an allowable use in the zoning district.
3. The proposed business it will be not injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

Section 2. Action. The Planning Commission does hereby approve Conditional Use Permit #UPO-413 for property located at 2198 Main Street subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated May 19th, 2015, for the project at 2198 Main Street depicted on plans dated October 15, 2014, as part of conditional use permit file UPO-391, on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows: Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Public Services Director (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance.

Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

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

PLANNING CONDITIONS

1. Noise: The proposed use shall adhere to the guidelines as found in the Morro Bay Municipal Code Section 17.52.030 and as referenced below:

| | Daytime (7 a.m. to 10 p.m) | Nighttime (10 p.m. to 7 a.m.) |
|---|-------------------------------|----------------------------------|
| Hourly L_{eq} , dB ⁽²⁾ | 50 | 45 |
| Maximum level, dB ⁽²⁾ | 70 | 65 |
| Maximum level dB – Impulsive noise ⁽³⁾ | 65 | 60 |
| ⁽¹⁾ As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures. ⁽²⁾ Sound level measurements shall be made with slow meter response. ⁽³⁾ Sound level measurements shall be made with fast meter response. | | |

FIRE CONDITIONS:

1. Permit. An Operational Permit shall be required as set forth in CFC 105.6.11.

Applicant shall obtain an Operational Permit from Morro Bay Fire Department. The permit shall be renewed annually.

2. Signage. Visible hazard identification signs shall be provided where required by CFC Chapter 50. Where the hot work area is accessible to persons other than the operator of the hot work equipment, conspicuous signs shall be posted to warn others before they enter the hot work area. Such signs shall display the following warning: CAUTION HOT WORK IN PROGRESS STAY CLEAR and a NFPA 704 Placard identifying compressed gases used for welding hot work. (CFC 3503.6)

Applicant shall provide above signage on north entrance door.

3. Housekeeping. Floors shall be kept clean within the hot work area and shall have noncombustible surfaces. (CFC 3504.1.3)

4. Precautions in hot work. Hot work shall not be performed on containers or equipment that contains or has contained flammable liquids, gases or solids until containers and equipment have been thoroughly cleaned, inerted or purged. (CFC 3504.1.7)
5. Fire watch. A fire watch shall be provided during hot work activities and shall continue for a minimum of 30 minutes after conclusion of the work. (CFC 3504.2.1)
6. Fire extinguishers. A minimum of two (2) portable fire extinguishers complying with Section 906 and with a minimum 2-A:20-B:C rating shall be readily assessable within 30 feet of the location where hot work is performed. (CFC 3504.2.6)

Applicant shall provide two (2) wall mounted portable fire extinguishers at locations depicted on site plan.

7. Cylinder and container storage, handling and use. Storage, handling and use of compressed gas cylinders, containers and tanks shall be secured in accordance with CFC Chapters 35 and 53.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 19th day of May, 2015 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson Robert Tefft

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 19th day of May, 2015.

EXHIBIT B

RECEIVED

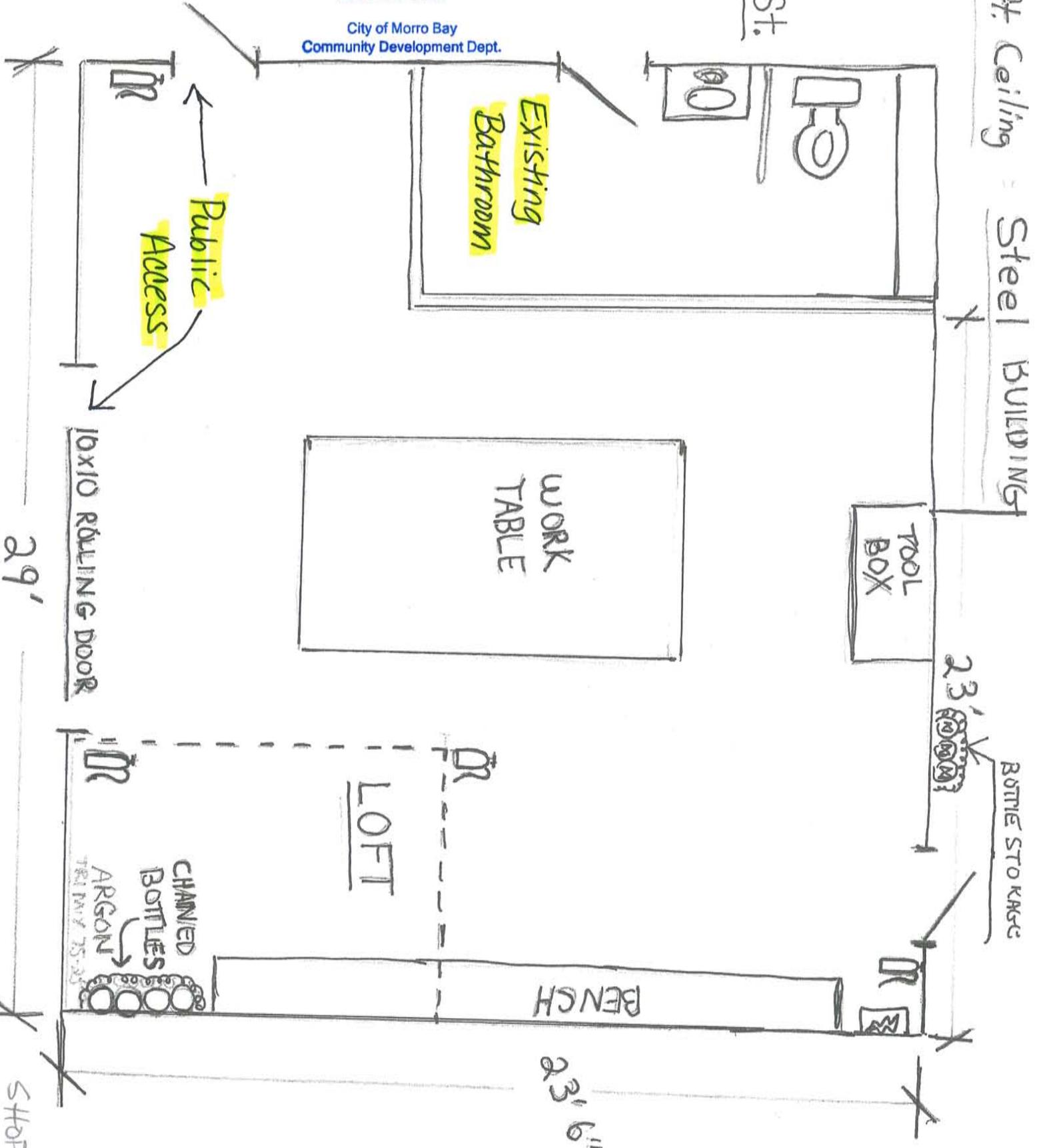
APR 30 2015

City of Morro Bay
Community Development Dept.

2198
MAIN ST.

12 Ft. Ceiling

Steel BUILDING



29'

10x10 ROLLING DOOR

Public Access

EXISTING Bathroom

WORK TABLE

TOOL BOX

23'

BOTTLE STORAGE

LOFT

BENCH

23'6"

CHANGED BOTTLES ARGON

SHOP FLOOR PLAN

EXHIBIT B

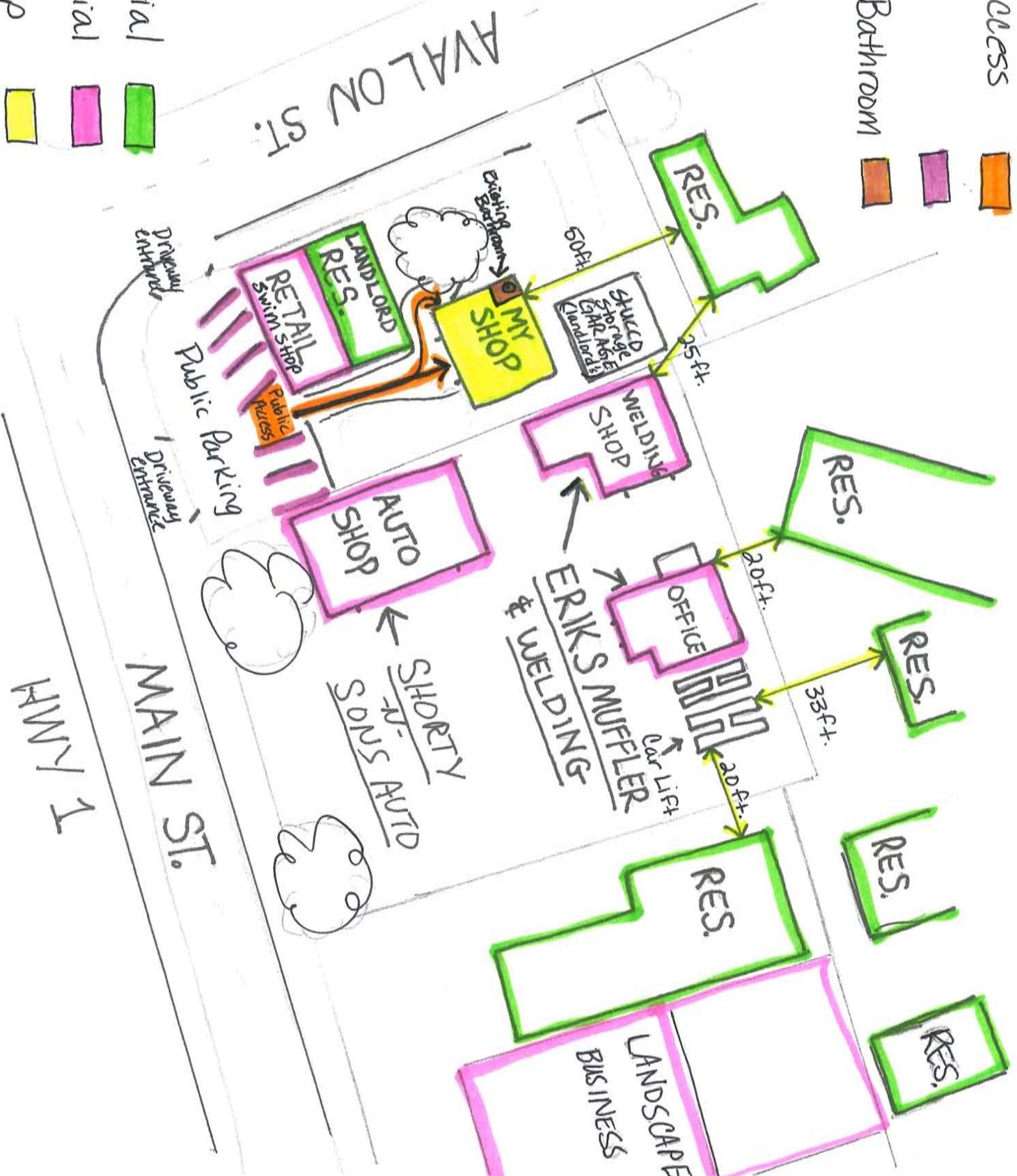
RECEIVED

APR 30 2015

City of Morro Bay
Community Development Dept.

- Public Access █
- Parking █
- Existing Bathroom █

- Residential █
- Commercial █
- My Shop █
- * 2198 Main Street



SITE PLAN

EXHIBIT C

RECEIVED

To: City of Morro Bay
Building and Planning Division
Re: Conditional Use Permit

APR 21 2015

City of Morro Bay
Public Services Department

My name is Scott Morgan and I have been a resident of Morro Bay for the past 14 years. I live here with my wife of 15 years and our 3 children (ages 1, 4 and 8). My family has owned a home in Morro Bay for the past 60 years and I have spent time here every year of my life. I am pleased to be able to call Morro Bay my home and to raise our children in such a beautiful/ safe environment.

I am the owner of Morro Bay Inspired Iron, a welding company which specializes in high quality ornamental ironwork. I have been professionally welding for over 25 years, and am well known for my ability to combine artistic design with amazing functionality. In 2006, I opened my business locally with a Morro Bay Business License for Welding /Ornamental Ironwork. I ran a small and successful business on Main Street for nearly 4 years. In 2010, I closed out my business license when I decided to partner with a new metal fabrication shop where I could build a larger client base and portfolio. After building a solid reputation for reliable precision work, I am re-opening my original business to serve the Morro Bay community.

I am applying for a Conditional Use Permit to allow me to operate my business at 2198 Main Street, where I have leased a 750 square foot commercial building. I understand that the city has expressed some concern over the possibility of noise issues in regards to the nearby residents. I want to address this concern and work with the city to ensure there will be no risk to the health, safety or comfort to the residential occupants nearby. When operating my business from 2006-2010, I shared a fence line with a home and was also located less than 100 feet from another residence. My business never received any complaints for noise or otherwise.

The shop I am renting has several beneficial components which help to mitigate sound. The entrance of my shop faces west toward Highway 1/Main Street, and away from residential neighborhoods. The interior walls are insulated with drywall, which will lessen any sound produced by tools/equipment. The surrounding landscape has dense vegetation which will diminish any sound that may be heard from the front entrance of my shop. The back entrance can be completely closed during business hours. Also there is a thick paneled glass roof above the back patio that helps to alleviate any projected sounds. In addition there is a stucco storage building directly behind my shop, which blocks my business completely from the nearest residence. All of these factors will maintain a quiet business environment.

Currently there are 2 neighboring businesses with which I share a fence line. The 1st is an automotive repair shop, specializing in tune-ups and repair work. The 2nd is a structural steel and muffler welding shop. Both businesses have been operating at this location for more than 15 years and have maintained a record of zero complaints from the neighboring residences. The welding shop sits further back from Highway 1/Main Street than my shop and is currently within 25 feet from at least 4 residential buildings. Their workshop faces south toward the neighboring residences, and actually share fences. My shop faces West toward Highway 1/Main Street, away from neighboring residences and sits nearly 50 feet from the nearest residential property.

EXHIBIT C

While we both have welding-based businesses, our work is very different. My line of work focuses on Ornamental metal work such as custom designed hand rails, gates, furniture, signs and more. I specialize in creating high quality fine-finish designs, using a variety of metals. The existing welding shop next to me concentrates on Structural Steel Work and muffler repair. The primary tools that I use in my business are very quiet (pipe bender/roller, welder and drill press). We both use the same basic tools yet in addition they also use other heavy equipment that I will not be operating at my business location.

I believe my business is a great addition to Morro Bay. I have created valuable and functional metal work for many existing local businesses/residences and look forward to continuing to serve the community. I hope I have addressed all of your concerns and look forward to speaking with you more about this matter. If you have any additional concerns or questions, please let me know.

Sincerely, 

Attachment Enclosed: Please See Attached Photographs of My Work, Proposed Shop Location and General Site Map in Envelope.

EXHIBIT D

RECEIVED

APR 16 2015

City of Morro Bay
Public Services Department

City Of Morro Bay
Community Development Department
Building & Planning Division

Application for Conditional Use Permit

Scott G. Morgan – Sole Proprietor

Morro Bay Inspired Iron

2198 Main Street

Morro Bay

EXHIBIT D

To The City of Morro Bay
Building and Planning Division

Monday, April 13th 2015

RE: Application for Conditional Use Permit
Proprietor: Scott Morgan
Business: Morro Bay Inspired Iron

I am the owner of Morro Bay Inspired Iron, a welding company which specializes in high quality ornamental metalwork. I have been professionally welding for over 25 years and have been in a resident of Morro bay for nearly 15 years. I am applying for a Conditional Use Permit to allow me to operate my business at the location of 2198 Main Street, where I have leased a 750 square foot commercial building. I understand that the city has expressed concern over the possibility of noise issues in regards to my business. I want to address this concern and work with the city to ensure there will be no risk to the health, safety or comfort to the residential occupants nearby. If you have any further questions or concerns please feel free to contact me at any time.

Sincerely,
Scott Morgan
(805) 441-6267

EXHIBIT D

ADDENDUM

Re: Question 27

I understand that the City's main concern with my proposed business location is the possibility of a noise increase. I want to assure the City that my business will not create any substantial change in existing noise levels within the vicinity. While operating my tools, the noise decibel levels do not reach higher than the City limits when standing on the property line of the nearest residence.

My business was previously located in Commercial Space on Main Street and never received a single complaint, noise or otherwise. At that previous location I was within 15 feet of a residence I shared a property line with and less than 100 feet from a second residence.

Currently there are 2 Commercial Businesses directly next door to my proposed business location. These businesses have been operating at this location for more than 15 years and have maintained a record of zero complaints from the neighboring residents.

ENVIRONMENTAL SETTING:

(See Attached Photographs, Copy of Building Floor Plan and General Site Plan)

Re: Question #34 – Describe Any Existing Structures on the Site and It's Use

At the proposed business location, I have leased a 750 square foot Commercial Use Workshop. The shop I am renting has several beneficial components which help to mitigate sound. The front entrance and work area of my shop face West toward Highway 1 and away from nearby residential areas. The landscape surrounding my shop also has dense vegetation which will reduce any sound that may be projected from the front entrance of my shop.

The interior walls are insulated with drywall, which will greatly diminish any sound produced by tools/equipment. The back entrance to my shop can be completely closed during business hours. There is also a stucco storage building directly behind my shop, which blocks my business completely from the nearest residence. Above my back patio is a thick paneled glass roof that also helps to alleviate any projected sounds.

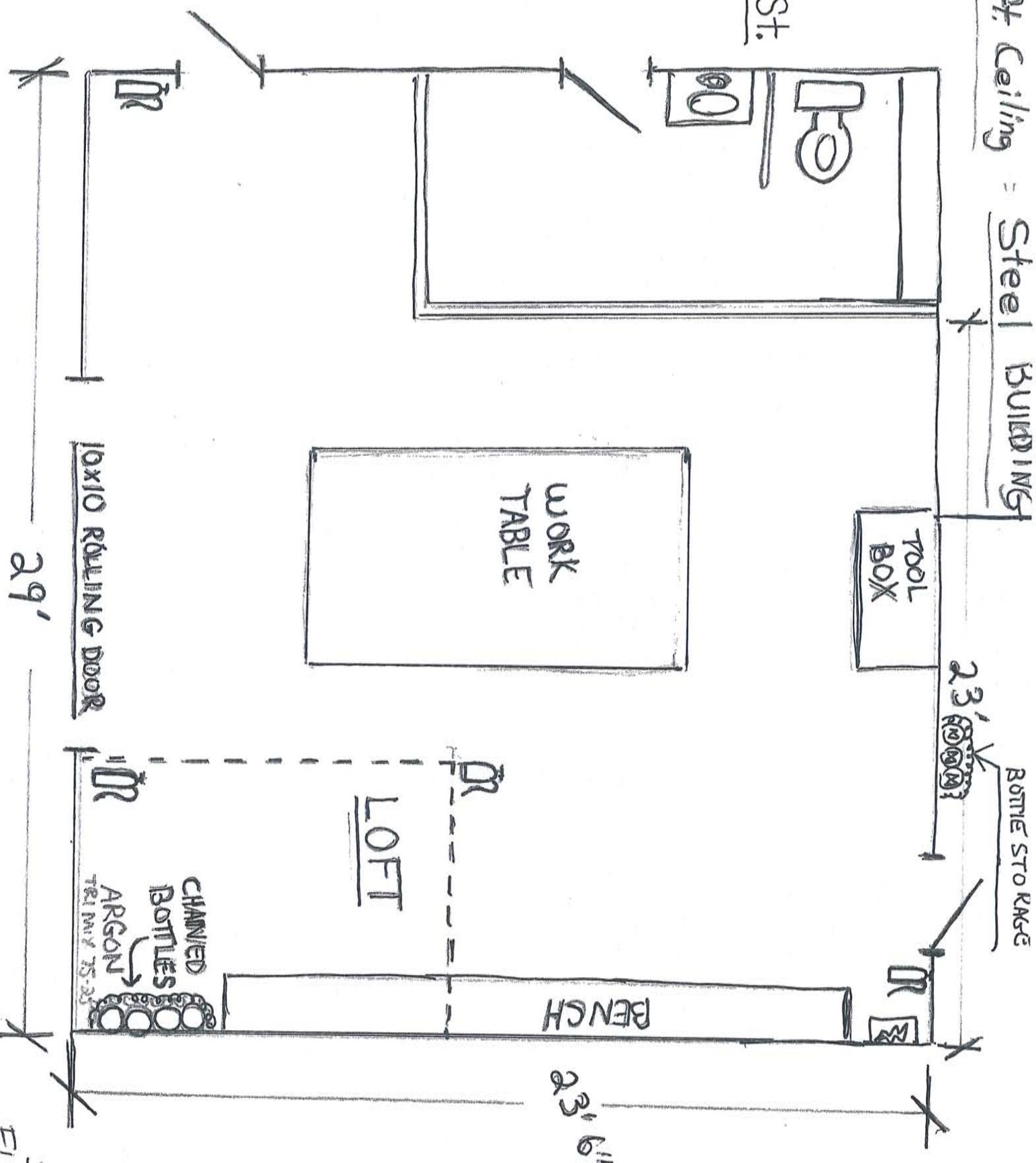
Re: Question #35 – Describe Surrounding Properties/Type of Land Use

There are 2 Commercial Businesses surrounding my location (shop). The 1st is an automotive repair shop, specializing in tune-ups and repair work. The 2nd is a welding shop which specializes in larger scale structural steel projects. The welding business currently resides within 25 feet from at least 4 residential buildings, (See Site Map) and their workshop faces south toward the residences. Both businesses have been operating at their current location for more than 15 years without any complaints.

EXHIBIT D

2198
MAIN ST.

12 ft. Ceiling = Steel Building



SHOP
FLOOR PLAN

EXHIBIT D

://www.google.com/maps/place/2198+Main+St,+Morro+Bay,+CA+93442/@35.3848038,-120.8565086,225a,20y,90h/data=!3m1!1e3!4m2!3m

Search [Facebook] [Redacted] = MY SHOP [Redacted] = EXISTING BUSINESSES [Redacted] = RESIDENTIAL

Bay, CA 93442, USA

CA 93442

Avalon St

Main St

Google

2198 Main St

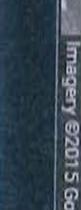
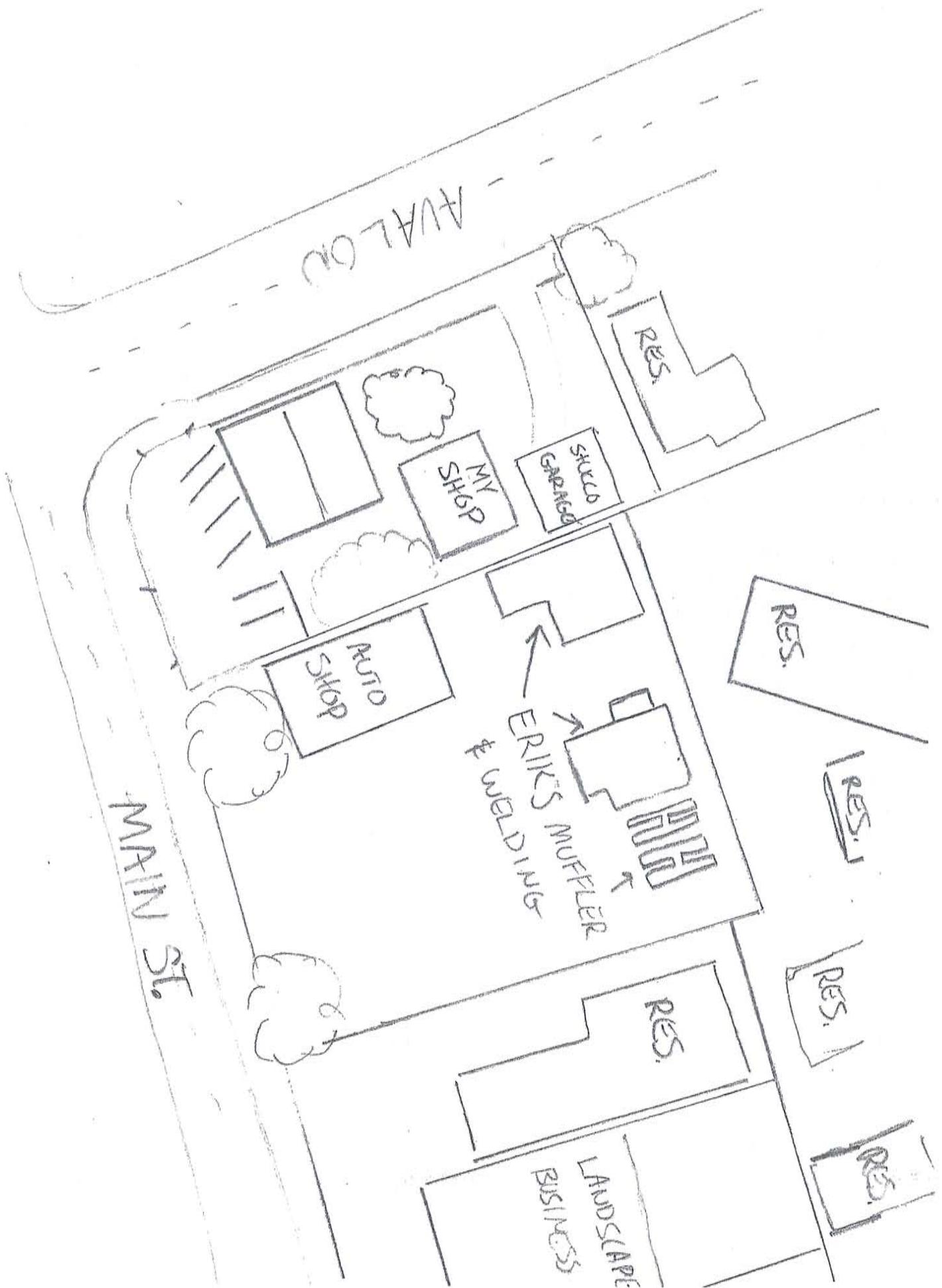


EXHIBIT D





AGENDA NO: B-2

MEETING DATE: May 19th, 2015

Staff Report

TO: Planning Commissioners **DATE:** May 19, 2015

FROM: Joan Gargiulo, Contract Planner

SUBJECT: Conditional Use Permit (#UP0-390) and Parking Exception (#AD0-095) Request to allow additions exceeding 25% of existing floor area for a single-family residence with a nonconforming setback at 670 Shasta Avenue, and to allow a single-car garage with tandem parking in the driveway to provide the second required parking space.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by approving Planning Commission **Resolution 18-15** which includes the Findings and Conditions of Approval for the project depicted on site development plans dated stamp received October 9, 2014.

APPLICANTS: Chris Christensen

DRAFTSMAN: Tracy Morgan

LEGAL DESCRIPTION/APN: 066-126-006

PROJECT DESCRIPTION:

The Applicant is requesting Conditional Use Permit and Parking Exception approval for a single story addition totaling 238 square feet to an existing 600 square-foot nonconforming residence with a detached 280 square-foot garage. The residence is considered nonconforming because it has a one car garage where two covered spaces are required and it has inadequate front and side-yard setbacks, discussed below in the 'Project Analysis' section.

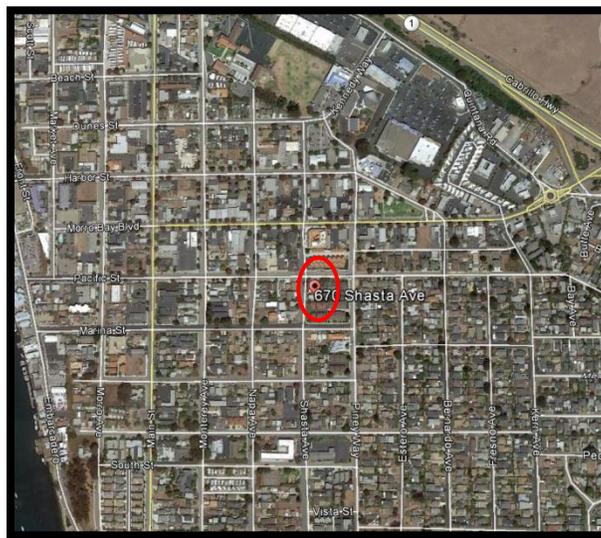
Plans show a proposed addition of 238 square feet to include a bedroom, bathroom and hallway area as well as interior remodeling to the existing bedroom.

Prepared By: JG

Department Review: _____

PROJECT SETTING:

The project is located in a residential neighborhood in central Morro Bay, south of Morro Bay Boulevard, west of Kern Avenue, and east of Main Street. The mostly level, rectangular-shaped 3,365 square-foot lot is in the R-2 Duplex Residential Zoning District. Housing in the surrounding area includes a mix of single-family and multi-family residential development. The site is located outside of the Coastal Commission Appeals Jurisdiction.



| Adjacent Zoning/Land Use | | | |
|--------------------------|-----------------------------|--------|-----------------------------|
| North: | R-2/ Duplex Residential Use | South: | R-2/ Duplex Residential Use |
| East: | R-2/ Duplex Residential Use | West: | R-2/ Duplex Residential Use |

| Site Characteristics | |
|--------------------------|---------------------------------|
| Site Area | Approximately 3,365 square feet |
| Existing Use | Single-Family residential |
| Terrain | Virtually level and developed |
| Vegetation/Wildlife | Ornamental landscaping |
| Archaeological Resources | n/a |
| Access | Shasta Avenue |

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

PROJECT ANALYSIS:

Background

County Assessor records indicate the existing house was built in 1936 with a one-car garage, similar to other homes in the neighborhood. The residential use is consistent with the General Plan designation of Low-Medium Density Residential and with the Duplex Residential (R-2) Zoning designation.



Zoning Ordinance Consistency

Current requirements of the Morro Bay City Zoning Ordinance (the “Zoning Ordinance”) for setbacks and parking render the existing structure and the parking arrangement

nonconforming. However, additions to nonconforming structures may be permitted with approval of a conditional use permit, subject to certain findings (Morro Bay Municipal Code (MBMC) section 17.56.160). Similarly, the Zoning Ordinance allows for exceptions to parking standards, subject to certain findings (section 17.44.050).

| Zoning Ordinance Standards | | | |
|-----------------------------------|------------------|-----------------|-----------------|
| | Standards | Existing | Proposed |
| Front Setback | 20 feet | 15 feet | 15 feet |
| Side-Yard Setback | 4 feet | 4 feet | 4 feet |
| Garage Side Setback | 1 foot | 0 feet | 2 feet |
| Rear Setback | 5 feet | 27 feet | 10 feet |
| Height | 25 Feet | Approx. 12'6" | Approx. 12'6" |
| Lot Coverage | Max 50% | 26% | 33% |
| Parking | 2 Car Garage | 1 Car Garage | 1 Car Garage |

Setbacks

The existing residence does not conform to the 20-foot front-yard setback requirement noted in Section 17.24.050 of the Zoning Ordinance. The existing front setback of 15 feet is therefore nonconforming. The existing detached garage is also nonconforming due to its location at zero (0') feet off of the south side-yard property line. The proposed location of the reconstructed detached garage with a two foot side-yard setback is in conformance with Section 17.48.045 of the Zoning Ordinance. The proposed addition is also in conformance with setback requirements.

Parking

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

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

Single-family dwellings are required to provide two parking spaces. If tandem parking is approved, then the project would meet that requirement. The length of the driveway is more than adequate to accommodate a parked car. Many dwellings within the City have one-car garages.

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

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

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

The applicant's parking proposal is reasonable given similar parking arrangements in the project vicinity and given the footprint and construction of the existing building on the less than 4,000 square-foot lot.

Conditional Use Permit Requirement

The Zoning Ordinance, subsection 17.56.160B, requires approval of a conditional use permit for projects proposing additions in excess of 25% of the existing floor area to a nonconforming structure. The project proposes to add 234 square feet to an existing 600 square-foot structure. As noted above, the structure is nonconforming with regard to the front and side-yard setbacks and the garage does not meet the minimum requirement for two covered and enclosed parking spaces. Approval of a Conditional Use Permit requires the following findings to be made:

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

The proposed remodel and additions are consistent with Zoning Ordinance

requirements.

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

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

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

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

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

Major reconstruction would be necessary to meet required front and side-yard setbacks along the property lines and to accommodate a two-car garage on a parcel of less than 4,000 square feet.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Tribune newspaper on May 9th, 2015, and all property owners and occupants of record within 300 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

ENVIRONMENTAL DETERMINATION:

Staff determined that the project meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15301 Class 1. The exemption applies to additions to existing structures of less than 50% of existing floor area and will have no potentially significant environmental impacts.

CONCLUSION:

The project is consistent with the General Plan and Local Coastal Plan which established five residential land use categories to provide for a wide range of densities and to ensure

residential land is developed to a density suitable to its location and physical characteristics. The project is consistent with the Zoning Ordinance because housing is a principally allowed use in the Low/Medium Density land use designation and because the Zoning Ordinance allows additions to nonconforming structures and tandem parking upon approval of a conditional use permit (MBMC section 17.56.160) and a parking exception (MBMC section 17.44.050).

RECOMMENDATION:

Staff recommends the Planning Commission approve the requested Conditional Use Permit #UPO-390 for the proposed addition to a nonconforming structure and approve Parking Exception #ADO-095 for the project at 670 Shasta Avenue, as shown on plans date stamped received October 9, 2014, by adopting Planning Commission **Resolution 18-15** which includes the Findings and Conditions of Approval for the project.

EXHIBITS:

Exhibit A – Planning Commission Resolution 18-15

Exhibit B – Graphics/Plan Reductions date stamped October 9, 2014

RESOLUTION NO. PC 18-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION ADOPTING A CLASS 1 CATEGORICAL EXCEMPTION, AND APPROVING CONDITIONAL USE PERMIT (UP0-390) TO ALLOW AN ADDITION EXCEEDING 25% OF THE EXISITING FLOOR AREA TO A NONCONFORMING RESIDENTIAL STRUCTURE AND APPROVING A PARKING EXCEPTION (ADO-095) TO ALLOW A TANDEM PARKING SPACE IN THE DRIVEWAY TO PROVIDE THE SECOND REQUIRED PARKING SPACE AT 670 SHASTA AVENUE

WHEREAS, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on May 19th, 2015, for the purpose of considering Conditional Use Permit UPO-390 and Parking Exception ADO-095 for a proposed addition to a nonconforming single-family home and tandem parking at 670 Shasta Avenue; and

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

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

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

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

California Environmental Quality Act (CEQA) Findings

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

Conditional Use Permit Findings

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

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

Parking Exception Findings

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

Section 2. Action. The Planning Commission does hereby approve Conditional Use Permit UPO-390 and Parking Exception ADO-095 for property located at 670 Shasta Avenue subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated May 19, 2015, for the project at 670 Shasta Avenue depicted on plans date stamped October 9, 2014, on file with the Community Development Department, as

modified by these conditions of approval, and more specifically described as follows: Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.

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

comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

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

PLANNING CONDITIONS

1. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.
2. Construction Hours: Pursuant to MBMC subsection 9.28.030.I, Construction or Repairing of Buildings, the erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Public Services Department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.
3. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
4. Conditions of Approval: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
5. Future Additions: Any future additions to the residence shall require review and approval by the Planning Commission, with specific emphasis placed on review of providing compliant parking.

BUILDING CONDITIONS

1. Prior to construction, the applicant shall submit a complete Building Permit Application and obtain the required Building Permit.
2. Due to the recent drought declaration by the governor, the City of Morro Bay has moved to a heightened level of water conservation. Non-potable water is to be used for compaction or dust control purposes. The applicant will be responsible to have a water truck on-site, if applicable.

FIRE CONDITIONS

1. Codes and Ordinances. Revise to 2013 Code set and add 2013 California Fire Code.
2. Carbon monoxide alarms in existing dwelling units and sleeping units. An approved carbon monoxide alarm shall be installed in existing dwellings having a fossil fuel-burning heater or appliance, fireplace, or an attached garage. Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. (CRC R315.2)

Applicant shall install carbon monoxide alarms in accordance with California Residential Code, (Section R315.2)

3. Fire Sprinklers. We highly recommend installation of an automatic fire sprinkler system, in accordance with California Fire Code (Section 903) and Nation Fire Protection Association (Standard 13-D).

PUBLIC WORKS CONDITIONS

1. Frontage Improvements: Shasta is defined as a Collector street on the official California Road System Map. Per Morro Bay Municipal Code 14.44.020, frontage improvements (street, sidewalk, curb, gutter, and street trees) are required to be installed along the frontage of all properties along collector streets in residential areas.

Since this issue was not raised earlier in the plan review process, the applicant will be allowed to proceed with site preparations while a public improvement plan is designed by a Registered Civil Engineer and resubmitted for approval prior to requesting the foundation inspection. The frontage improvements shall include the following:

- a. 80-foot Right-Of-Way: 12' Drive lane, 8' Parking lane, and 20' Parkway (6' sidewalk plus 14' Landscape). Utilize City Standard A-2 modified for 80-foot R.O.W. as noted above.

- b. Installation of a City standard PCC driveway approach per City of Morro Bay Standard Drawing B-6
- c. Install curb & gutter and sidewalk per City of Morro Bay Standard Drawings B-1 & B-5.
- d. A Street tree should be located and planted per City of Morro Bay Standard Drawing B-11 & B-12

The improvement plan should also include elevation and slope of driveway, flow lines along side yard, and forms of natural or manufactured structure to disperse concentrated storm water flows into sheet flows in the backyard. Concentrated flow to the rear yard is prohibited.

- 2. Sewer Lateral: Existing infrastructure indicate an existing sewer lateral stubbed to the Right-Of-Way. A sewer backwater valve shall be installed on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed site. (MBMC 14.24.070)
 - a. Perform a video inspection of the existing lateral and submit to Public Works prior to issuance of the Building Permit.
 - b. If the existing lateral is used it shall be repaired as necessary. If a new connection is proposed the old connection shall be properly abandoned to prevent sewage discharge or groundwater infiltration.
- 3. Encroachment Permits:
 - a. A standard encroachment permit shall be required for the proposed driveway; the driveway shall comply with B-6 (Driveway Ramps: Size & Location).
 - b. A sewer encroachment permit shall be required for the installation/repair of the sewer lateral.
 - i. When utility connections require pavement cuts, a traffic control plan indicating appropriate signing, marking, barricades and flaggers must be submitted with the Encroachment Permit application.
- 4. Erosion and Sediment Control Plan: For small projects less than one acre and less than 15% slope:

- a. 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.
5. Stormwater Management: The Stormwater Management Performance Requirement Determination Form submitted was complete. This project is exempt for having less than 2,500 sq. ft. of new or redeveloped impervious area.

Consider adopting Low Impact Development (LID) and Post Construction practices to protect water quality and control runoff flows.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 19th day of May, 2015 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

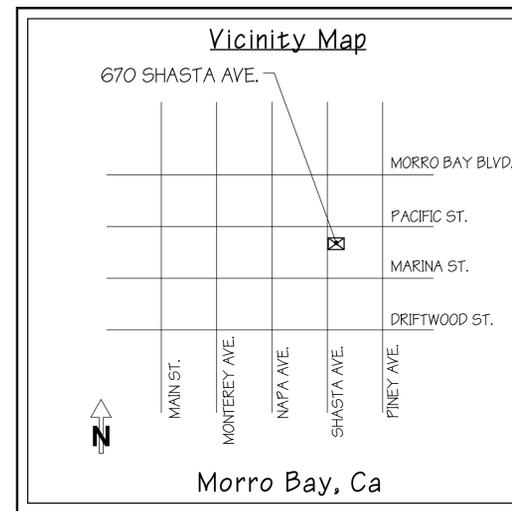
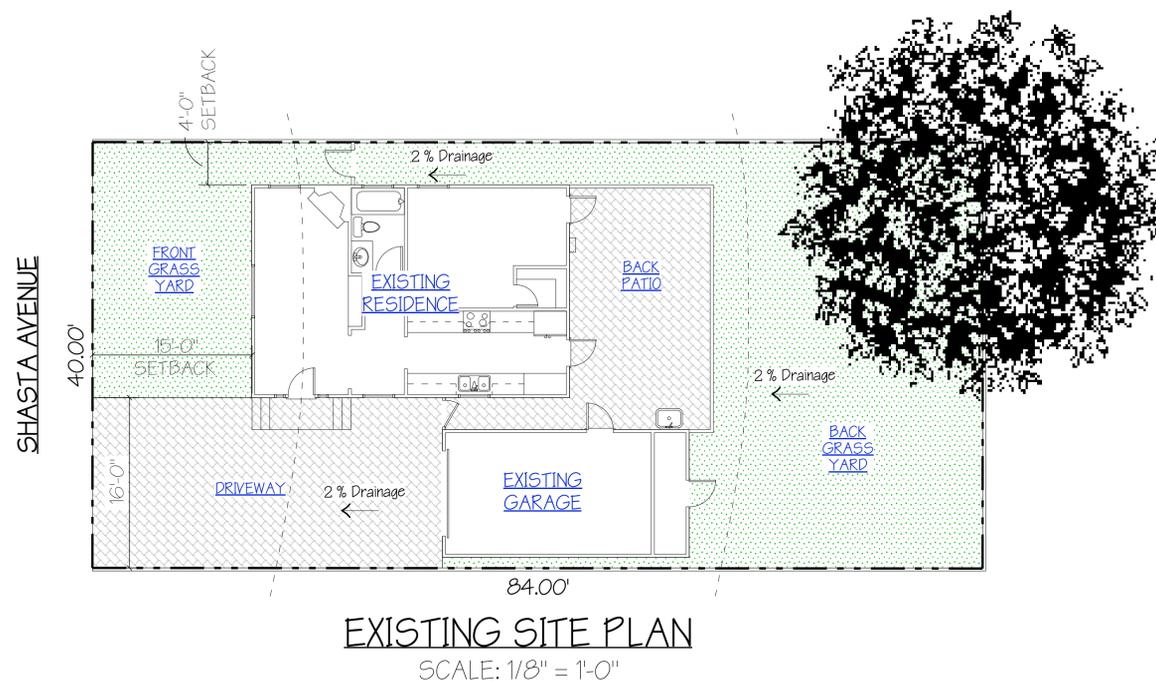
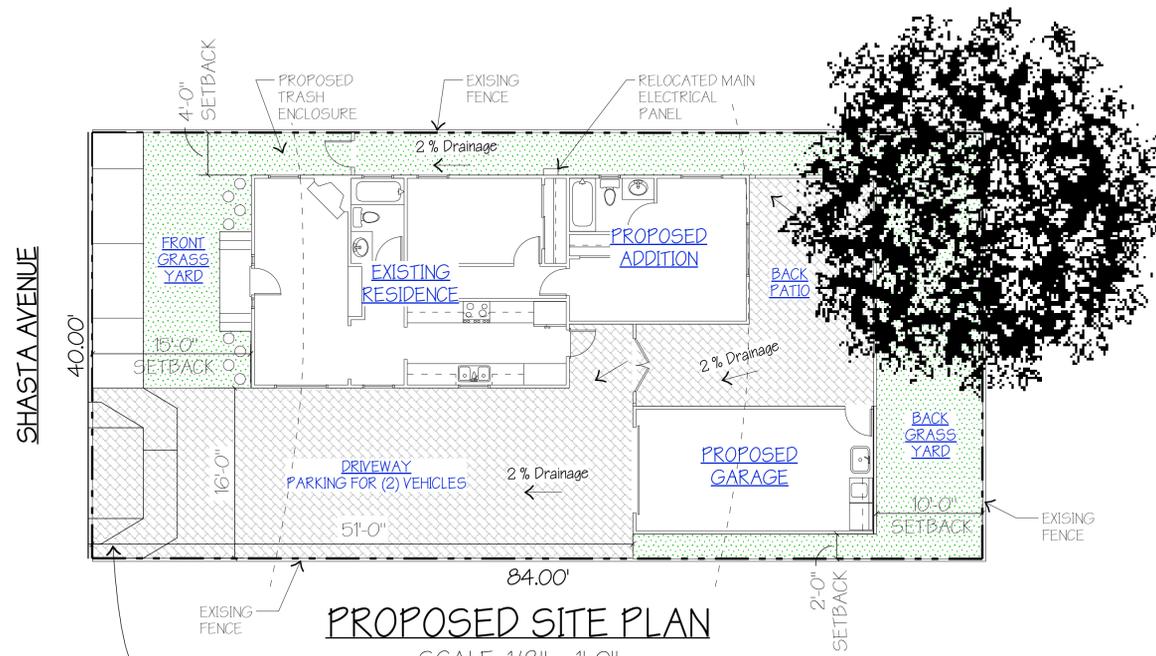
Robert Tefft, Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 19th day of May, 2015.

EXHIBIT A



GENERAL NOTES

1. ALL CONSTRUCTION TO CONFORM TO THE LATEST CODES (U.B.C., U.M.C., U.P.C.) AND ALL LOCAL CODES. IT IS THE INTENT OF THESE DRAWINGS TO MEET ALL BUILDING CODES AFFECTING THIS PROJECT. HOWEVER, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH ALL CODES AND LOCAL ORDINANCES AND REGULATIONS.
2. THE GENERAL CONTRACTOR SHALL REVIEW THESE PLANS AND VERIFY ALL MEASUREMENTS AND EXISTING CONDITIONS AT THE PROJECT SITE PRIOR TO START OF CONSTRUCTION.
3. THESE DRAWINGS ARE INTENDED TO DESCRIBE AND PROVIDE FOR A FINISHED PIECE OF WORK. WHERE DETAILS ARE NOT PROVIDED WITHIN THESE PLANS, THE CONTRACTOR SHALL WORK TO ACCEPTED STANDARDS OF CONSTRUCTION PRACTICE TO PROVIDE A SOUND AND WEATHERPROOF STRUCTURE.
4. THESE DRAWINGS ARE NOT TO BE SCALED FOR DIMENSIONS. WHERE DRAWINGS AND WRITTEN DIMENSIONS CONFLICT, THE WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE.
5. OWNER WILL CONDUCT/CONTRACT A HISTORICAL ANALYSIS OF PROPERTY BEFORE CONSTRUCTION BEGINS.

CURB & SIDEWALK CONSTRUCTION NOTES:

1. CONSTRUCT NEW 6" CURB & 18" CONCRETE GUTTER PER SAN LUIS OBISPO COUNTY STANDARD C-2.
2. CONSTRUCT 6" WIDE (MEASURED FROM CURB FACE TO BACK OF WALK) CONCRETE SIDEWALK PER SAN LUIS OBISPO COUNTY STANDARD C-1 & C-4. BACKFILL BEHIND SIDEWALK TO PROVIDE A 2' WIDE BENCH WITH NO ABRUPT DROP-OFFS PER COUNTY STANDARDS.
3. SAWCUT EXISTING PAVEMENT TO LIMITS DETERMINED BY THE COUNTY PUBLIC WORKS INSPECTOR AND PER COUNTY STANDARD. THE LIMITS SHOWN ON THE PLAN ARE APPROXIMATE AND WILL CHANGE. ALL SAWCUT WILL BE PERPENDICULAR TO THE DIRECTION OF TRAFFIC FLOW AND SHALL NOT BE LOCATED IN THE TIRE PATH.
4. CONSTRUCT 2" TYPE B ASPHALT PAVEMENT OVER 6" CLASS II AGGREGATE BASE (MINIMUMS) ROAD WIDENING SECTION FROM SAWCUT TO NEW GUTTER LIP. TAPER PAVEMENT ENDS AT 1:1 (MINIMUM) TO MATCH EXISTING EDGE OF PAVEMENT.
5. CONSTRUCT NEW ASPHALT RAMP AT 1:12 (8.33%) MAXIMUM SLOPE FROM EDGE OF NEW SIDEWALK TO EXISTING GRADE PER SAN LUIS OBISPO COUNTY STANDARD C-5A, TYPICAL BOTH SIDES.
6. CONSTRUCT NEW CONCRETE DRIVEWAY (16 FT.) PER SAN LUIS OBISPO COUNTY STANDARD B-2 AND B-2A
7. PROVIDE EARTH SWALE (OR SIMILAR DEPRESSION) TO PROVIDE POSITIVE DRAINAGE FROM NEW GUTTER FLOWLINE BACK TO EXISTING EDGE OF PAVEMENT OR SWALES PER COUNTY STANDARD C-5A.
8. SAWCUT EXISTING CONCRETE SIDEWALK PER SAN LUIS OBISPO COUNTY STANDARDS.

SHEET INDEX

- C-1 TITLE SHEET / SITE PLAN
- A-1 FLOOR PLANS
- A-2 EXISTING ELEVATIONS
- A-3 PROPOSED ELEVATIONS
- S-1 FOUNDATION AND FRAMING PLANS

THIS PROJECT HAS BEEN DESIGNED IN ACCORDANCE WITH THE CITY OF MORRO BAY ADOPTED CODE AND ORDINANCE REQUIREMENTS.
 2010 Building Code (2009 IBC & 2010 CA amendments);
 2010 California Electric Code (2005 NEC & CA amendments);
 2010 California Mechanical Code (2006 IAPMO UMC & CA amendments);
 2010 California Plumbing Code (2006 IAPMO UPC & CA amendments);
 California Title 24: 2010; California State Energy & Accessibility Standards; County Ordinance(s) Title 19, 22, 23

SCOPE OF PROJECT: LIVING SPACE ADDITION OF 238 SQ. FT. DEMO EXISTING GARAGE AND REBUILD.

Project Data

Area Existing:

- Total Existing Residence: 600 Sq. Ft.
- Existing Garage: 280 Sq. Ft.
- Lot Size: 3,365 Sq. Ft.
- Existing Lot Coverage: 26%
- Proposed Lot Coverage: 33%

- Max. Building Height: 12' - 6"
- Proposed Hardscape: 1197 sq. ft. / 35.5%
- Proposed Softscape: 1065 sq. ft. / 31.5%

Area Proposed:

- Proposed Addition: 238 Sq. Ft.

Completed Area:

- Residence 600 + 238: 838 Sq. Ft.
- Garage: 276 Sq. Ft.

Construction Type:

R-3, Type V

REV. / BY

OWNER/BUILDER:
CHRIS CHRISTENSEN
MORRO BAY, CA 93442
PHONE: 805-234-2549

PROJECT ADDRESS:
670 SHASTA AVE.
MORRO BAY, CA 93442
APN: 066-126-006

SITE PLAN / TITLE SHEET

DATE

T.M.

CREATED BY

8/29/2014

SCALE

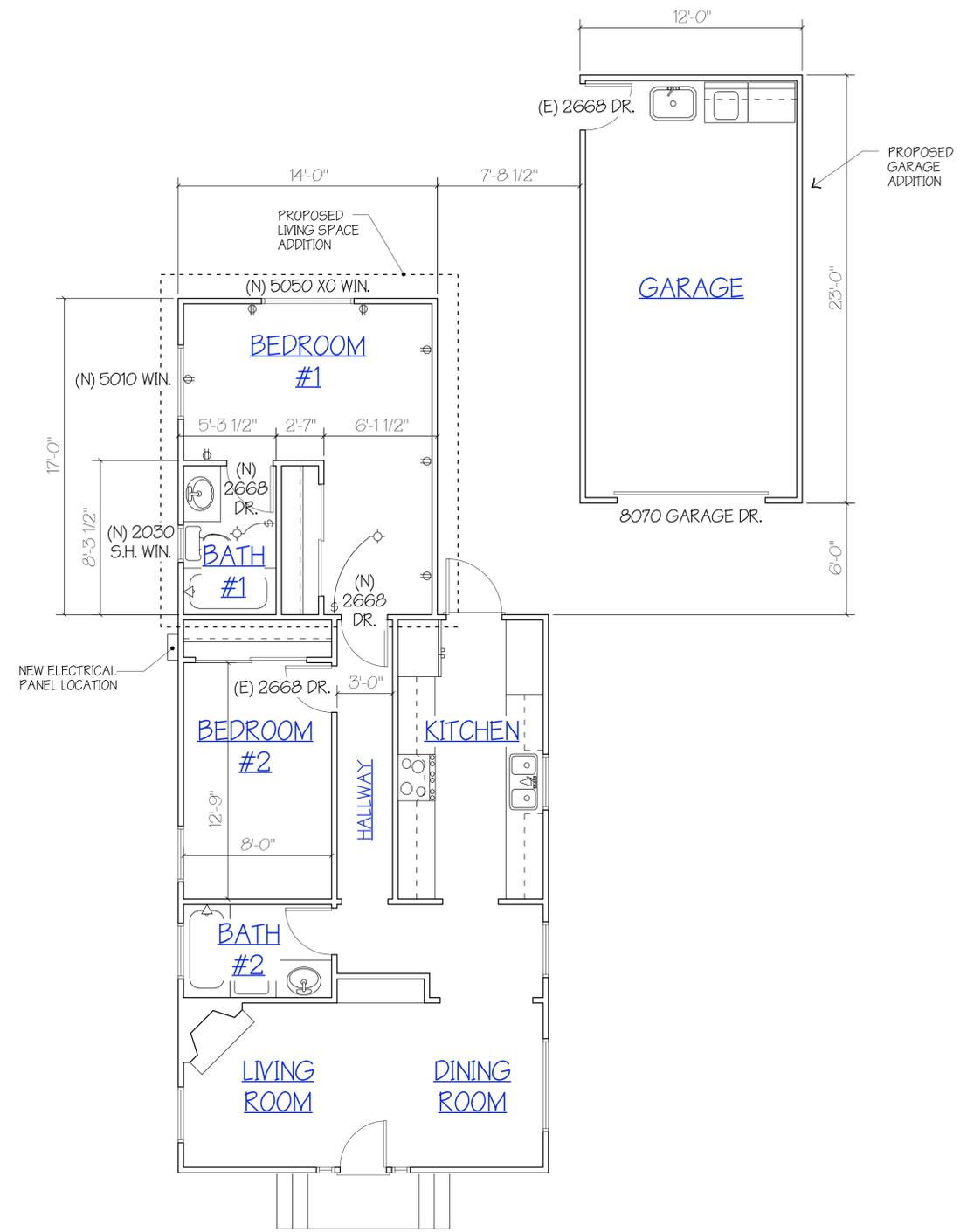
As Noted

DATE

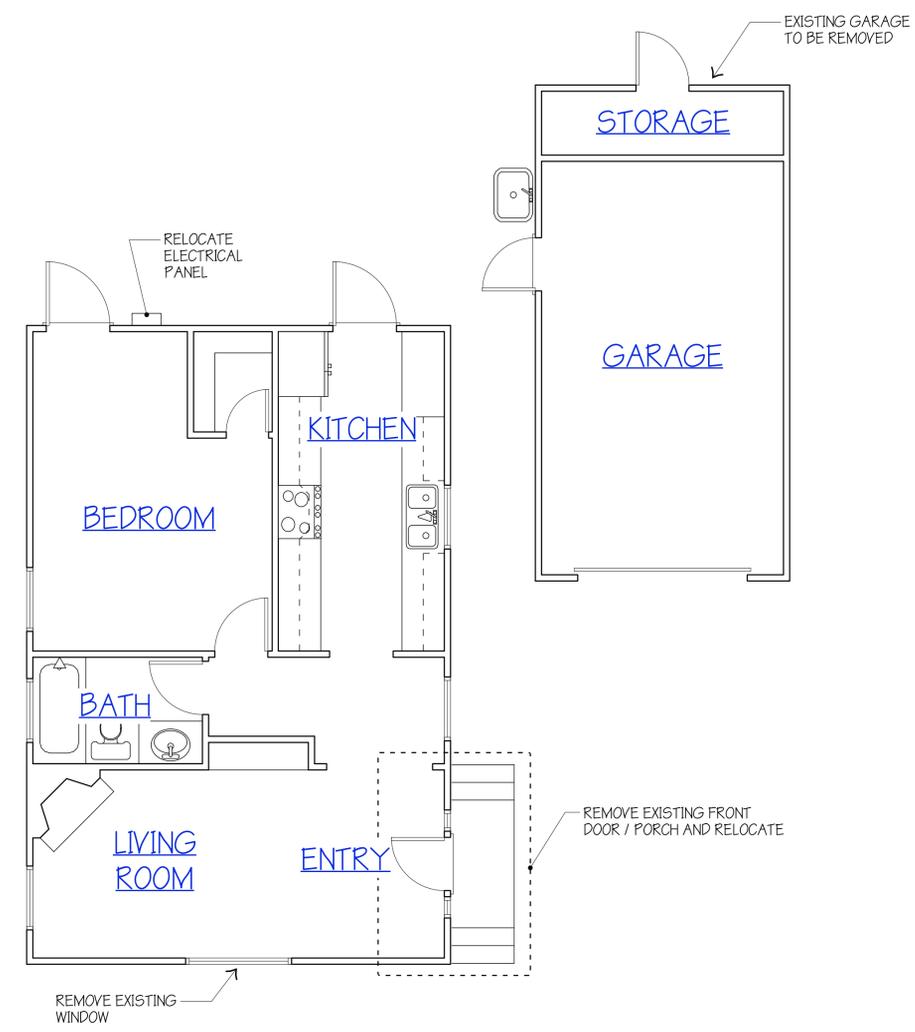
1/27/2015

SHEET

C-1



PROPOSED
FLOOR PLAN
SCALE: 1/4" = 1'-0"
838 LIVING SQ.FT
276 GARAGE SQ.FT.
1,114 TOTAL SQ. FT.
- EXISTING 880 SQ. FT.
234 TOTAL ADDITION SQ. FT.



EXISTING
FLOOR PLAN
SCALE: 1/4" = 1'-0"
600 LIVING SQ. FT.
280 GARAGE SQ. FT.
TOTAL 880 SQ. FT.



EXHIBIT B

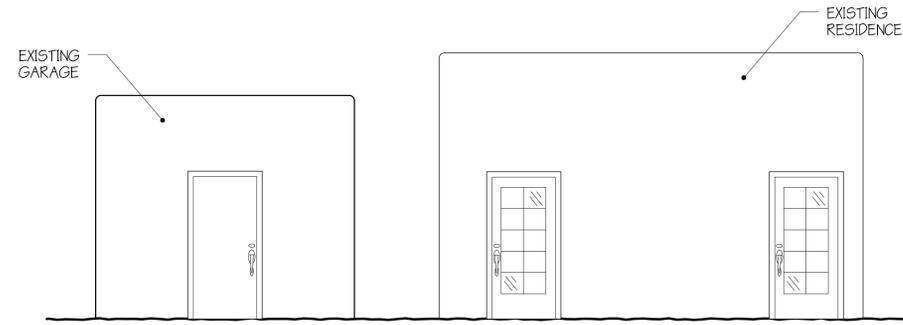
REV. / BY

OWNER/BUILDER:
CHRIS CHRISTENSEN
MORRO BAY, CA 93442
PHONE: 805-234-2549

PROJECT ADDRESS:
670 SHASTA AVE.
MORRO BAY, CA 93442
APN: 066-126-006

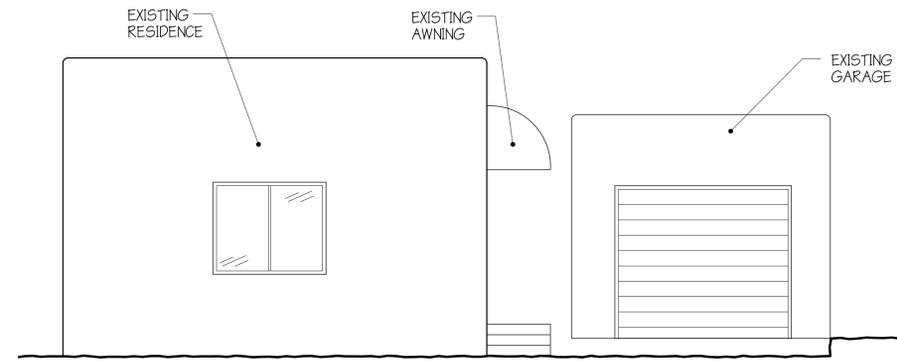
FLOOR PLANS

| | |
|------------|-----------|
| DATE | 8/29/2014 |
| CHECKED BY | T.M. |
| SCALE | As Noted |
| DATE | 1/27/2015 |
| SHEET | A-1 |



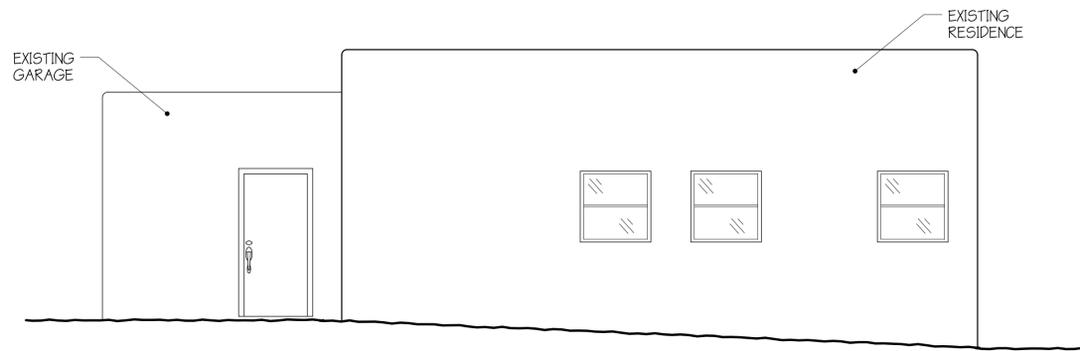
EXISTING
EAST ELEVATION

SCALE: 1/4" = 1'-0"



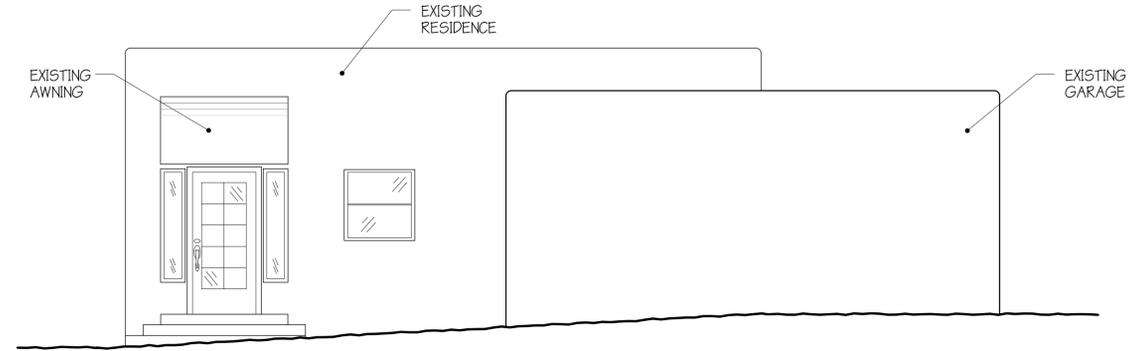
EXISTING
WEST ELEVATION

SCALE: 1/4" = 1'-0"



EXISTING
NORTH ELEVATION

SCALE: 1/4" = 1'-0"



EXISTING
SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

REV. / BY

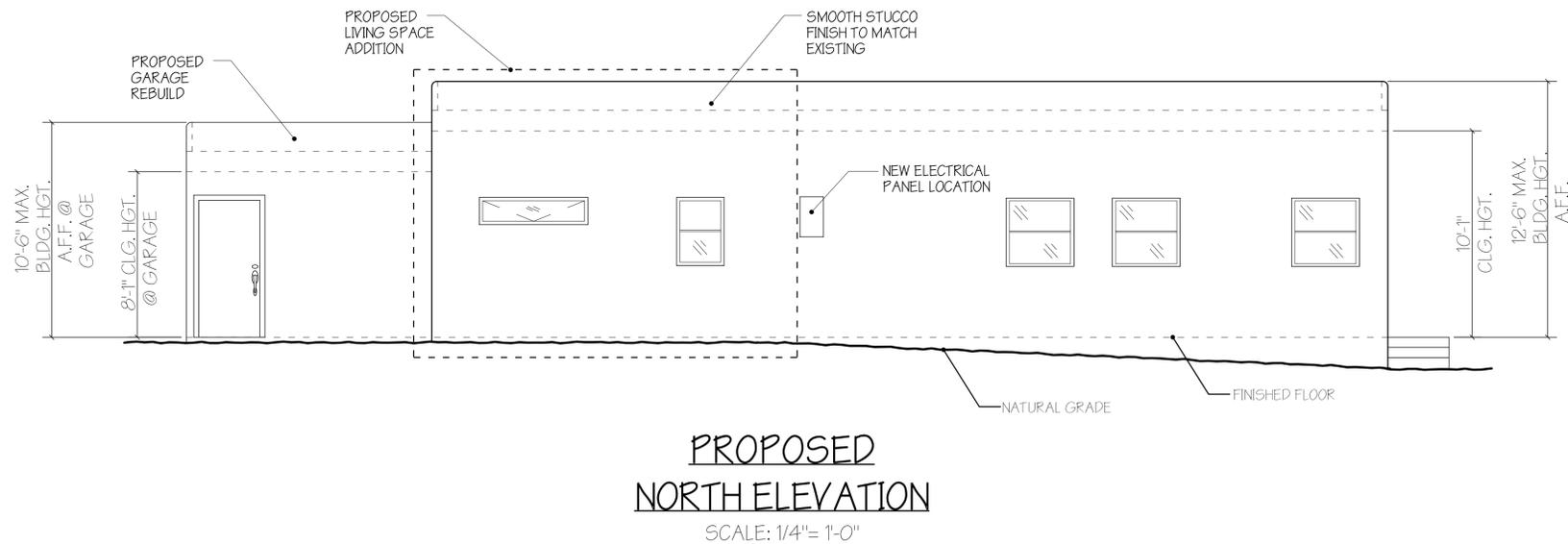
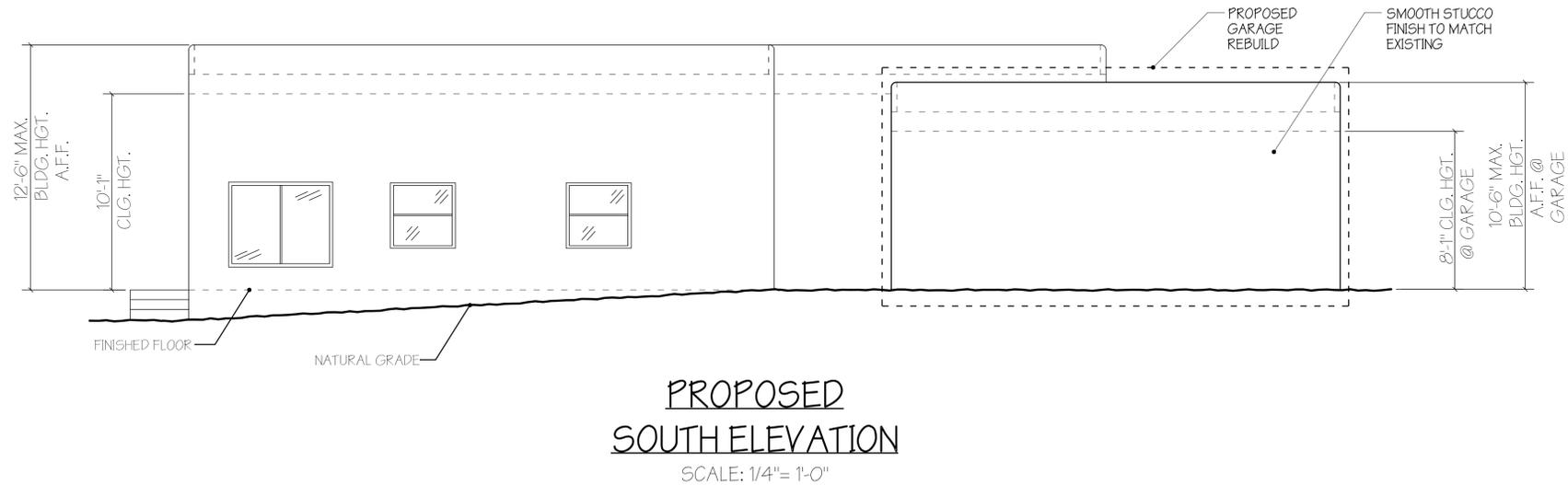
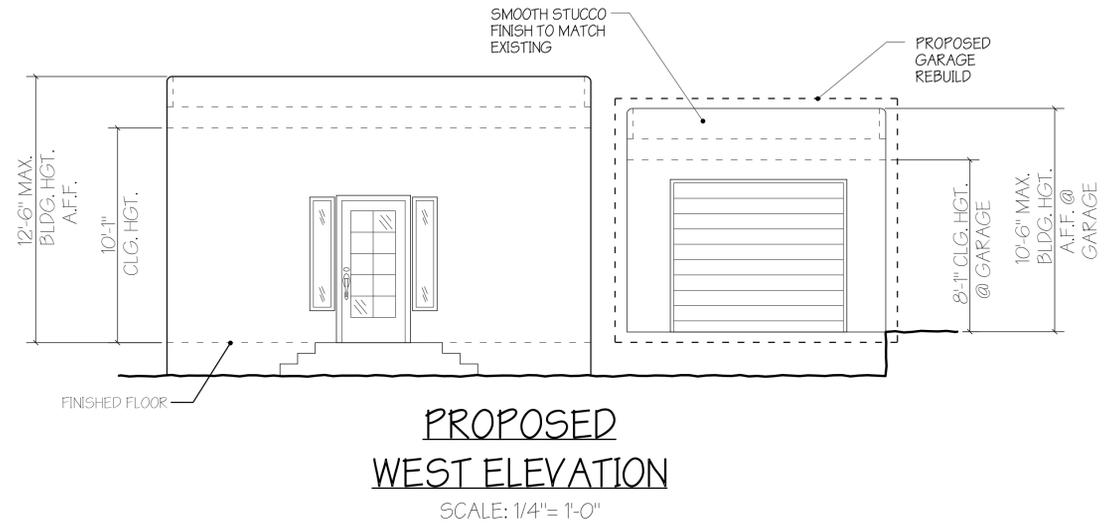
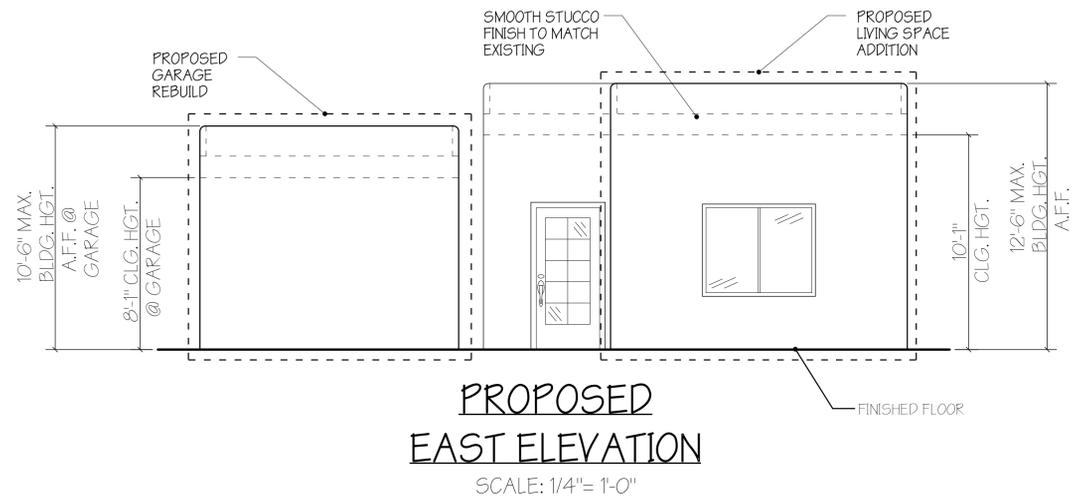
OWNER/BUILDER:
CHRIS CHRISTENSEN
MORRO BAY, CA 93442
PHONE: 805-234-2549

PROJECT ADDRESS:
670 SHASTA AVE.
MORRO BAY, CA 93442
APN: 066-126-006

EXISTING
ELEVATIONS

DESIGNED BY
T.M.
CHECKED BY
DATE
8/29/2014
SCALE
As Noted
DATE
1/27/2015
SHEET

A-2



OWNER/BUILDER:
CHRIS CHRISTENSEN
MORRO BAY, CA 93442
PHONE: 805-234-2549

PROJECT ADDRESS:
670 SHASTA AVE.
MORRO BAY, CA 93442
APN: 066-126-006

PROPOSED ELEVATIONS

DESIGNED BY
T.M.
CHECKED BY
DATE
8/29/2014
SCALE
As Noted
REVISED BY
1/27/2015
SHEET

A-3

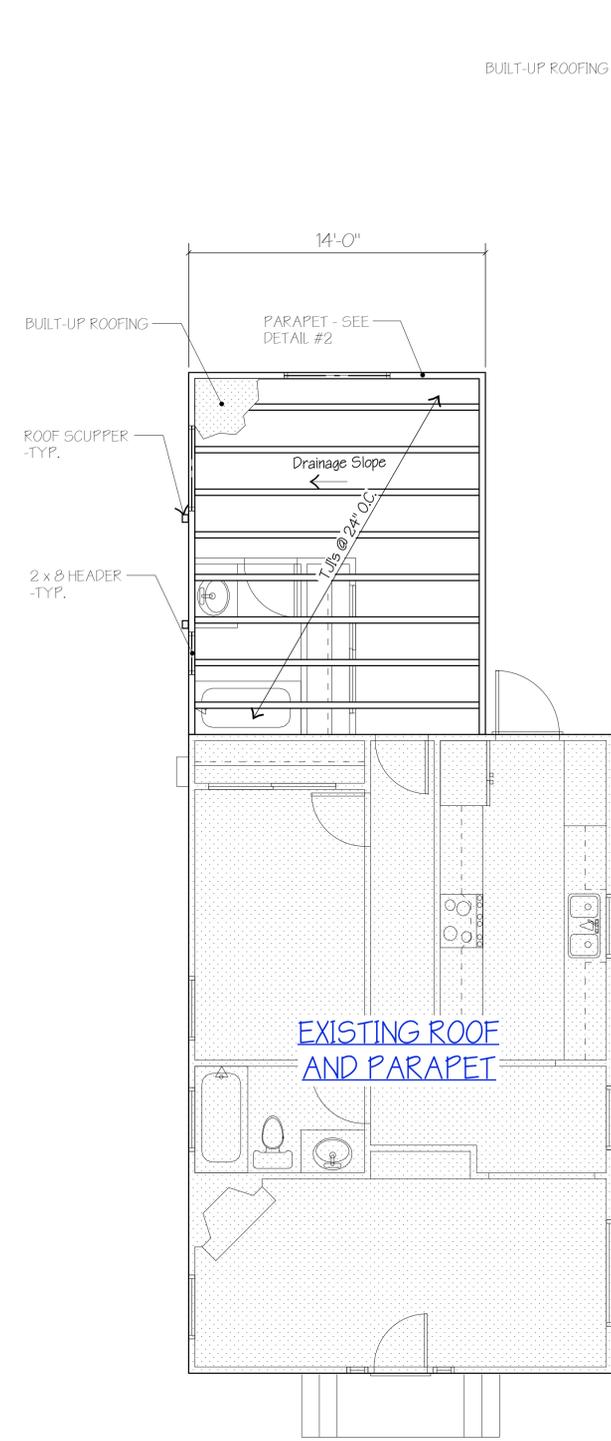
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APN: 066-126-006

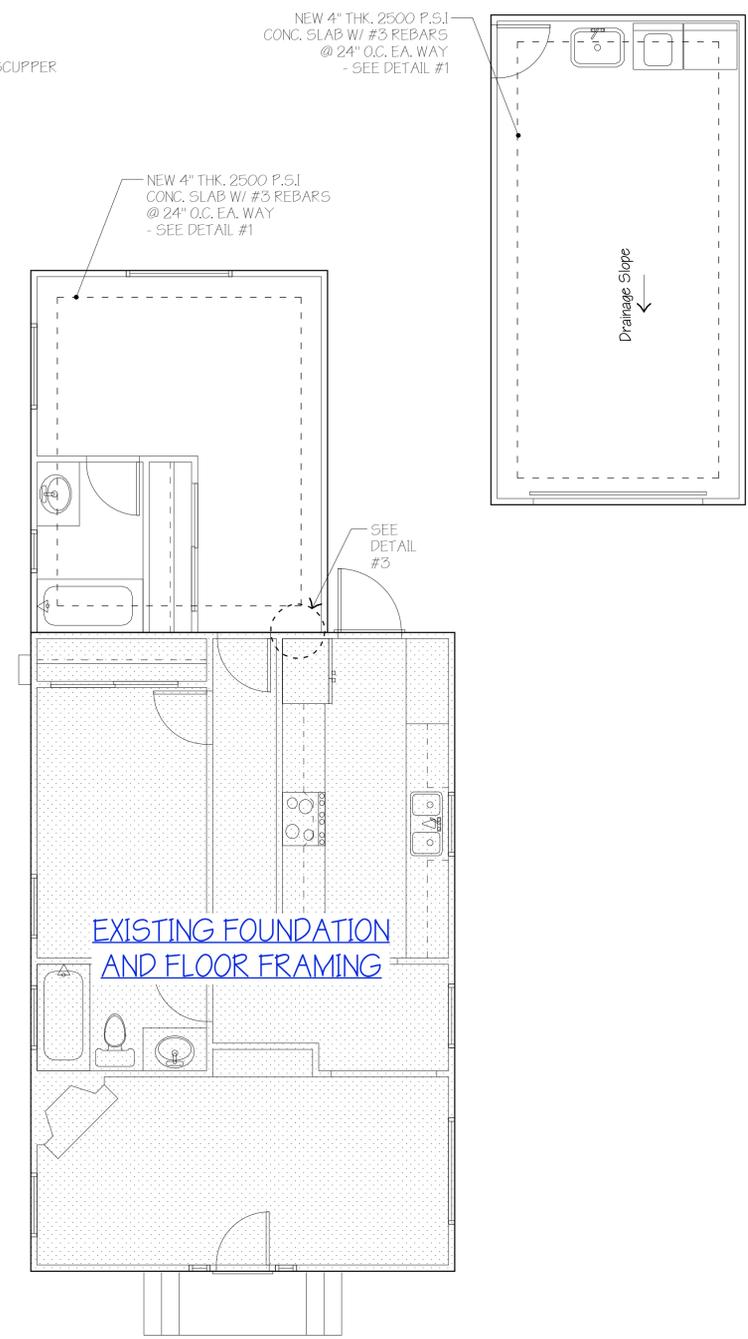
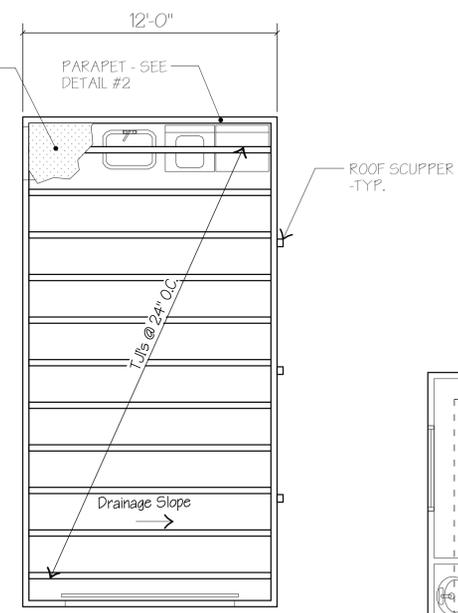
FOUNDATION /
ROOF FRAMING
PLANS

DRAWN BY
T.M.
CHECKED BY
DATE
8/29/2014
SCALE
As Noted
DATE
1/27/2015
SHEET

S-1



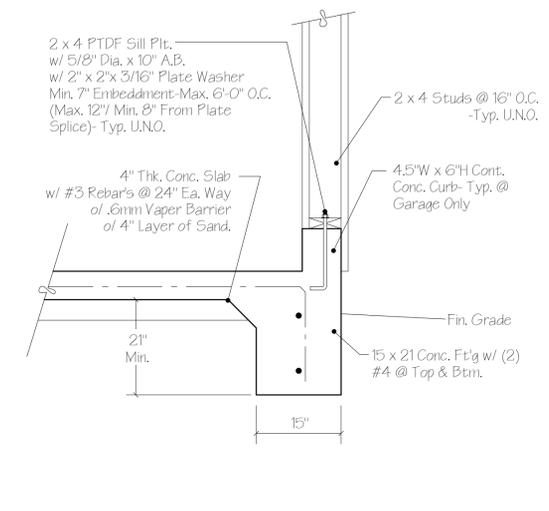
ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"



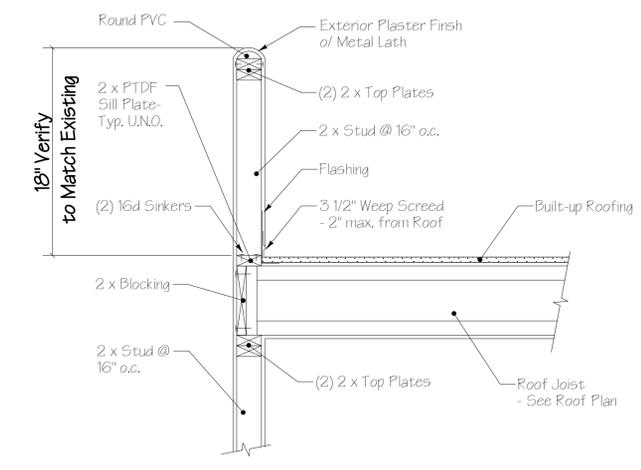
FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



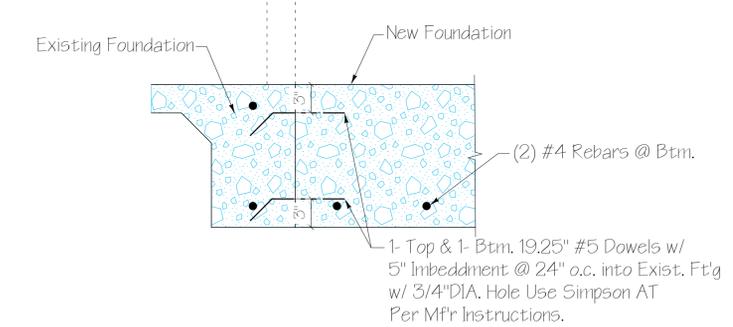
EXHIBIT B



1 Footing & Curb Detail
Scale: N.T.S.



2 Roof / Parapet Detail
Scale: N.T.S.



3 New Footing to Existing Foundation
Scale: N.T.S.





AGENDA NO: B-3

MEETING DATE: May 19, 2015

Staff Report

TO: Planning Commissioners

DATE: May 14, 2015

FROM: Cindy Jacinth, Associate Planner

SUBJECT: Precise Plan approval with revisions to Concept Plan of Conditional Use Permit #UP0-058 for landside improvements (Phase 2) associated with the previously approved concept plan for Harbor Hut, Great American Fish Company (GAFCO) and Morro Bay Landings (formerly known as Virg's) Redevelopment Project. Phase 2 improvements will include demolition of existing Morro Bay Landing (Virg's) buildings and existing Dockside 3 restaurant building with new construction of a 2 story commercial visitor-serving building along with observation deck, outdoor seating area, public access improvements as well as parking/ driveway improvements, and 568sf pocket park.

RECOMMENDATION:

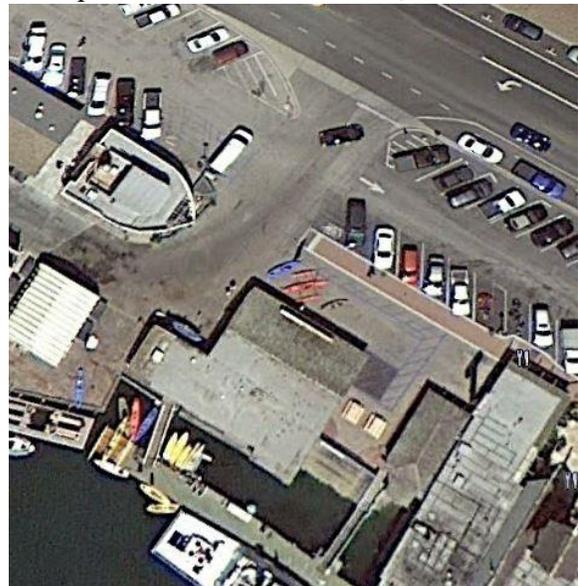
Adopt Planning Commission Resolution 17-15 which includes the Findings and Conditions of Approval for the project depicted on site development plans dated December 22, 2014.

APPLICANT/AGENT: Bob Fowler, M.M.B.S
/ Cathy Novak Consulting, Agent

LEGAL DESCRIPTION/APN: 1215
Embarcadero Road, immediately northwest of
the intersection of Harbor Street and
Embarcadero Road. Also known as land lease
site 124W, 125W, 126W, 127W, 128W. APN
#066-351-012,013,014,015

PROJECT LOCATION:

The project is located at 1215 Embarcadero Road, west of the (across the street) Dynegy power plant and also south of the North T-pier. The project site is currently developed with businesses such as Morro Bay Landings (formerly occupied by Virg's Tackle Shop) and Dockside 3 restaurant (formerly occupied by Thai Boat restaurant). The area of the landside



Prepared By: __CJ__

Department Review: _____

improvements covers lease sites 125-127 (Morro Bay Landing); lease site 128 (Dockside 3 restaurant; lease site 124 (small storage shed building). The pocket park would be constructed at lease site 128 which would also reconfigure the existing driveway to make the access safer for large vehicles and commercial delivery trucks.

PROJECT SUMMARY:

The Applicant is requesting Precise Plan approval for Phase 2 (landside improvements only) of a previously approved Conditional Use Permit (UP0-058). The Precise Plan addresses only the landside improvements which include demolition of three visitor-serving buildings and reconstruction of a one to two story commercial visitor-serving building which includes ground floor retail and second floor restaurant along with observation deck, outdoor seating area, and public access improvements as well as parking/driveway realignment, public restrooms and creation of a small pocket park.

As conditioned by the California Coastal Commission, architectural changes have been made to the proposed buildings that will require modification to the approved Concept Plan of UP0-058. Planning Commission shall review the proposed Precise Plan and revised Concept Plan and make the necessary findings and favorable recommendation to be forwarded to City Council for final approval.

COASTAL DEVELOPMENT PERMIT:

The project is within the original jurisdiction of the California Coastal Commission (CCC) which has authority for issuance of a Coastal Development Permit (CDP). A public hearing was held for the overall project on June 10, 2009 (CDP#3-08-025) with the Coastal Development Permit amended on November 15, 2012 (CDP #3-08-025A1). The Notice of Intent to Issue Amended CDP dated November 30, 2012 conditions of approval are attached to the plans as plan sheet A-16. Receipt of a signed Coastal Development Permit is required prior to issuance of a building permit (see Planning condition 1). The CDP associated with this conditional use permit (CUP) was issued by the CCC for the water side improvements only. This project represents the landside improvements associated with the CUP for which the CCC will issue a separate CDP after it completes its required compliance review.

BACKGROUND:

The goal of the project is an attempt to master plan 22 City lease sites to bring together a sizeable section of the City's northern waterfront area. Three long-term prominent businesses, Virg's Harbor Hut and Great American Fish Company submitted an application in 2007 for a conditional use permit with the goal to create a design that will promote the City's long term vision for melding water dependent uses, recreational uses and visitor serving needs, along with supporting the working waterfront, existing businesses and offer new public benefits that are consistent with goals and programs identified in the City's Waterfront Master Plan.

This conditional use permit was first approved by the Planning Commission and City Council over a series of public meetings in 2007 and 2008 (see summary table below). Approval to phase the project was included in the Concept Plan (See Exhibit D).

| <u>Approval History (#UP0-058)</u> | | |
|--|---------------------|----------------------------------|
| Concept Plan review & recommendation to City Council | Planning Commission | 11/5/2007 & 1/22/2007 |
| Concept Plan approval and adoption of MND | City Council | 3/24/2008, 4/28/2008 & 5/12/2008 |
| Coastal Commission CDP hearing | | 6/10/2009 |
| Precise Plan approval Phase 1 - Waterside | Planning Commission | 6/21/2010 |
| | | |

Phase 1 of the project represented all waterside improvements and Planning Commission approved the Precise Plan permit for this phase on June 21, 2010. Of the components included in Phase 1, the project was phased to accommodate dock construction by the different business owners. Phase 1A docks were constructed and finalized by the City in 2014. Phase 1B docks are currently in building permit review.

PROJECT DESCRIPTION:

The City received the Applicant's Precise Plan application for Phase 2 of the CUP in October 2014. The project description is detailed below in three main components followed by a discussion of Coastal Commission changes to the project which will require approval by the City of a revised Concept Plan.

Demolition/Reconstruction:

The Applicant proposes demolition of 3 buildings: the existing Morro Bay Landing (“Virgs”) buildings, existing Dockside 3 (“Thai Boat”) restaurant and equipment shed associated with the Morro Bay Landings business. A new 7,286sf commercial visitor-serving retail building is proposed to be constructed, a portion of which will be one story, 17 feet in height and a portion proposed as two story which will be 24 feet 10 inches in height. The new commercial building will include observation deck, outdoor seating area, and public restrooms. The existing restaurant, Dockside 3, will be relocated to the second floor of this new building. The first floor will be 4,726sf with 2,214sf of public open space to include a 700 sf observation deck. The retail uses of the first floor of the building will be a sportfishing tackle shop; marine related retail shop/charter boat service, along with elevator and public restrooms.

The second floor of the building will be 2,560 sf which will include the relocated Dockside 3 restaurant (952sf), a small office space of 128sf for marine related business only, along with a public viewing deck and outdoor seating and area for elevator and stairs. The size of the restaurant reflects the City's condition at concept plan approval that the relocated restaurant be no larger than the existing 952 sf in order to ensure Measure D consistency where restaurant uses cannot be expanded.

Parking/ Driveway Realignment:

Demolition of the Dockside 3 restaurant building will facilitate realignment of the commercial fishing dock access driveway and re-striping of the adjacent public parking lot to satisfy the increase in parking requirement (3 additional spaces) necessitated by the increase in vessel demand (i.e. additional boat spaces). The existing drive will be shifted northward in order to accommodate Trucking Standards W62 as shown on site plan page A-6. The wider driveway will enable greater access for delivery trucks in support of on/off loading of commercial fishing operations. The project does not involve any new land-based retail or visitor-serving uses beyond that which exists and in fact is smaller than originally approved.

Public access benefit:

Public benefit from this project will be in the form of new public recreational access opportunities by expanding and tying together the existing network of floating docks and allowing public access to 590 linear feet of Bay waters during daylight hours. The project is conditioned to allow public access year round during daylight hours for the life of the development. Vertical access to the docks is through connections at the north and south end of the dock. In addition, public access includes the provision of a small 568sf pocket park, observation decks, outdoor seating areas, and public restrooms and a relocated gangway in order to accommodate the new development. In addition to both bayward lateral and vertical access, the project also includes landward public access in the form of the Harborwalk pedestrian path. Plans show an extension of the Harborwalk in front of the existing Morro Bay Landing building. This area of the Harborwalk will be extended to the north upon realignment of the driveway access. In addition, the CUP includes a condition (Public Works condition 20) that the Applicant reimburse the City its pro-rata share of the Harborwalk improvements for the area along the frontage of the lease site. In order to ensure maximum public access opportunities, Coastal Commission has added conditions to eliminate obstructions to public access (i.e. tables, wind screens, planters, etc.) and facilitate maximum public use of these areas. Also, that the glass wind screen proposed for the second floor observation and view deck be relocated to the perimeter of the deck and also that coastal access signs be posted and maintained in perpetuity with public access to be open and available year round during daylight hours and non-daylight hours when the project's retail uses are open. (See Coastal Special Conditions 1b, 2c-g).

Coastal Commission changes to Concept Plan:

During the Coastal Commission’s review of the project when it went to public hearing on approval in 2009 and then again when it was amended in 2013 (minor amendment), CCC required various conditions on the project. These conditions made changes to the City’s approval of the Concept Plan CUP that now require City to review, revise and incorporate plans changes as a revised Concept Plan combined with the Precise Plan approval.

Most notably, Coastal conditioned changes to the building’s architectural style. Originally, the City’s approval of the Concept Plan was that of a modern design as shown on plan sheet A-4. The condition of approval from CCC was that “...the design and appearance of the building shall be modified to reflect a working dock, nautical/maritime theme (i.e. simple and utilitarian lines and materials, including use of board and bats, corrugated metal, brick, etc.) The plans shall clearly identify all measures that will be applied to ensure such design aesthetic is achieved, including with respect to all structures and all other project elements within the public view (e.g. walkways, paved areas, railings, benches, tables, chairs, lighting, signs, landscaping, etc.). At a minimum, the plans shall clearly identify all structural elements, materials, and finishes...”

Consistent with this direction from Coastal Commission, the Applicant has revised plans to incorporate a maritime theme that reflects the structural elements of pilings and heavy timber used in pier and wharf construction as well as curved laminated beams that mimic the flow of the water and the graceful lines of our boats.

Plan sheet A-1 also identifies other smaller changes to the project which resulted from conditions by Coastal Commission. In summary, these changes include a smaller building in overall square footage from 6,004sf to 4,726sf on the first floor, smaller office from 590sf to 128sf on the second floor, larger open view decking and smaller public space on the first floor. The view deck as approved extended westward beyond the existing building line, but as modified the building will now be within the existing building line on the west side. The pocket park has also been reduced in size from 760sf to 568sf to fit within the lease lines.

PROJECT SETTING:

| <u>Adjacent Zoning/Land Use</u> | | | |
|--|--|-------|---------------------------------|
| North: | (CF, PD) / Visitor-serving uses (Restaurant) | South | (CF, PD) / Visitor-serving uses |
| East: | (M-2, PD, I) / Industrial use (Power Plant) | West: | Harbor and navigable ways (H) |

| Site Characteristics | |
|-----------------------------|---|
| Overall Site Area | 45,887sf |
| Existing Use | Visitor-serving |
| Terrain | Paved surface, gentle slope to bay |
| Vegetation/Wildlife | None to minimal |
| Access | Existing building entrances is from Embarcadero Road via existing parking lot |
| Archaeological Resources | None known |

| General Plan, Zoning Ordinance & Local Coastal Plan Designations | |
|---|---|
| General Plan/Coastal Plan Land Use Designation | Commercial/ Recreational Fishing |
| Base Zone District | Commercial / Recreation Fishing (CF District) |
| Zoning Overlay District | Planned Development Overlay |
| Special Treatment Area | n/a |
| Combining District | n/a |
| Specific Plan Area | n/a |
| Coastal Zone | Yes, Original Jurisdiction; Coastal Commission responsible for Coastal Development Permit |

PROJECT ANALYSIS:

Waterfront Master Plan

The proposal is within the Waterfront Master Plan and is within Planning Area 2: T-Piers/Fisherman Working Area. This includes the area from the Dynegy energy intake building to the Embarcadero Road/Beach Street intersection. This area is primarily devoted to the working fishing boats and shoreside support. There is also a few restaurants and series of parking lots. To the east, the area is visually dominated by the now-closed Dynegy power plant. The proposed project contains many of the elements requested in Area 2 proposals, including observation areas and signage, provision of lateral access and extension of the Harbor Walk, and pedestrian amenities in this portion of the Embarcadero. View corridors as required by the Waterfront Master Plan have been increased, from 44% to 46.8% as shown in detail on page A-11.

General Plan/Local Coastal Plan/ Zoning Ordinance consistency

The property is zoned CF/PD as a commercial/recreational fishing land use designation. The

purpose of the CF district is to promote and accommodate both the commercial fishing industry and noncommercial recreational fishing activities in appropriate waterfront areas. The property's zoning also includes the Planned Development (PD) overlay.

The Planning Commission must review the project for consistency with the General Plan, Local Coastal Plan, and Waterfront Master Plan. The proposed project is located between the shore and the nearest public road therefore consistency with public access and recreation policies of Chapter 3 of the California Coastal Act is required.

Planned Development (PD) overlay

Pursuant to chapter 17.40, section 17.40.030, Planned Development, (PD) overlay zone, of the Zoning Code after concept plan approval, projects are required to seek precise plan approval from Planning Commission as the final step prior to application for building permit.

However, because Coastal Commission conditions significantly changed the architectural design of the proposed building, Planning Commission would be unable to make the finding as required that the Precise Plan substantially conforms to the Concept Plan. The Applicant has submitted an application with plans that delineates the revisions to the Concept Plan approval so that Planning Commission may review the revised Concept Plan/Precise Plan and make findings to forward a favorable recommendation to the City Council for approval.

As part of the precise plan submittal, the Applicant has submitted plans which further detail lighting, design and other detail specifications. Photo simulations depicting existing and proposed views from both the floating docks and Embarcadero are shown on plan sheet A-1. Elevations of the proposed commercial building are shown on sheet A-8. The original approved building is shown on sheet A-4 with a markedly different design. The modern design has been replaced with a design meant to reflect a working dock, nautical/maritime theme as conditioned by Coastal Commission. (Special Condition 1a).

A public access management plan is included as plan sheet A-12 which shows public access locations. Vertical access will be along the north and south end of the commercial building with a 18 foot wide corridor along the north end and 17 foot corridor along the south. Other public amenities include the pocket park, and the second floor view deck. Coastal access signs will be placed indicating open access to the public.

The proposed color for the exterior hardi-plank siding is Heathered Moss. The building's color palette is to be a range of blues and greens. Metal roofing colors are proposed to be River Teal and Marine Green; tinted glazing to be Atlantica Green and Arctic Blue; with sandstone colored stamped concrete. (See Color Board - Exhibit G).

Plan sheet A-14 provides details on the pocket park landscape plan, shrub planting detail, specification for trash enclosure as well as lighting. The lighting schedule shows brass details with various designs for exterior lighting.

Signs

A sign program was submitted and is shown in detail on sheet A-14 specifying each business sign to be located on the new building.

Included on this lease site is an existing non-conforming pole sign for the Morro Bay Landing business. Pursuant to Zoning Code 17.68.150B4, “If change of ownership of the business occurs, and no change to the type of business advertised by any nonconforming sign, the new owner may change any name or names on such sign provided there is no change in the sign size, configuration or orientation.” Staff has observed that in the time from when the Virg’s business moved out in 2011 to when the Morro Bay Landing business moved in, in 2013, there was an extended period of time, when there was no sign up (empty sign can). The sign ordinance allows for nonconforming signs to be taken down for repair, replacement for a period not to exceed 60 days. In this case, the sign can was empty for so long that the image was captured on Google Earth street view (imagery date Feb. 2012) (Exhibit E). Furthermore, there is currently a blue banner running the length of both sides of the sign pole, which reads, “Sportfishing” that is not allowed under the sign ordinance.

The Applicant has requested to maintain the existing pole sign and asserts that approval was granted for the pole sign as part of the concept plan approvals. Staff has reviewed the project’s long history, the concept plan approvals, as well as carefully reviewed the provisions of the sign ordinance. The sign ordinance states the purpose and intent is to:

“... regulate signs as an information system which expresses the character and environment of the community. Standards shall attempt to:

- A. Encourage communications which aid orientation and identify activities;
- B. Preserve and enhance the aesthetic character of the surroundings;
- C. Relate signing to basic principles of good design, encouraging pleasing community appearance; and
- D. Restrict signs which overload the public’s capacity to receive information, violate privacy or which increase the probability of accidents by distracting attention or obstructing vision.”

It is clear that the intent of the City’s Sign ordinance is to discontinue the use of nonconforming signs. The site is proposed for redevelopment and the proposed development including any

associated signage should be brought into conformance with current standards. Given the scope and magnitude of this project, Staff finds it difficult to support a pole sign whose design is clearly inconsistent with the fishing village character desired by the Waterfront Master Plan. Staff therefore recommends that the Pole sign be removed and the project has been conditioned accordingly (See Planning Condition 3).

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration was prepared for this project and adopted by City Council on May 12, 2008. With the environmental review complete, no changes to the precise plan were made that would require additional environmental review. The mitigations incorporated as conditions of approval to the concept plan approval remain on the project.

PUBLIC NOTICE:

Notice of a public hearing on this item was posted at the site and published in the Tribune newspaper on May 9, 2015, and mailed directly to all property owners of record within 300 feet of the subject site and occupants within 300 feet of the site. The notices invited the public to attend the hearing and express any concerns they may have regarding the proposed project.

CONCLUSION:

The demolition and reconstruction of visitor-serving uses have been sited and designed to provide for maximum public benefit as well as provide for visitor-serving development consistent with the City's General Plan/ LCP / Zoning Ordinance and Waterfront Master Plan and the California Coastal Act.

As conditioned, the proposed project will be consistent with all applicable development standards of the Zoning Ordinance, including the concept and precise plan requirements, the Waterfront Master Plan, and applicable provisions of the General Plan, Local Coastal Plan, and Waterfront Master Plan. The Commercial/Recreational Fishing (CF) District is intended to "promote and accommodate both the commercial fishing industry and noncommercial recreational fishing activities in appropriate waterfront areas" and this project advances that goal.

Staff has reviewed the Precise Plan to the approved Concept Plan as well as the modifications made by the California Coastal Commission and recommends that the Planning Commission forward a favorable recommendation to the City Council to revise the approved Concept Plan with final Precise Plan approval.

EXHIBITS:

Exhibit A – Planning Commission Resolution 17-15

Exhibit B – Plans/Plan Reductions dated December 22, 2014

Exhibit C – City Council Staff Reports for Concept Plan, 3/24/08, 4/28/08, 5/12/08
Exhibit D – Concept Plan permit for UP0-058 as approved by City Council 5/12/08
Exhibit E – Google Earth street view image, 2012
Exhibit F – Lease Site Map Amendment revised October 2010
Exhibit G –Color Board
Exhibit H –Visual Simulations
Exhibit I – May 14, 2015 letter from Applicant regarding pole sign

LINKS:

Coastal Development Permit Staff Report, 6/10/2009 Coastal Commission meeting
<http://documents.coastal.ca.gov/reports/2009/6/W7b-6-2009.pdf>

RESOLUTION NO. PC 17-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FORWARDING A FAVORABLE RECOMMENDATION TO THE MORRO BAY CITY COUNCIL FOR A REVISED CONCEPT PLAN/ PRECISE PLAN APPROVAL FOR PHASE 2 OF CONDITIONAL USE PERMIT (UP0-058) FOR LANDSIDE IMPROVEMENTS WHICH INCLUDE DEMOLITION OF EXISTING MORRO BAY LANDING (VIRG'S) BUILDINGS AND EXISTING DOCKSIDE 3 RESTAURANT BUILDING WITH NEW CONSTRUCTION OF A 2 STORY COMMERCIAL VISITOR-SERVING BUILDING ALONG WITH OBSERVATION DECK, OUTDOOR SEATING AREA, PUBLIC ACCESS IMPROVEMENTS AS WELL AS PARKING/ DRIVEWAY IMPROVEMENTS, AND CREATION OF A POCKET PARK.

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on May 19, 2015, for the purpose of considering a revised Concept Plan/ Precise Plan approval of Conditional Use Permit #UP0-058; and

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

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

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

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

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. UP0-058 is subject to a Mitigated Negative Declaration based upon potentially significant impacts to Aesthetics, Air Quality, Biological Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology, Land Use and Planning, Noise, Transportation. Any impacts associated with the proposed development will be brought to a less than significant level through the Mitigated Negative Declaration (MND). A MND was adopted on May 12, 2008. (SCH# 2007091057).
- B. A MND was adopted on May 12, 2008. This approval is to implement that project. An analysis has been performed pursuant to CEQA Guidelines § 15162 to determine whether subsequent environmental review is required for UP0-342. Based upon this

analysis, none of the circumstances set forth in CEQA Guidelines § 15162 have occurred which would require subsequent environmental review

Conditional Use Permit Findings

- A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the landside improvements which include demolition of three buildings and construction of a new two story commercial building to include the replacement restaurant for the Dockside 3 restaurant are permitted uses within the zoning district and said structures complies with all applicable project conditions and City regulations. The City's past concept plan approval of UP0-058 on May 12, 2008 found that the replacement of the Dockside 3 restaurant (formerly known as Thai Boat) does not conflict with Measure D's intent. In addition, public benefits are provided to offset the exceptions granted, including but not limited to provision of a small pocket park, public observation decks and outdoor seating areas, public restrooms, extension of the Harborwalk pedestrian path and increased vertical access and lateral access. Revisions to the Concept Plan as conditioned by the California Coastal Commission have been reviewed and evaluation and found to be consistent with the City's Local Coastal Program.
- B. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the overall masterplan project and the landside improvements to demolish 3 existing buildings and construct a new two story commercial building consistent with the zone designation will provide additional public benefits.

Waterfront Master Plan Findings

- A. The proposed project makes a positive contribution to the visual and public accessibility to the bay while increasing and maintaining commercial fishing industry and not increasing restaurants:
 - a. Meets the Waterfront plan height limit and maximum building coverage, bulk, and scale requirements in that the proposed project offsets these standards by increasing public benefits.
 - b. In the case of granting height greater than 17 feet, the proposed project also provides significant public benefit pursuant to the Planned Development Overlay zone requirements in that the proposed project is widening the sidewalk and creating a public view deck, providing view corridors, and including public restrooms.
 - c. The proposed project provides the amenities identified in the WF Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the roof elements were altered to allow for better bay views.

- d. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will add to the pedestrian orientation while maintaining the commercial fishing operations.
- e. The design recognizes the pedestrian orientation of the Embarcadero and provides an interesting and varied frontage that will enhance the pedestrian experience in that the project will provide lateral public access to the water and docks while assisting in the Harborwalk plan to continue public access along the waterfront.
- f. The project gives its occupants and the public some variety in materials and/or application in that the building will consist of stucco and metal roofing, while outdoor market will be wood.
- g. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new structure will provide more horizontal and vertical articulation, and the public will be invited into the space via a new public view deck.
- h. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbor in that the existing and new construction is in keeping with the architectural style, massing, materials, scale, and use of its surroundings.

Architectural Consideration

- A. As required by Ordinance Section 17.48.200 the Planning Commission find that the architectural treatment and general appearance of all proposed buildings, structures and open areas are in keeping with the character of the surrounding areas, are compatible with any design themes adopted by the city, and are not detrimental to the orderly and harmonious development; of the city or to the desirability of investment of occupation in the area.

Section 2. Action. The Planning Commission does hereby approve Conditional Use Permit #UP0-058 subject to the following conditions:

STANDARD CONDITIONS

- 1. This permit is granted for the land described in the staff report dated May 14, 2015, for the project at 1215 Embarcadero depicted on plans dated December 22, 2014, on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Site development, including all buildings and

other features, shall be located and designed substantially as shown on Planning Commission approved plans submitted for UP0-058, unless otherwise specified herein.

2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Manager (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Manager. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.
8. Conditions of Approval: The Findings and Conditions of Approval shall be included as a full-size sheet in the Building Plans.

Building Conditions:

1. Prior to construction, the applicant shall submit a complete building permit application and obtain the required building permit.

Fire Conditions:

1. Sheet A-1. Address identification. New and existing buildings shall have approved address numbers or building numbers placed in a position to be plainly legible from the street or road fronting the property (CFC 505). Provide approved address numbers 4 inches high with ½ inch stroke in contrasting numbers.
2. Sheet A-2. Existing Marine Shop. This structure was constructed in 2006 and a condition of approval was the requirement that the structure and wharf below, be protected with automatic fire sprinklers, in accordance with Morro Bay Municipal Code (Section 14.60.200), CFC 903 and NFPA 13. The past owner and Harbor Lease Holder defaulted on City and CFC requirement, the structure was Red Tagged and remained vacant and unused for at least 2 years.

In an effort to revitalize our “working harbor” and put the structure to good use, Morro Bay Harbor, Building and Fire Departments, negotiated with potential occupants to impose strict limitation, by way of an occupancy assignment to “U” (utility group) and permit its use, without required sprinkler protection, until the existing Virg’s building is replaced, pursuant to the Harbor Master Plan and on-shore lease improvements.

3. As result of Municipal Code, Fire Code, and Harbor Master Plan on-shore improvements (UPO-058), applicant shall provide automatic fire sprinkler protection of the Utility Building and wharf below as a “Precise Plan Condition of Approval”.

Public Works Conditions:

1. The Site Plan must show the wheel path of travel (turning radius) for the WB62 truck to confirm that the design vehicle can successfully negotiation this curve.
2. Show all specific public improvements including driveway entrance and median modifications on Embarcadero Road and within the adjoining parking lot that will be provided to satisfy recommendations of the OEG Traffic Study.

3. Add a note to the plans specifying the filter system for the new drain (drop inlet) as a FloGard +PLUS Model FGP-24F manufactured by Kristar Enterprises to be installed per manufacturer recommendations. Provide a operation & maintenance plan to assure that the inlet is properly maintained.
4. Note how the public will be protected/ screened from work areas of the wharf. Commonly accepted CALOSHA work practices include temporary physical barriers such, as a scissor gate, that will momentarily segregate the public from the swing arc of the existing hoist.
5. WEU offset requirements
New water allocations requested shall be offset on a two-to-one basis (or 440 gallons per day) by providing retrofits to existing uses or providing non-required water savings features for new development that is seeking water allocation. The project will need to determine how many WEUs the development will need to offset. Retrofits are approved by the Public Works Director and may include the following water savings best management practices:
 - a. Irrigation retrofits
 - b. Waterless urinals
 - c. Waterless toilets
 - d. Ultra-Low flow toilets
 - e. Lawn/Landscape replacement
 - f. Grey water system installation in new construction
 - g. Installation of rainwater recovery system
 - h. Other water savings best management practices as approved by the Public Services Director
 - i. Payment of an “In-Lieu” fee program of \$2,900 **per** Water Equivalency Units (WEU)

Harbor Department Conditions:

1. Applicant shall request in writing to the City to adjust the lease lines at the appropriate time.
2. Clean Marina BMP's: Applicant is encouraged to berm trash and recycling areas to prevent leaks from entering waterways. Applicant has indicated on sheet A-14 they will comply with this containment BMP, which if bermed correctly should not impede rolling of trash bins over the berm and out of the enclosure.

Planning Conditions:

EXHIBIT A

Planning Commission Resolution #17-15
Revised Concept Plan/ Precise Plan for UP0-058
Page 7

1. A Coastal Development Permit shall be submitted to the Community Development Department prior to issuance of a building permit.
2. All conditions imposed with the Concept Plan approval of UP0-058 as approved by the City Council on May 12, 2008 and any subsequent City approved modifications to the conditional use permit shall remain in full force and effect.
3. Applicant shall remove the non-conforming pole sign.
4. Height Certification: Prior to foundation inspection, a licensed land surveyor shall measure and inspect the foundation and submit a letter to the City Community Development Manager certifying that the tops of the foundation is in compliance with the finish floor elevations and setbacks as shown on approved plans. Prior to either roof nail or framing inspection a licensed surveyor shall measure the height of the structure and submit a letter to the Community Development Manager, certifying that the height of the structure is in accordance with the approved set of plans and complies with the height requirements of the Morro Bay, Municipal Code Section 17.12.310.
5. Inspection: The applicant shall comply with all Planning conditions listed above and obtain a final inspection from the Planning Division at the necessary time in order to ensure all conditions have been met.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 19th day of May, 2015 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Tefft, Chairperson

EXHIBIT A

Planning Commission Resolution #17-15
Revised Concept Plan/ Precise Plan for UP0-058
Page 8

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 19th day of May, 2015.

GENERAL NOTES

THE COSTRUCTION COORDINATORS INFORMATION

SHALL BE POSTED ON SITE
CONSTRUCTION COORDINATOR SHALL BE BOB FOWLER (805-701-5702),
ALL WORK SHALL BE COMPLETED IN A GOOD WORKMANSHIP MANNER
CONTRACTOR SHALL HAVE ON SITE 2013 COPY OF C.B.C., ALL WORK SHALL COMPLY W/ 2013 C. B.C., 2013 U.M.C. 2013 N.E.C., 2013 U.P.C. 2013 CALIF TITLE 24, CITY OF MORRO BAY, CODES AND REQUIREMENTS, CONDITIONS OF APPROVAL CALIFORNIA COASTAL COMMISSIONS STANDARD AND SPECIAL CONDITIONS CONTRACTOR SHALL NOTIFY ARCHITECT AND OWNER PRIOR TO CHANGES OF CONSTRUCTION FOR APPROVAL.
CARPENTRY
ALL STRUCTURAL LUMBER SHALL BE GRADED IN ACCORDANCE W/ W.C.L.A.
STRUCTURAL NOTES:
1. DESIGN BASIS
2013 CALIFORNIA BUILDING CODE
WIND - LOAD
SEISMIC - ASCE7-05
SITE CLASS - D
SEISMIC CATEGORY D
R = 3.5 (STEEL ORDINARY MOVEMENT RESISTING FRAME,
2. STEEL
PIPE FILES - API 5L GRADE X82
H56 STRUCTURAL SHAPES - A500 GRADE B, Fy=46 KSI
ANGLES, MISCELLANEOUS SHAPES AND PLATE - ASTM A36
3. BOLTS
ASTM A307 HOT DIP GALVANIZED, UNLESS OTHERWISE NOTED
4 WELDING
WELDING SHALL CONFORM TO AWS D1.1 LATEST EDITION WELD CONSUMABLES SHALL BE APPROPRIATE FOR THE MATERIAL BEING JOINED.

FIRE DEPARTMENT NOTES
a. Demolition and Construction. Fire Safety During Construction and Demolition. Prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations (CFC Chapter 33). Compliance with NFPA 241 is required for items not specifically addressed herein.
b. Automatic Fire Sprinklers. The applicant shall provide fire sprinkler protection, for all cantilevered water side wharf areas, restaurant space, retail structure and trash area, in accordance with Morro Bay Municipal Code (Section 14.08.090(L)), 2013 California Fire Code (Section 903), and NFPA Standards 13, 303, and 307.
c. Fire Alarm and Detection Systems. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code. (CFC 907.2)
d. Fire extinguishers. One Provide one wall mounted 2A:10-B:C fire extinguisher, and approved signage, for each 3,000 square feet of light hazard fuel load. Travel distance shall not in accordance with California Code of Regulations, Title 19, Division 1.
2. **Sheet A-6.** Address identification. New and existing buildings shall have approved address numbers or building numbers placed in a position to be plainly legible from the street or road fronting the property (CFC 505). **Provide approved address numbers 4 inches high with 1/8 inch stroke in contrasting numbers. Provide a Knox Box on exterior of the structure, in an approved location. Please obtain a Knox application from Morro Bay Fire Department during business hours.**
Applicant shall provide automatic fire sprinkler protection of the Utility Building and wharf below as a "Precise Plan Condition of Approval"
TRASH RECEPTACLES SHALL PROVIDE CONTAINMENT SUFFICIENT TO STOP LEAKING FLUIDS FROM FLOWING OUT OF RECEPTABLE AREA, TO MEET CLEAN MARINE BMP.
APPLICANT/TENANT SHALL BE RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF POCKET PARK AND PARK AMENITIES
the system for the new drain (drop inlet) shall be FloGard +PLUS Model FGP-24F manufactured by Kristar Enterprises or equal to be installed per manufacture recommendations serviced and inspected yearly and prior to major storms

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2. **Sheet A-6.** Address identification. New and existing buildings shall have approved address numbers or building numbers placed in a position to be plainly legible from the street or road fronting the property (CFC 505). **Provide approved address numbers 4 inches high with 1/8 inch stroke in contrasting numbers. Provide a Knox Box on exterior of the structure, in an approved location. Please obtain a Knox application from Morro Bay Fire Department during business hours.**
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MATERIAL SPECIFICATIONS



HARDI-PLANK SIDING
HEATHERMOSS SELECT
CEDARMILL

RIVER TEAL CLASSIC GREEN
METAL SALES
METAL ROOFING

PROJECT DATA PHASE 2

| PROJECT DATA | | | | CDP 3-08-025 UPO-05B | | | |
|--------------|----------------------|------------|--------------|----------------------------|-----------------|-----------------------------------|------------|
| LEASE SITES | CDP 3-08-025 UPO-05B | PROPOSED | MODIFICATION | BUILDING 1ST FLOOR | PROPOSED | MODIFICATION | |
| 126 | 1443 S.F. | 1292 S.F. | -151 S.F. | BUILDING 1ST FLOOR | | | |
| 126W | 3382 S.F. | 3382 S.F. | 0 | RETAIL/OFFICE BOAT CHARTER | 4530 S.F. | 4306 S.F. | -224 S.F. |
| TOTAL | 4825 S.F. | 4787 S.F. | -151 S.F. | ELEV. / R.R. | 450 S.F. | 420 S.F. | -30 S.F. |
| 127 | 443 S.F. | 1300 S.F. | +857 S.F. | SEPERATE BUILDINGS | 1024 S.F. | 0 | 0 |
| 127W | 3389 S.F. | 3389 S.F. | 0 | TOTAL | 6004 S.F. | 4726 S.F. | -1278 S.F. |
| TOTAL | 3832 S.F. | 4689 S.F. | +857 S.F. | BUILDING 2ND FLOOR | | | |
| 126 | 1300 S.F. | 1300 S.F. | 0 | RESTAURANT | 952 S.F. | 952 S.F. | 0 |
| 126W | 5775 S.F. | 5775 S.F. | 0 | OFFICE | 650 S.F. | 130 S.F. | -520 S.F. |
| TOTAL | 7075 S.F. | 7075 S.F. | 0 | OPEN VIEW DECKING | 1171 S.F. | 1290 S.F. | +119 S.F. |
| 125 | 1300 S.F. | 1300 S.F. | 0 | SITE | | | |
| 125W | 6583 S.F. | 6583 S.F. | 0 | PROPERTY LENGTH | 159 LIN FT. | REDUCED FOR ICE PLANT 153 LIN FT. | -6 LIN FT. |
| TOTAL | 7883 S.F. | 7883 S.F. | 0 | BUILDING LENGTH | 114 LIN FT.-70% | 114 LIN FT.-77% | -7% |
| 124 | 1560 S.F. | 1560 S.F. | 0 | OPEN VIEW AREA | 8317 S.F. | 10585 S.F. | +227 S.F. |
| 124W | 7866 S.F. | 7866 S.F. | 0 | PUBLIC SPACE 1ST FLOOR | 3150 S.F. | 2560 S.F. | -590 S.F. |
| TOTAL | 9366 S.F. | 9366 S.F. | 0 | VIEW DECK 1ST FLOOR | 960 S.F. | 700 S.F. | -260 S.F. |
| TOTAL | 32981 S.F. | 33800 S.F. | +706 S.F. | POCKET PARK | 760 S.F. | 568 S.F. | -192 S.F. |



EXISTING VIEW FROM FLOATING DOCKS ↑



EXISTING VIEW FROM EMBARCADERO ↑



PROPOSED VIEW FROM FLOATING DOCKS ↑



PROPOSED VIEW FROM EMBARCADERO ↑

MORRO BAY LANDING PHASE 2

PROJECT DESCRIPTION: PHASE 2
DEMOLITION OF EXISTING MORRO BAY LANDING, ("VIRGS") BUILDINGS, EXISTING "DOCKSIDE#3(TIHA BOAT) RESTAURANT"
PUBLIC IMPROVEMENTS TO SITE, PARKING, DRIVEWAY
NEW CONSTRUCTION OF MORRO BAY LANDING BUILDING, LANDSCAPING
NEW POCKET PARK,

PHASE 2 NOTES
Prior to construction, the development plans shall be submitted to the Executive Director of the California Coastal Commission for their review and approval.
23 Realign existing driveway entry
24 Existing curb to be removed and relocated
25 relocate entry to parking lot.
26 Move median.
27 Extend turn lane island.
28 New pocket park.
29 New rod/reel building & public restroom.
30 Existing Building to be redesigned by Project Architect : Gene Doughty

PARKING ANALYSIS

| RATIO | CDP 3-08-025 UPO-05B | | PROPOSED | | MODIFICATION |
|----------------------------|----------------------|-----------|-----------|-----------|----------------------|
| | PARKING | APPROVED | PARKING | REQUIRED | |
| BUILDING 1ST FLOOR | | | | | |
| RETAIL/OFFICE BOAT CHARTER | 1/300 S.F. | 4530 S.F. | 15.1 | 4306 S.F. | 15 |
| SEPERATE BUILDINGS | 1/300 S.F. | 1024 S.F. | 3.4 | | |
| BUILDING 2ND FLOOR | | | | | |
| RESTAURANT OFFICE | 1/60 S.F. | 952 S.F. | 15.9 | 952 S.F. | 16 |
| SUB TOTAL | 1/300 S.F. | 650 S.F. | 2.2 | 130 S.F. | 1 |
| TOTAL | | | 18 SPACES | 1290 S.F. | 17 SPACES - 1 SPACES |
| | | | 37 SPACES | | 32 SPACES - 5 SPACES |

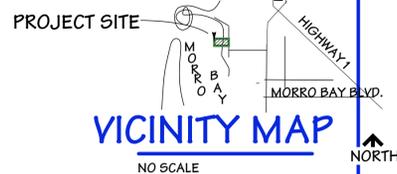
California's Commercial Fisheries
California's coastline extends roughly 1,400 miles, covering about two thirds of the western seaboard of the contiguous United States from Crescent City to San Diego and extending to the Channel Islands and beyond. The ocean waters of the Golden State yield a cornucopia of fish and shell fish. California fishery fish are basic types to make their catch: Gilthead, Hook and Line, Round hand net, Trap net, Trawl and Dive gear.
Northern California's major harvest provides sea urchins, Dungeness crab, salmon, pink shrimp, and groundfish, with sea herring, rock crab and Pacific whelms. Premium northern California rockfish and surfclab, as well as other species, are caught by hook-and-line fishery, which deliver their catch to market.
Central California is a mainstem zone, producing top-quality sole and several rockfish species, as well as many varieties of fish and shellfish also found in southern waters, such as squid, swordfish, and chum salmon.
The southern ocean begins at Point Conception, above Santa Barbara. Mackerel, squid, bonito, and occasionally Bluefin tuna are caught with round hand nets. So-called in an important fishery, as are fisheries for rockfish, mako, and angel shark, spiny lobster, rock crab, California halibut, ridgeback and spot prawns, and halibut.
Signage Bay Landing

COASTAL ACCESS PUBLIC FLOATING DOCK
OPEN DURING DAYLIGHT HOURS 1 HOUR BEFORE SUNRISE UNTIL 1 HOUR AFTER SUNSET
MORRO BAY LANDING

SIGNAGE SHALL BE 24" WIDE X 18" HIGH METAL SIGN W/ IMAGES MOUNTED FLAT ON 4X4 POST W/ white background & blue lettering
PUBLIC FLOATING DOCK TO REMAIN OPEN DURING DAYLIGHT HOURS, 1 hour before sunrise to 1 hour after sunset, to be located @ top of public access gangways



VICINITY PHOTO



LEGAL DESCRIPTION

OWNERS----- Bob Fowler, M.M.B.S.
SITE ADDRESS----- 1213,1215, Embarcadero MORRO BAY, CALIF
LEASE SITES----- 124W,125W, 126W, 127W, 128W Morro Bay, California COUNTY OF SAN LUIS OBISPO, CALIFORNIA
APN. ----- 066-351-012,013,014,015
ZONE----- H, WF, CF, W/ PD OVERLAY

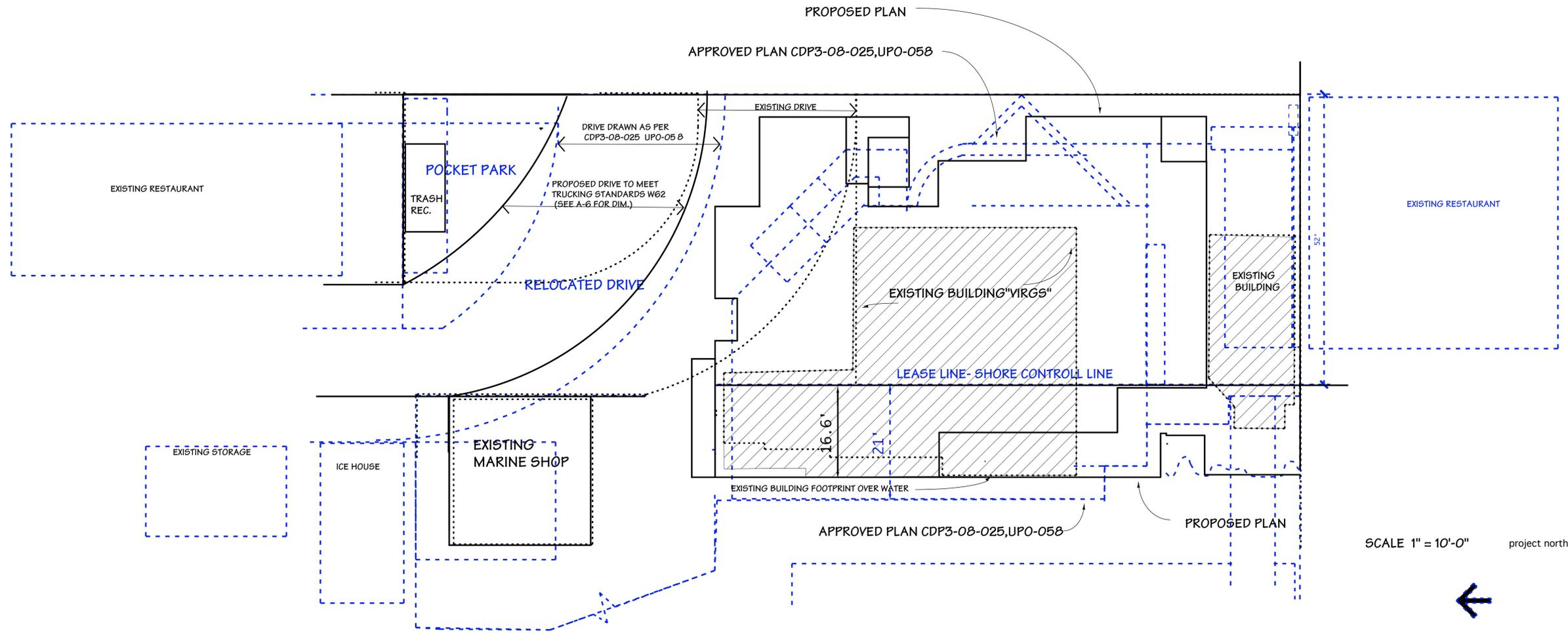
ONSHORE INFORMATION

| LEASE INFORMATION on shore | | |
|-----------------------------|--------------|------------|
| EXISTING | PROPOSED +/- | TOTAL |
| 126- 1443 S.F. | -151 | 1292 |
| 126W 3382 | 0 | 3382 S.F. |
| 127 443 | +857 | 1300 |
| 126 1300 | 0 | 1300 |
| 125 1300 | 0 | 1300 |
| 124 1560 | 0 | 1560 |
| 7883 | 706 S.F. | 8334 S.F. |
| LEASE INFORMATION off shore | | |
| ORIGINAL | APPROVED + | TOTAL |
| 128W-3382 S.F. | 0 S.F. | 3382 S.F. |
| 127W-2540 | 850 | 3390 |
| 126W-2550 | 2000 | 4550 |
| 125W-3050 | 2750 | 5800 |
| 124W-3660 | 3300 | 6960 |
| 113W-9263 | 12542 | 21805 |
| 24445 S.F. | 21442 S.F. | 45887 S.F. |

INDEX TO DRAWINGS

- A-1 COVER SHEET, GENERAL NOTES
- A-2 OVERLAY OF SITE HISTORY
- A-3 APPROVED UPO-05B SITE PLAN
- A-4 APPROVED UPO-05B SITE ELEVATIONS
- A-5 DEMOLITION PLAN, CUT/FILL NOTES
- A-6 FIRST FLOOR/ SITE PLAN
- A-7 SECOND FLOOR PLAN
- A-8 EAST/ SOUTH ELEVATION
- A-9 WEST/ NORTH ELEVATION
- A-10 ONSHORE SITE COVERAGE
- A-11 BUILDING PROFILES
- A-12 PUBLIC ACCESS
- A-13 LEASE SITE REVISION
- A-14 LANDSCAPING PLAN, SIGN PLAN, LIGHTING
- A-15 CONDITIONS OF PERMIT-- CITY OF MORRO BAY
- A-16 CONDITIONS OF PERMIT--C.C.C.

GENERAL NOTES, SPECIFICATIONS, SITE PHOTOS, VICINITY MAP, SIGNAGE, PARKING ANALYSIS
M.M.B.S. L.L.C.
MORRO BAY LANDING
ONSHORE LEASE IMPROVEMENTS
1215 EMBARCADERO MORRO BAY, CALIF.



OVERLAY OF SITE PLANS

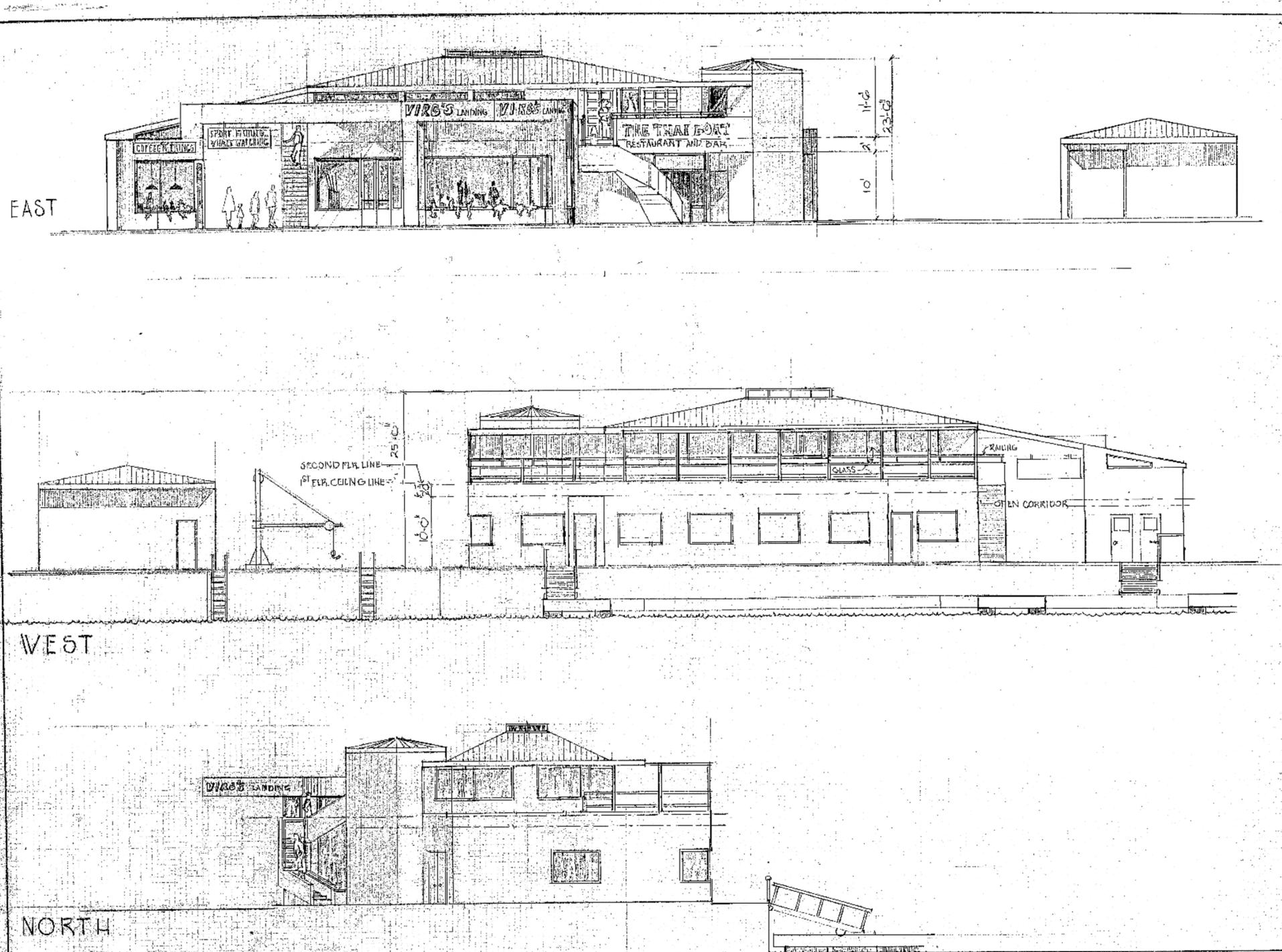
-  EXISTING BUILDINGS
-  APPROVED PLAN CDP3-08-25, UPO-058
-  PROPOSED PLAN

The plans, specifications, notes and other documents incorporated by reference herein are the property of the Architect and shall remain the property of the Architect. No part of these plans shall be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the Architect.

M.M.B.S. L.L.C.
MORRO BAY LANDING
ONSHORE LEASE IMPROVEMENTS LAND/SEA INTERFACE
1215 EMBARCADERO MORRO BAY, CALIF. 1-805-772-8436
GENE DOUGHTY-ARCHITECT C 18794

OVERLAY OF SITE PLANS
DATE: 14-10-2-13 6-14-13 12-22-14
10-08 10-12 2-13 5-13 5-23-14
11-08 11-13 6-21-13 8-23-14
13-08 13-13 6-27-13 11-05-14
14-08 14-13 5-13-13 6-27-13 12-22-14
15-08 15-13 7-23-13 12-22-14
16-08 16-13 7-23-13 12-22-14
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28-08 28-13 7-23-13 12-22-14
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31-08 31-13 7-23-13 12-22-14
SCALE AS NOTED
DRAWING CD

SHEET **A-2**
OF 16 SHEET



APPROVED UPO-058 ELEVATIONS

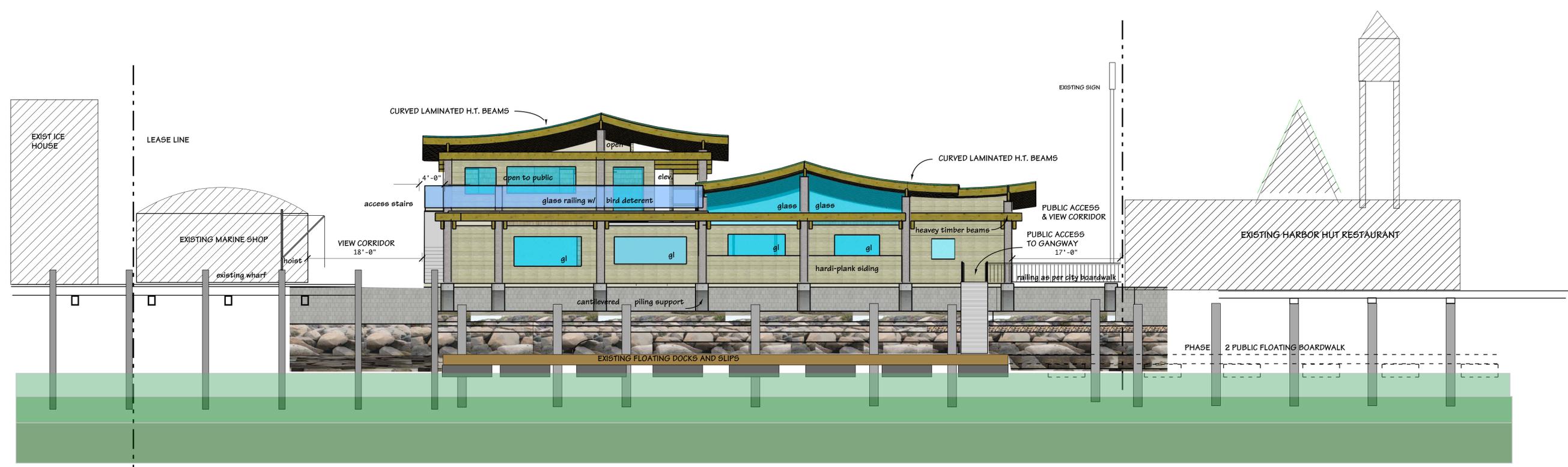
| | | | | | |
|--|-------------------|------------------------------------|--------------------------------|--|------|
| PROPOSED IMPROVEMENTS TO VIRG'S LANDING FOR: DARBY NEIL 1215 EMBARCADERO MORRO BAY, CA. | DATE: 12/13/07 | REVISIONS: 12/13/07 05/16/08 | ELEVATIONS: AT 1/8" = 1'-0" | 805/724-8605 MAUL ASSOCIATES ARCHITECT A.I.A. 3009 BEACHCOMBER MORRO BAY, CA. | OF 2 |
|--|-------------------|------------------------------------|--------------------------------|--|------|

The plans, specifications, notes and other documents prepared by the Architect for the project are the property of the Architect and shall remain confidential. No part of these documents may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the Architect.

LAND/SEA INTERFACE
 GENE DOUGHTY-ARCHITECT
 1-805-772-8436
 C 18794

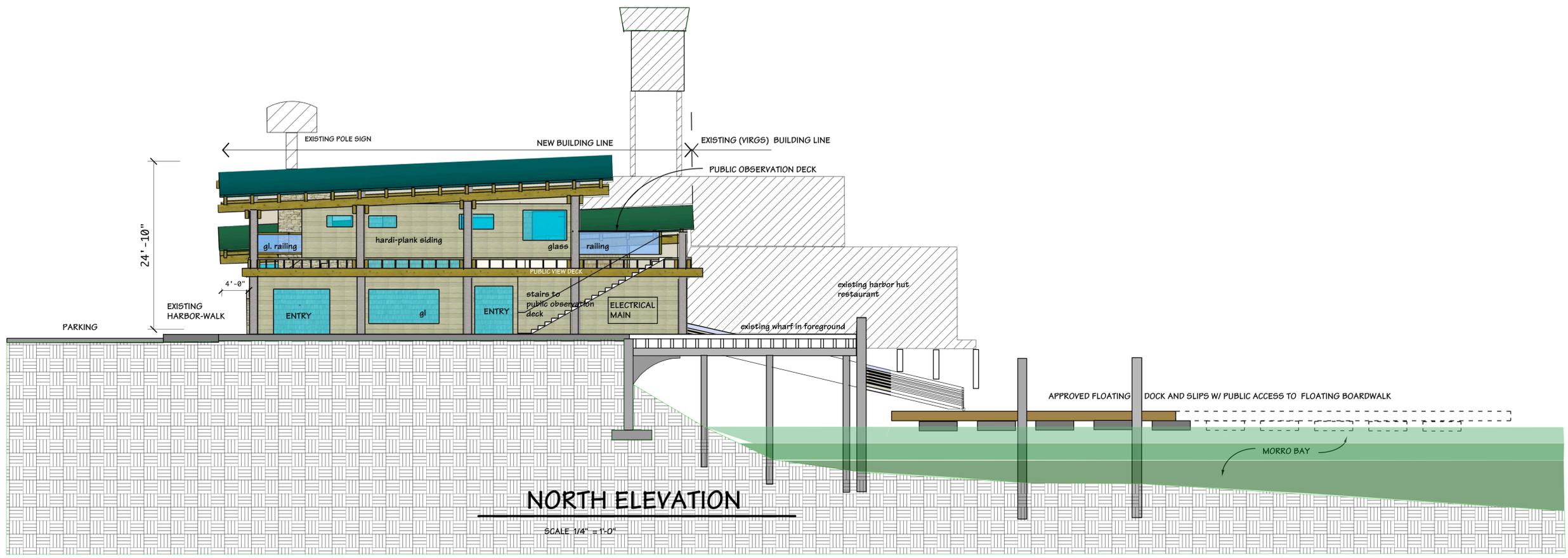
M.M.B.S. L.L.C. TROY LEAGE, JAMES/GEORGE LEAGE
 MORRO BAY LANDING HARBOR HUT
 GREAT AMERICAN FISH COMPANY
FLOATING DOCK IMPROVEMENTS
 1185-1215 EMBARCADERO MORRO BAY, CALIF.

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WEST ELEVATION

scale 1/8" = 1'-0"



NORTH ELEVATION

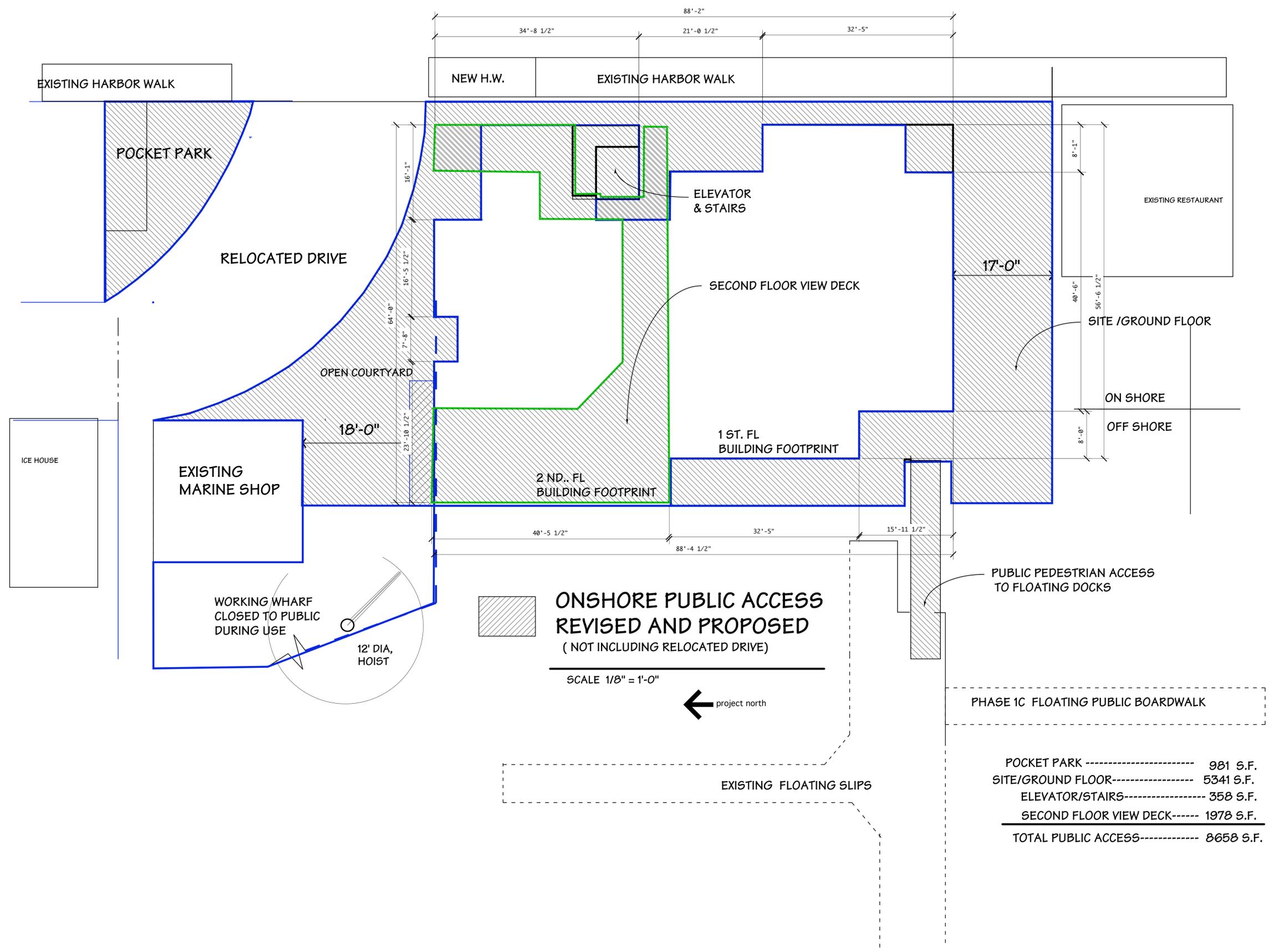
SCALE 1/4" = 1'-0"

The plans, specifications, notes and other documents prepared by the Architect for the project shall be read in conjunction with the contract documents. The Architect shall not be responsible for the construction of the project.

LAND/SEA INTERFACE
GENE DOUGHTY-ARCHITECT
1-805-772-8436
C 18794

M.M.B.S. L.L.C.
MORRO BAY LANDING
ONSHORE LEASE IMPROVEMENTS
1215 EMBARCADERO MORRO BAY, CALIF.

DATE: 10-10-13, 12-02-13, 01-14-14, 02-14-14, 03-14-14, 04-14-14, 05-14-14, 06-14-14, 07-14-14, 08-14-14, 09-14-14, 10-14-14, 11-14-14, 12-14-14, 01-15-15, 02-15-15, 03-15-15, 04-15-15, 05-15-15, 06-15-15, 07-15-15, 08-15-15, 09-15-15, 10-15-15, 11-15-15, 12-15-15, 01-16-16, 02-16-16, 03-16-16, 04-16-16, 05-16-16, 06-16-16, 07-16-16, 08-16-16, 09-16-16, 10-16-16, 11-16-16, 12-16-16, 01-17-17, 02-17-17, 03-17-17, 04-17-17, 05-17-17, 06-17-17, 07-17-17, 08-17-17, 09-17-17, 10-17-17, 11-17-17, 12-17-17, 01-18-18, 02-18-18, 03-18-18, 04-18-18, 05-18-18, 06-18-18, 07-18-18, 08-18-18, 09-18-18, 10-18-18, 11-18-18, 12-18-18, 01-19-19, 02-19-19, 03-19-19, 04-19-19, 05-19-19, 06-19-19, 07-19-19, 08-19-19, 09-19-19, 10-19-19, 11-19-19, 12-19-19, 01-20-20, 02-20-20, 03-20-20, 04-20-20, 05-20-20, 06-20-20, 07-20-20, 08-20-20, 09-20-20, 10-20-20, 11-20-20, 12-20-20, 01-21-21, 02-21-21, 03-21-21, 04-21-21, 05-21-21, 06-21-21, 07-21-21, 08-21-21, 09-21-21, 10-21-21, 11-21-21, 12-21-21, 01-22-22, 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ONSHORE PUBLIC ACCESS REVISED AND PROPOSED
(NOT INCLUDING RELOCATED DRIVE)

SCALE 1/8" = 1'-0"



| | |
|----------------------------|------------------|
| POCKET PARK | 981 S.F. |
| SITE/GROUND FLOOR | 5341 S.F. |
| ELEVATOR/STAIRS | 358 S.F. |
| SECOND FLOOR VIEW DECK | 1978 S.F. |
| TOTAL PUBLIC ACCESS | 8658 S.F. |

The plan, specifications, notes and other information herein are the property of the architect and shall not be used for any other project without the written consent of the architect.

LAND/SEA INTERFACE
GENE DOUGHTY-ARCHITECT
1-805-772-8436
C 18794

M.M.B.S. L.L.C.
MORRO BAY LANDING
ONSHORE LEASE IMPROVEMENTS
1215 EMBARCADERO MORRO BAY, CALIF.

ONSHORE PUBLIC ACCESS
SCALE AS SHOWN
DRAWING CD



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| AGENDA NO: _____ Meeting Date: <u>March 24, 2008</u> Action: _____ |
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Staff Report

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE:** MARCH 17, 2008

FROM: MIKE PRATER, PLANNING MANAGER

SUBJECT: CONCEPT PLAN APPROVAL FOR 1185 to 1215 EMBARCADERO ROAD (VIRG'S LANDING, GAFCO, & HARBOR HUT)

RECOMMENDATION:

Staff recommends the City Council review the information contained in this memorandum and its attachments, consider testimony from the applicant and the public, and adopt the following motion:

Approve the Concept Plan for the development proposed at 1185 to 1215 Embarcadero Road based upon the Findings and Conditions contained herein as Attachments A and B, respectively.

FISCAL IMPACT:

The proposed project will likely have a positive fiscal impact for the City. The lease agreement for the subject sites requires the income from the uses to pay a percentage of gross sales rent.

BACKGROUND:

The project site is located in the Commercial Fishing (CF)/Harbor (H) districts and is zoned with planned development (PD) overlay. Pursuant to Section 17.40.030 of the Zoning Ordinance, development on lands zoned with a PD Overlay requires a Conditional Use Permit. For new development or new uses on public lands or lands greater than one acre, the applicant must submit a concept plan and a precise plan. Concept plans for development in the PD Overlay Zone shall receive final approval from the City Council at a duly noticed public hearing after review and approval by the Planning Commission at a noticed public hearing.

The Planning Commission reviewed the proposed project at two previously noticed public hearings on November 5, 2007 and January 22, 2008. The Planning Commission conditionally approved the project with substantial changes to the originally proposed project with a Vote: 4-0, Johnson was absent. Upon approval by the City Council, the applicant would seek Coastal Development Permit approval from the Coastal Commission before returning to the Planning Commission for precise plan approval. The applicants have requested the City Council consider revisions to the Planning Commission conditions of approval.

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| Prepared by: City Manager Review: | Dept. Review: |
|--|----------------------|

SUMMARY:

The applicant's lease agreement will be coming due in 2012. The Harbor Department requested the applicant's improve the buildings and/or waterfront area as part of the new lease. The applicant's have requested phasing their master plan that would revitalize the northern waterfront area to be completed by the year 2012. The project proposal would bring together 22 city leases and three businesses to construct improvements that include restaurant expansion and replacement, provide a unique coastal boardwalk that stretches from the City South T-Pier to Virg's, and enhances commercial and recreational fisheries with new and expanded dock slips.

A number of issues were raised and discussed at the Planning Commission hearings that will need to be considered by the City Council to re-affirm the findings and decision of the Planning Commission or be reconsidered as requested by the applicants to determine the greatest benefit and strongest project that provides for a positive investment into the community that advances community goals. The main issues were: dock plans/lateral access was conditioned to be elevated versus accepting Harborwalk as meeting this requirement, Measure D and types of uses (and particularly size in square footage of new Virg's building) proposed in the northern waterfront area, parking lot/roadway re-configuration with relation to the projects level of involvement to accomplish these improvements versus City contribution, and Waterfront Master Plan consistency for offsetting public benefits.

Dock Plans/Lateral Access

The applicant's have put forth an argument that staff supports in that the Harborwalk project should be recognized as the public lateral access in this area and the applicant's fair share in a monetary contribution is sufficient to meet the requirements of providing public access. The applicant's have stated their proposal attempts to provide the public with a unique waterfront experience that has captured many requests to walk amongst the working docks and get closer to the water. In staff's opinion, this project provides that added unique experience and along with the Harborwalk project these two paths will provide the public with the coastal access provisions.

The applicant has stated the concerns with an elevated boardwalk is that it has the potential to encroach on power plant property (for which no permission is granted), interfere with the dock slips, cause portions of the docks to be relocated which causes additional eelgrass impacts and limited spacing between the South T-Pier and the dock, and require a portion of Virg's rod & reel/restroom building to be reduced in size. These added issues create bigger challenges to elevating the lateral access that are not needed since the Harborwalk provides the public with pedestrian access.

Measure D

The project site is situated along the Morro Bay waterfront between the South T-Pier and North T-Pier, within Planning Area 2 of the City of Morro Bay Waterfront Master Plan (WMP). WMP Planning Area 2 (T-Piers/Fisherman Working Area) includes the area between the intake building and the Embarcadero Road/Beach Street intersection. Measure D was passed in 1981 as Ordinance 207 that was an initiative ordinance by the community that was certified and placed in the Zoning Code which paraphrased here states no approval shall be granted for any new passenger for hire boats or for any new restaurant serving the general public and any existing uses are considered non-conforming and shall not be expanded or enlarged for the area in the CF zone. In 1980, predating this initiative, the City of Morro Bay entered into an agreement with the leaseholder of 110W typically known as GAFCO now, (this portion of the lease site is the new outdoor market area) to allow expansion of the restaurant. This area is also located in the H zone and not the CF zone for which the measure was passed. The development agreement is allowed to be honored by this approval and would not cause any inconsistency issues with the City's General Plan or Local Coastal Plan.

The method staff supported would allow the replacement in square footages of the Thai Boat restaurant to the new second floor Virg's building. The existing Thai Boat occupies a space of approximately 1,206 square feet and the new second floor restaurant over the Virg's building will occupy a customer area of the same or less square feet however with a public view deck and other miscellaneous areas the upper floor is 2,200 square feet. This replacement building could be considered not adding any new restaurants but rather exchanging the Thai Boat for a new restaurant in a new location, therefore consistent with Measure D.

Parking Lot/Roadway re-configuration

The applicant's would like to continue working with the City to address these improvements. As stated by the applicant's, their wish is for the City to complete many of these tasks as part of a broader scope to improve circulation in the area. As a reminder, staff has conditioned this project (Conditions # 19, 30 & 31 TR-2) to complete these steps in order to facilitate their project. These elements include re-alignment of the one-way driveway behind Thai Boat, Embarcadero median re-configuration, and parking lot stall ends re-striped and curbed.

Waterfront Master Plan

The WMP also includes design guidelines that amended the City's Planned Development (PD) overlay zone standards. The objective of the WMP is to balance the need to maintain a working waterfront while planning for improvements and enhancement of the commercial and public access elements of the Morro Bay waterfront.

Height, View Corridor and Significant Benefit

The WMP plan requires that public views be protected and enhanced by new development. The applicant is proposing a 25-foot high structure that will open up views of the Bay. The WMP plan requires a 30% view corridor for lots greater than 50 feet in width. The proposed project will incorporate amenities such as a public view deck, ADA lateral access, public restrooms, widening of the sidewalk in some places, and enhancing the physical and visual experience of the northern Embarcadero area.

The Waterfront Master Plan allows for an increase in height above the 17-foot limit via a Conditional Use Permit in the Planned Development (PD) Overlay zone. The PD zone allows the City to approve a 25-foot maximum height if significant public benefit can be achieved. In order to approve the increased height the City Council must make the finding that the overall viewshed characteristics will be improved or, at a minimum, not diminished from the public viewing locations established within the Waterfront Master Plan. Based on the identified public benefits, the Planning Commission recommended that the project be granted an exception to increase the height limit over 17-feet. The Planning Commission also conditioned the project to open up the view corridor to increase the view opportunity by eliminating the roofline that connects the two buildings on Virg's tackle shop lease.

CONCLUSION:

Based on an objective reading of the goals and policies expressed in the Coastal Plan, General Plan and zoning regulations, and carefully balancing those goals and policies, staff's opinion and recommendation can be summed up very simply -- in a utilitarian sense, it appears that project approval would bring a greater community good than would project denial. This will no doubt be the focus of considerable discussion at the project hearings, as the project is certainly not without its issues. In the end, staff anticipates that the Planning Commission and Council will also seek the greater good and conclude that the project is a strong and positive investment into the community that advances community goals.

ATTACHMENTS:

Attachment A – Findings for Approval

Attachment B – Conditions of Approval (as adopted by the planning commission)

Attachment C – Letter from Applicant’s agent requesting modifications dated February 27, 2008

Attachment D – Minutes of January 22, 2008 Planning Commission Meeting

Attachment E – January 22, 2008 Planning Commission Staff Report

Attachment F – Minutes of November 5, 2007 Planning Commission Meeting

Attachment G – November 5, 2007 Planning Commission Staff Report including Final Mitigated
Negative Declaration



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| AGENDA NO: _____ |
| Meeting Date: <u>April 28, 2008</u> |
| Action: _____ |

Staff Report

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE:** APRIL 21, 2008

FROM: MIKE PRATER, PLANNING MANAGER

SUBJECT: CONCEPT PLAN APPROVAL FOR 1185 TO 1215 EMBARCADERO ROAD
(VIRG'S LANDING, GAFCO, & HARBOR HUT)

Please bring your March 24 report for more details

RECOMMENDATION:

Staff recommends the City Council review the information contained in this memorandum and its attachments, consider testimony from the applicant and the public, and adopt the following motion:

Approve the Concept Plan for the development proposed at 1185 to 1215 Embarcadero Road based upon the Findings and Conditions contained herein as Attachments A and B, respectively.

BACKGROUND:

The City Council held a public hearing and took public testimony on March 24. Council continued the project and directed the applicant and staff to consider splitting the project into two phases; Phase I would consist of the restaurant/fish market expansion of Great American Fish Company (GAFCO) and all of the floating docks, Phase II would consist of Virg's new building. Since the City Council meeting, the applicant for Virg's (Phase II) has had conversations with members of the concerned public about consistency of this phase with Measure D. Based on the outcome of the conversations Virg's is requesting an amendment to the square footages with the new building. The second floor of the new Virg's building would have a restaurant that has 952 square feet (the same size as the first floor portion only of the Thai Boat). Additionally, the second floor would have 324 square feet of offices giving first priority to marine related businesses. The City Council could consider this request and approve the concept plan for both phases. The Council must find consistency with Measure D to authorize these new square footages.

The City Council also requested clarification regarding the floating docks and public access to them with intermittent use. The applicant's have included into their proposal opening the floating docks to the public from 8 a.m. to sunset. The Council did not come to a conclusion on the lateral access requirement. The applicant is requesting the Harborwalk satisfy this requirement. With the completion of the Harborwalk and new floating docks the public would have access to the waters edge via the South T-Pier, two walkways to access the floating docks (one at Virg's tackle shop and one at Harbor Hut with ADA lift), and intermittent access along the Harborwalk path.

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| Prepared by: | Dept. Review: |
| City Manager Review: | |

SUMMARY:

The applicant's lease agreement will be coming due in 2012. The Harbor Department requested the applicant's improve the buildings and/or waterfront area as part of the new lease. The applicant's have requested phasing their master plan that would revitalize the northern waterfront area to be completed by the year 2012. The project proposal would bring together 22 city leases and three businesses to construct improvements that include restaurant expansion and replacement, provide a unique coastal boardwalk that stretches from the City South T-Pier to Virg's, and enhances commercial and recreational fisheries with new and expanded dock slips.

CONCLUSION:

The proposed project can be found consistent with the General Plan and Local Coastal Program, Waterfront Design Guidelines and requirements for projects in the Planned Development district. Staff recommends that the council approve the concept plan for this project.

ATTACHMENTS:

Attachment A – Draft Minutes of March 24, 2008 City Council Meeting

Attachment B – Findings for Approval

Attachment C – Conditions of Approval (as adopted by the planning commission)

Attachment D – Letter from Applicant's agent revising project dated April 14, 2008



AGENDA NO: _____

Meeting Date: May 12, 2008

Action: _____

Staff Report

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE:** MAY 5, 2008

FROM: MIKE PRATER, PLANNING MANAGER

SUBJECT: REVIEW OF PHASE II OF THE CONCEPT PLAN APPROVAL OF GREAT AMERICAN FISH COMPANY/HARBOR HUT/VIRG'S FISHING PROJECT LOCATED AT 1185-1215 EMBARCADERO

Please bring your March 24 report for more details

RECOMMENDATION:

Staff recommends the City Council review the information contained in this memorandum and its attachments and adopt the following motion:

Approve Phase II of the Concept Plan for the development proposed at 1185 to 1215 Embarcadero Road based upon the Findings and Conditions contained herein as Attachments A and B, respectively.

BACKGROUND:

The City Council held a public hearing and took public testimony on March 24. Council continued the project and directed the applicant and staff to consider splitting the project into two phases; Phase I would consist of the restaurant/fish market expansion of Great American Fish Company (GAFCO) and all of the floating docks. Council action was taken on this matter at your April 28, 2008 meeting to approve Phase I and direct staff to return to May 12, 2008 meeting to continue your review of Phase II. Phase II consist of Virg's new building, bio-diesel tanks, and demolition of the Thai Boat. Staff indicated at the last meeting the applicant for Virg's has had conversations with members of the concerned public about consistency of this phase with Measure D. Based on the outcome of the conversations Virg's is requesting an amendment to the square footages with the new building. The second floor of the new Virg's building would have a restaurant that has 952 square feet (the same size as the first floor portion only of the Thai Boat). Additionally, the second floor would have 324 square feet of offices giving first priority to marine related businesses. The City Council should consider this request and decide if consistency with Measure D has been achieved to authorize these new square footages.

CONCLUSION:

The proposed project can be found consistent with the General Plan and Local Coastal Program, Waterfront Design Guidelines and requirements for projects in the Planned Development district. Staff recommends that the council approve the concept plan for this project.

Prepared by:

Dept. Review:

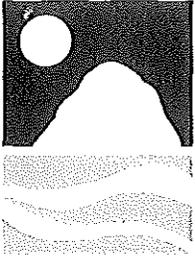
City Manager Review:

ATTACHMENTS:

Attachment A – Draft Minutes of April 28, 2008 City Council Meeting

Attachment B – Findings for Approval

Attachment C – Conditions of Approval



City of Morro Bay

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

 COPY

May 14, 2008

Mrs. Cathy Novak
P.O. Box 296
Morro Bay, Ca. 93443

RE: Case No.: UP0-058 SITE: 1185 to 1215 Embarcadero

Dear Mrs. Novak:

At its regular meetings on April 28, 2008 and May 12, 2008, the City Council approved your request for UP0-058 to construct improvements along the Harbor Waterfront that would enhance, promote and support a working waterfront, and offer new public benefits, with conditions.

This action does not constitute a building permit. Further processing of this project must be initiated by the applicant, and is subject to applicable rules and regulations of the Morro Bay Municipal Code.

Your project is also located within the California Coastal Commission Permit Jurisdiction. Please note that it is the applicant's responsibility to obtain all necessary approvals from the Coastal Commission.

The approved project as approved by the Council was modified from the original plans and new project plans shall be submitted that reflect the changes for final Precise Plan approval. These changes include:

- Remove the platform and gangway proposed off the South T-Pier and install a ladder.
- Extend the floating dock towards the South T-Pier approx. 43-feet.
- Pay reimbursement fees for the installation of the Harborwalk in front of the business and \$5,000 for bait receivers' frontage.
- Reduce the enclosed dock space as much as possible without impacting Eelgrass.
- Remove the cantilever boardwalk on the west side of Virg's new building.
- Shorten the western most finger style dock by at least 15-feet to increase navigation to the North T-Pier.
- The second floor restaurant in the new Virg's building shall not be greater than 952 square feet and 324 square feet of marine related business space.
- Appropriately sign the floating dock to allow public access between 8 a.m. and sunset.
- Connection and public access from South T-Pier to GAFCO market.

The rest of the project as presented is also accepted which includes and not limited to: the second floor public deck with no restaurant seating, third floor roof deck, ADA lifts to floating docks, temporary and underground bio-diesel fuel tanks, removal of Thai Boat/Virg's shop and tackle, expansion of GAFCO market, floating docks, and working with the City regarding the realignment of entryways into parking lot.

Sincerely,

Mike Prater, Planning Manager
Public Services Department
Enclosures: Permit, Findings, and Conditions of Approval

| | | | |
|--|-------------------------------------|--|--|
| FINANCE 595 Harbor Street | ADMINISTRATION 595 Harbor Street | FIRE DEPARTMENT 715 Harbor Street | PUBLIC SERVICES 955 Shasta Street |
| HARBOR DEPARTMENT 1275 Embarcadero Road | CITY ATTORNEY 955 Shasta Avenue | POLICE DEPARTMENT 850 Morro Bay Boulevard | RECREATION AND PARKS 1001 Kennedy Way |

CONDITIONAL USE PERMIT

CASE NO: UP0-058

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 1185 to 1215 Embarcadero

APPLICANT: Virg's Landing Inc, Darby Neil, Harbor Hut/GAFCO, James & George Leage

APN/LEGAL: 066-351-018-020, 039, 016, 029, 028, & 012-015/Lease Sites 110-112, 122 & 123, 124-127/110W-112W & 115W, 122W & 123W, 124W-127W

DATE APPROVED: April 28 & May 12, 2008 APPROVED BY: City Council

APPROVED BASED UPON ATTACHED FINDINGS *(Findings and Conditions of Approval Attached)*

CEQA DETERMINATION: MITIGATED NEGATIVE DECLARATION

DESCRIPTION OF APPROVAL: to construct improvements along the Harbor Waterfront that would enhance, promote and support a working waterfront, and offer new public benefits and as described in the cover letter.

THIS APPROVAL IS CONDITIONAL 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 Planning & Building 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, CITY COUNCIL HAS FINAL APPROVAL OF CONDITIONAL USE PERMIT

YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION ORIGINAL 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. Any 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: 831-427-4863. If you have any questions, please call the City of Morro Bay Public Services Department, 772-6210.

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: May 12, 2008 pending Precise Plan Approval

ATTEST: _____ DATE: _____

Mike Prater, Planning Manager

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

EXHIBIT A:
Revised FINDINGS

UP0-058, A request to demolish and reconstruct Dock Master Plan, replace Virg's & expand GAFCO with an outdoor market.

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. UP0-058 is subject to a Mitigated Negative Declaration based on aesthetic, air quality, biological, geological, hazardous, hydrology, land use and planning, noise, and transportation issues present on the property. Any impacts associated with the proposed development will be brought to a less than significant level through the Mitigated Negative Declaration.

Conditional Use Permit Findings

- B. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the prior development agreement for GAFCO and the replacement restaurant for the Thai Boat are permitted use within the zoning district and that the dock plans do not conflict with the navigational channel and in fact better protect the eelgrass habitat applicable to the project site and said structures complies with all applicable project conditions and City regulations.
- C. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the masterplan project will provide additional public benefits.
- D. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the City in that the City entered into a prior development agreement for GAFCO and the replacement restaurant for the Thai Boat are permitted use within the zoning district and that the dock plans do not conflict with the navigational channel and in fact better protect the eelgrass habitat. The City recognize these prior agreements and believes the replacement of the Thai Boat does not conflict with Measure D's intent. In addition, public benefits are provided to offset the exceptions granted.

Waterfront Master Plan Findings

- E. The proposed project makes a positive contribution to the visual and public accessibility to the bay while increasing and maintaining commercial fishing industry and not increasing restaurants:
- a. Meets the Waterfront plan height limit and maximum building coverage, bulk, and scale requirements in that the proposed project offsets these standards by increasing public benefits.
 - b. In the case of granting height greater than 17 feet, the proposed project also provides significant public benefit pursuant to the Planned Development Overlay zone requirements in that the proposed project is widening the sidewalk and creating a public view deck, providing view corridors, and including public restrooms.
 - c. The proposed project provides the amenities identified in the WF Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the roof elements were altered to allow for better bay views.
 - d. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will add to the pedestrian orientation while maintaining the commercial fishing operations.

- e. The design recognizes the pedestrian orientation of the Embarcadero and provides an interesting and varied frontage that will enhance the pedestrian experience in that the project will provide lateral public access to the water and docks while assisting in the Harborwalk plan to continue public access along the waterfront.
- f. The project gives its occupants and the public some variety in materials and/or application in that the building will consist of stucco and metal roofing, while outdoor market will be wood.
- g. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new structure will provide more horizontal and vertical articulation, and the public will be invited into the space via a new public view deck.
- h. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbor in that the existing and new construction is in keeping with the architectural style, massing, materials, scale, and use of its surroundings.

General Plan Consistency

- F. The proposed project implements Visual and Land Use Policies by providing and enhanced the area as indicated in the attached staff report.
- G. The proposed project implements habitat protection and water quality as indicated in the attached staff report.
- H. With the implementation of the above-mentioned policies enumerated in the staff report, the project demonstrates consistency with the General Plan.

Local Coastal Plan Findings

- I. The City Council finds that the project is compatible with the surrounding uses and that exceptions are warranted because of the offsetting public benefits.

Planned Development Overlay

- J. With approval of the project, the City finds that with the heightened level of review the proposed project is acceptable and consistent with Morro Bay standards and the project includes public benefits to deviate from the height, lot coverage and view corridor standards.

Architectural Consideration

- K. As required by Ordinance Section 17.48.200 the City Council find that the architectural treatment and general appearance of all proposed building, structures and open areas are in keeping with the character of the surrounding areas, are compatible with any design themes adopted by the city, and are not detrimental to the orderly and harmonious development ;of the city or to the desirability of investment of occupation in the area.

Measure D & CF Zone Consistency

- L. The City Council finds the proposed project is primarily for the purpose of serving or facilitating licensed commercial fishing activities or non-commercial recreational fishing activities, or is clearly incidental thereto.

EXHIBIT B:
Revised CONDITIONS OF APPROVAL

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated April 28, & May 12, 2008 for the projects depicted on the attached plans labeled "Exhibit C" on file with the Public Services Department, as modified by these conditions of approval.
2. Changes: Any minor change may be approved by the Public Services Director. Any substantial change will require the filing of an application for an amendment to be reviewed by the Planning Commission.
3. 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.
4. Compliance with Conditions: By issuance of building permits for the proposed use or development, the owner or designee accepts and agrees to comply with all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
5. Compliance with Morro Bay Standards: 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 Zoning Ordinance, Beach Street Specific Plan, certified Coastal Land Use plan and General Plan for the City of Morro Bay.
6. 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.
7. Water Saving Devices: Prior to final occupancy clearance, water saving devices shall be installed in all facilities in all leases effected by the project in accordance with the policies of the Morro Bay Coastal Land Use Plan and as approved by the Building Official.
8. 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.
9. Screening of Equipment/Utility Meters/Fencing: All roof-mounted air conditioning, or heating equipment, vents, ducts and/or utility meters shall be screened from view in a manner approved

by the Director of Planning and Building. Prior to building permit issuance, the approved method of screening shall be shown on the project plans.

10. 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. weekdays and eight a.m. to seven p.m. on weekends, unless an exception is granted by the Director of Planning & Building pursuant to the terms of this regulation.
11. Exterior Lighting: Pursuant to MBMC Section 17.52.080, prior to building permit issuance, complete details of all exterior lighting shall be shown on the project plans for review and approval by the Director of Planning & Building. All exterior lighting shall be low level with a height of fixture not to exceed a maximum of 17 feet and shall achieve the following objectives; avoid interference with reasonable use of adjoining properties; shielded to minimize on-site and off-site glare; provide adequate on-site lighting; limit fixture height to avoid excessive illumination; provide structures which are compatible with the total design of the proposed facility.
12. 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.
13. 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.
14. 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.

PLANNING CONDITIONS

15. Colors and Materials: Prior to issuance of a building permit, the Public Services Director shall ensure compliance of all exterior colors and materials, including fencing materials. All other colors and materials not so specifically approved may be approved by the Director according to the following objectives: achieve compatibility with colors and materials used in the on-site improvements; achieve compatibility with the architectural design of the improvements; achieve compatibility with surrounding land uses and properties; preserve the character and integrity of the zone.
16. Signage: Prior to installation of any sign on-site, a sign program shall be approved by the Director in conformance with MBMC Chapter 17.68. Minium 2 signs leading public to public restrooms.
17. Soils Report: Prior to building permit issuance, the applicant shall provide all updated and project-specific soils and geology reports required by the Building Official. Project design and construction shall be consistent with recommendations contained in soils and geology reports, as required by the Building Official.

PUBLIC WORKS CONDITIONS

18. Drainage: To reduce pollution into Morro Bay and the ocean waters, the applicant/developer shall install storm drain inlet protection at the existing storm drain between Virg's Landing and Harbor Hut and also one along the walkway between Harbor Hut and Great American Fish Company. Inlet protection shall be approved by the City.
19. Parking lot: Prior to final approval provide Public Improvement Plans showing all improvements to Embarcadero Road and the parking lot as recommended by OEG's traffic Engineer. Also the parking lot associated with these properties shall be resurfaced and work with staff to accomplish in an equitable manner, and new stripping added.
20. Harborwalk: To maintain the flow of pedestrians throughout the area the applicant/developer shall pay their fair share of the Harborwalk along the frontage of the properties. In addition, Virg's lease site for the bait receivers shall pay only \$5000 contribution for its frontage.
21. Storage Tanks: Provide a detailed plan including but not limited to the following concerns:
Spill control measures at the tank and at the dispensing area. Provide installation of safeguards against accidents, installing secondary containment, conducting regular inspections and spill cleanup techniques.
Install a fence around the fuel tanks for safety and aesthetics since the tank will be located near the pedestrian pathways.
Proposed fuel hose route from tank to docks will interfere with pedestrian facilities causing a trip hazard.
Show how the fuel tank will access the proposed tank for fill-up.
Include the dimensions of the proposed storage tank.
22. Driveway: The driveway must keep a minimum 20' clear for WB63 truck access. There appears to be a conflict with the 20' minimum clear of the proposed driveway alignment between the proposed storage tanks and Virg's Landing. The driveway alignment is shown going through the existing Ice Machine and Virg's new maintenance /tool shed.

FIRE DEPARTMENT CONDITIONS

23. Building and Address Identification: Approved address numbers shall be placed on all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall clearly contrast with their background. The characters shall be a minimum of 5" high with a ½ " stroke.
24. Prior to final occupancy the applicant shall submit an 8-1/2" x 11" reduced copy of the floor plan and site plan for updating Fire Departments response books
25. Fire Extinguishers: The minimum fire-extinguisher requirement shall be one portable, wall-mounted for each retail space in such locations so that maximum floor travel distance does not exceed 75' to the nearest extinguisher from any portion of the building with a maximum of 3,000 square feet of floor area surveyed. Fire extinguishers listed above, will be required on site during construction.
26. Automatic Fire-Alarm Systems: Sprinkler systems shall be installed in accordance with Morro Bay Municipal Code Section 14.60.200, in all new structures along the waterfront in compliance with appropriate Uniform Building Code Standards, regardless of area separation or where

required by National Fire Protection Association (NFPA) Standards, and other standards adopted by the jurisdiction.

27. Refuse Containers: Trash enclosures must comply with the 1994 Uniform Fire Code Article 1103.2.2. Dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings, public walkways (if feasible), or combustible roof eave lines.
28. Fire Alarms: For fire alarm systems employing automatic Fire detectors or waterflow detection devices, at least one fire alarm box shall be provided to initiate a fire alarm signal. This fire alarm box (pull station) shall be located where required by the authority having jurisdiction.
29. An approved audible sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location. Action of the alarm shall be as set forth in UBC Standard N0. 9-1.

CONCEPT PLAN CONDITIONS

30. The applicant shall revise and/or supplement plans to reflect the necessary changes to the project site and/or nearby properties to comply with the all city standards. This may include but not be limited to parking lot re-configuration, more knowledge about the above ground fuel tanks and pocket park concept, reflect the Harborwalk plan, and any other topics mentioned in the report and discussed at the meetings.

ENVIRONMENTAL CONDITIONS

31. The mitigation measures from the final MND are as follows:

AESTHETICS:

- AES-1 The project will comply with all of the required view corridor and building height limitations imposed by the Zoning Ordinance, Local Coastal Plan, and the Waterfront Master Plan. Including opening or removal of roofline between smaller corridor.
- AES-2 The project master plan shall incorporate the added and enhanced public access and view corridors indicated in the project description along with the appropriate signage to inform the public of their right to access these areas. Including but not limited to: a) public view deck above Virg's, b) lateral access boardwalk the length of the water leases of the master plan, c) view corridors between Virg's and Harbor Hut, d) no visual obstructions except for low shrubs, seating benches, and other small scale features to replace the Thai Boat.
- AES-3 In addition to the master plan project description of enhanced views, the project shall also include a public observation area and open public access into the GAFCO outdoor market area with clear signage to inform the public of their right to access this area limited to the same hours as the market. The above ground fuel tank for Virg's shall be temporary and removed when the underground tanks are installed. The Virg's maintenance shed area should be considered as an additional opportunity to increase the public view corridor by potentially maintaining a low profile.
- AES-4 At a noticed public hearing, the Planning Commission shall consider details of the proposed architectural treatment, including landscaping and bulk/scale, and shall require any changes deemed necessary or appropriate to avoid or minimize adverse impacts as viewed from public streets.

- AES-5 Exterior night lighting installed on the project site shall be of a low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent areas. Pole supports shall be of a darker finish to reduce glare.

AIR QUALITY:

- AQ-1 Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. A dust management plan shall include the following:
- a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b. Water trucks or sprinkler systems shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this shall include wetting down such areas in the later morning and after work is completed for the day, and whenever wind exceeds 15 miles per hour.
 - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
 - d. Reduce the amount of the disturbed area where possible.
 - e. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of all soil disturbing activities.
 - f. All paved areas (i.e., roadways, sidewalks, etc.) shall be completed as soon as possible unless seeding or soil binders are used.
 - g. Construction vehicle speeds shall be not exceed 15 mph on any unpaved surface at the site.
- AQ-2 The applicant shall submit their geologic evaluation to APCD for consistency review with the Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations to verify that serpentine rock or any ultramafic rock is not present within proposed disturbance areas prior to commencement of grading activities and grading permit. Subsequent to this finding, an Exemption Request from Section 93105 of the California Code of Regulations-ARB Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations shall be filed with the San Luis Obispo County APCD. In the highly unlikely event that serpentine rock or any ultramafic rock are identified during the geologic evaluation, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measures (ATCM), including preparation of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

BIOLOGICAL RESOURCES:

- BIO-1 Prior to the issuance of a building permit, an approved "otter watcher" shall be under contract or otherwise committed to being on the job site at all times during which the pile driver is in operation. The contract or other written agreement between the applicant and "otter watcher" shall specifically encourage and empower the "otter watcher" to stop work immediately in the event that a sea otter is detected in the project area. The contract, agreement, work scope or similar document shall further specify that no work shall be resumed until after the marine mammal has left the area. With this mitigation, the project would not have a significant impact of animals, or require a state or federal take permit.
- BIO-2 To avoid impacts, all work that disturbs the ocean floor (i.e., installation of pilings) shall be overseen and monitored by the project biologist.
- BIO-3 The shaded eelgrass shall be surveyed prior to construction and after completion to ensure the area has not lost more than anticipated. Concurrence from the federal agencies and obtain all necessary

permits from them before start of construction

- BIO-4 All docks shall be lowered in placed (following assembly) from the existing building site or by water, as stated in the Section 10 authorization from the Army Corp of Engineering.

GEOLOGY/SOILS:

- GEO-1 Grading shall not occur during the wet season (November 1-April 15) unless erosion control devices acceptable to the City Public Works Department are implemented. Silt fencing, straw bales, straw wattles, and/or sand bags shall be used in conjunction with other methods to prevent surface water-induced erosion of on-site soils and siltation offsite.
- GEO-2 The applicant shall provide project-specific soils and geotechnical reports required by the Building Official. Project design and construction shall be consistent with recommendations contained in soils and geology reports, as required by the Building Official.

HAZARDS/HAZARDOUS MATERIALS:

- HAZ-1 To reduce the potential for inadvertent release of fuel from lease areas to aquatic habitats, avoidance of storing all cleaning and refueling materials for equipment and vehicles/vessels near the western property boundary without having proper safe guards in place to prevent a hazardous accident.
- HAZ-2 Sorbent materials, such as booms and drop cloths, should be stored on site to allow a crew member to respond to unplanned spills in a timely manner. Employees shall be briefed on the purpose, application, and location of sorbent materials.
- HAZ-3 All lease sites shall provide the Harbor and Fire Department with a list of hazardous materials used and inform the employees of where clean-up supplies are located in case of accidents that could cause harm to the environment and particularly the water and take necessary measures to prevent such accidents including developing rules and procedures on how and where to handle these materials, routine maintenance on vessels, and passing the performance standards under Resolution 53-06.

HYDROLOGY/WATER QUALITY:

- HYDRO/WQ-1 Implementation of Best Management Practices (BMPs) in accordance with the NPDES Phase 2 Permit requirements for short-term construction shall be required to address erosion impacts at the site. BMPs include but are not limited to the following:
- a. Constructing berms and, if needed, covering sand/gravel stock piles to prevent erosion and offsite transport by stormwater runoff;
 - b. Covering storm drain catch basins within the construction area to prevent sediments and debris from collecting in the basins;
 - c. Sweeping and disposing soils from the work area to prevent offsite transport and/or runoff into storm drains or directly to the Bay;
 - d. Implementing measures to prevent runoff of any debris from cutting, grinding, or welding into the Bay;
 - e. Placing drip pans under mechanical equipment to catch leaks (e.g., fuels and hydraulic fluids); and
 - f. Properly storing or disposing all materials with potentials for polluting stormwater runoff.
- HYDRO/WQ-2 The following measures would be required to address erosion impacts at the project site:
- a. Temporary berms and sedimentation traps, such as silt fencing, shall be installed in association with project grading to minimize erosion of soils and sedimentation

- in the storm drains. The sedimentation basins shall be cleaned as needed and the silt shall be removed and disposed of in a location that shall not impact native habitat, as approved by the City of Morro Bay Public Works Department;
- b. Runoff shall not be directed across exposed slopes. All surface runoff shall be conveyed in accordance with the approved plans; and
 - c. Site grading shall be completed such that permanent drainage away from foundations and slabs is provided and so that water shall not pond near proposed structures or pavements.
 - d. To reduce the potential for inadvertent release of fuel from construction areas to aquatic habitats, avoid all cleaning and refueling of equipment and vehicles near the western property boundary. Stage and refuel vehicles only in appropriately marked construction staging areas, preferably offsite or near Embarcadero.
 - e. Sorbent materials, such as booms and drop cloths, should be stored on site to allow construction crews to respond to unplanned hydrocarbon spills in a timely manner. Construction crews shall be briefed on the purpose, application, and location of sorbent materials prior to project implementation.

LAND USE AND PLANNING:

- LU-1 At a noticed public hearing, the Planning Commission shall consider details of the proposed land use and Measure D consistency, and shall require any changes deemed necessary or appropriate to avoid general plan local coastal plan consistency concerns.

NOISE:

- NOISE-1 Construction activity shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday during Summer and holiday weekends. All other seasons construction hours shall follow the MBMC. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities (e.g., painting, landscaping with hand tools, etc.) are not subject to these restrictions.

TRANSPORTATION:

- TR-1. A Traffic Management Plan (CTMP) shall be implemented during project construction that includes the following:
- a. A minimum of one travel lane shall be maintained in each direction during construction.
 - b. A public awareness program shall be implemented before and during construction providing information on road closures, delays expected during construction, signage and flag persons, brochures, web sites, newspaper, and other notices.
- TR-2. Traffic improvements to the parking lot and circulation routes identified in the plan (as a City project) and Harborwalk plan shall be mitigation for this project in order to maintain feasible circulation.
- TR-3. If the applicant request to not make the parking space improvements that would increase the number of parking spaces by three to accommodate the increase vessel demand (the circulation improvements are required regardless) then they may request to pay three In-Lieu-Fees from the City. In accordance with MBMC §17.44, the applicant shall pay in lieu fees for the total required increase in number of onsite parking spaces demand for the dock and structures.

PLANNING COMMISSION CONDITIONS

32. Restaruant square footage –Equal square footage of the existing resturant (Thai Boat) for the entire resturant space (~952sqft), and (~324sqft) of office space (for marine related businesses) on the upper floor is allowed.
33. The applicant is allowed to modify the project timeline, as feasible, however all of the public improvements shall be within Phase I.
34. Temporary above ground fuel is only allowed until the Thai Boat is removed and the underground tanks are installed, at such time the temporary tanks shall be removed.
35. All structures shall not exceed 25 feet in height, except for existing structures.
36. The 1-foot extension to tie into the South T-Pier is allowed.

CITY COUNCIL CONDITIONS

37. Public access to the floating docks shall be allowed between the hours of 8 a.m. to sunset everyday.



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Go



WHITE
SIGNAGE COLOR



OLIVE GREEN
TRIM COLOR



SANDSTONE
STAMPED CONCRETE



RIVER TEAL
METAL ROOFING



MARINE GREEN - 50

MARINE GREEN



HEATHERED MOSS
HARDI-PLANK SIDING



ATANTICA GREEN
TINTED GLAZING



LARK BLUE

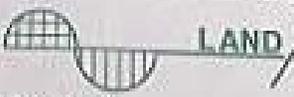


SEA HARVEST
COMMERCIAL CARPET

MORRO BAY LANDING ONSHORE LEASE IMPROVEMENTS

MATERIAL SAMPLE BOARD

LAND / SEA INTERFACE



0013764-007641
Morro Bay Workshop
201 Main St.
Morro Bay, Calif 93442
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- ARCHITECT
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- CONSTRUCTION

MARINE
COMMERCIAL
RESIDENTIAL





CATHY • NOVAK

consulting

May 14, 2015

Ms. Cindy Jacinth
City of Morro Bay Public Services Department
955 Shasta Street
Morro Bay, CA 93442

RE: 1215 Embarcadero Road project – Pole Sign

Dear Cindy,

As per our conversation I wanted to follow up you on the information and previous comments we submitted regarding the pole sign. We are still of the opinion that the City does not have the authority to request that the pole sign be removed as a condition of approval for the Precise Plan. This sign has been previously approved by both the City and CA Coastal Commission as evidenced in the photo simulations and discussed below.

The incomplete application letter that you sent dated January 29, 2015 stated the following: *"Staff has reviewed your response regarding the nonconforming pole sign. The concept plan approvals do not include reference of pole sign approval. Pursuant to Zoning Code 17.68.150B4, "If change of ownership of the business occurs, and no change to the type of business advertised by any nonconforming sign, the new owner may change any name or names on such sign provided there is no change in the sign size, configuration or orientation." Staff has observed that in the time from when the Virg's business moved out, to when the Morro Bay Landing business moved in, there was an extended period of time, when there was no sign up (empty sign can). The sign ordinance allows for nonconforming signs to be taken down for repair, replacement for a period not to exceed 60 days. In this case, the sign can was empty for so long that the image was captured on Google Earth street view (imagery date Feb. 2012). Furthermore, there is currently a blue banner running the length of both sides of the sign pole, which reads, "Sportfishing" that is not allowed. As an illegal non-conforming sign, and as part of the discretionary permit process of the Precise Plan, it is within the Director's authority to appropriately condition the project in a manner that is consistent with the Waterfront Master Plan design guidelines, General Plan and Local*

GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

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Coastal Program. A sign of this magnitude is not consistent with the character of the working fishing village.”

Our response to your comments is as follows:

Nonconforming Pole Sign: I appreciate your comments regarding the pole sign and the ordinance section you provided however, I must respectfully disagree with your conclusion that the sign must be removed. First you indicated that there was no sign up (empty sign can) for an extended period of time during the transition from Virg's to Morro Bay Landing and that the sign has exceeded the allowable time of 60 days per the Zoning Ordinance for a nonconforming sign to be taken down for repair. The Zoning Ordinance section for which you refer to is section 17.68.150 B.1 and states, "Such sign may be removed for purposes of repair and routine maintenance, including painting, provided such sign is replaced within sixty days of its removal". The intent of this section is to allow businesses to take down the structure for repairs, painting or maintenance and then be able to replace it as a non-conforming use as long as it doesn't exceed the 60 days. This section applies only to the "sign" and not to the sign face or display surface. Also in B.2, it says that minor sign face changes are permitted which clearly delineates that there is a difference between the "sign" and "sign face". The "sign" that you referred to was only the sign face or display and had nothing to do with the actual structure that was in place.

Furthermore, the Zoning Ordinance is clear as to what constitutes a "sign" by way of the definitions in two separate sections. It is also very clear that there is a difference between the sign and sign face. The sections from the Zoning Ordinance are as follows:

- a. 17.12.580 - Signs. "Signs" means any display or structure as defined in Chapter 14.64 of this code.
- b. 17.68.020 - Definitions.
"Changeable copy sign" means a sign designed so that characters, letters or illustrations can be changed or rearranged without substantially altering the face or the surface of the sign.

"Display surface" means the area made available by the sign structure for the purpose of making visible the advertising message.

"Sign" means any medium, including its structure and component parts, which is primarily used for, or having the effect of attracting

attention from streets, parking lots, sidewalks or other outside public private areas.

Therefore based upon the Zoning Ordinance, the “sign” structure (in this case the metal frame) has **not** been taken down for an extended period of time and is not in violation of the City codes.

Second, the blue banner currently on the sign pole is not a matter for the incomplete letter but should be dealt with as a separate issue with the applicant.

Third, the original project approvals deemed this project consistent with City codes and the Waterfront Master Plan. As part of the presentation of this project for both the City and Coastal Commission, there were several photo simulations that were provided. Specifically, I have attached simulations and a sketch that were done and presented both to the City and Coastal Commission that clearly show the pole sign remaining as part of this approved project. These simulations were presented at the Planning Commission January 2008 meeting, Coastal Commission June 2009 meeting and Planning Commission June 2010 meeting. Since the pole sign was incorporated into the approvals of this project prior to this time, it is not appropriate for the City to reverse the course and determine that this sign is an illegal non-conforming sign and therefore must be removed. The sign is a non-conforming use however; it complies with all City codes that govern this use.

Fourth, the applicant installed the new sign face/display in July 2013. Prior to the installation, the applicant went to the City to apply for a sign permit and was told that none was needed since he was just changing the copy on the sign. So in the end, the installation of the new sign face was done without a permit with City permission.

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

Sincerely,

Cathy Novak

Cathy Novak

Project representative

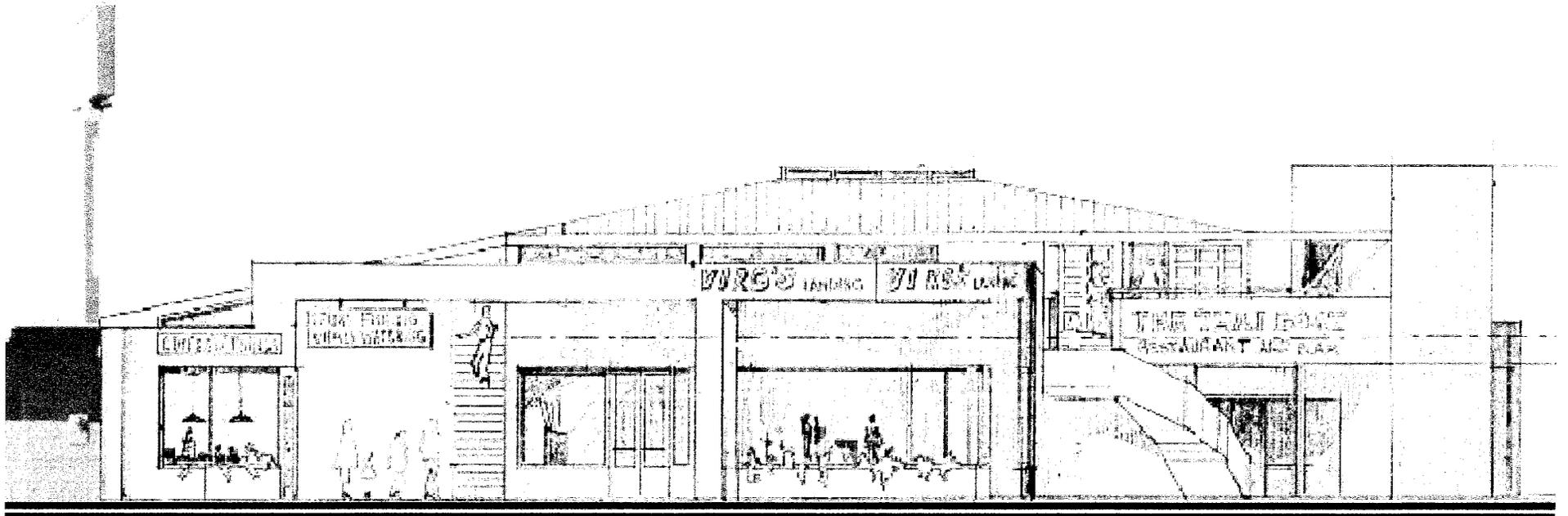
cc: Mr. Bob Fowler
Mr. Gene Doughty

Exhibit J - Concept Plan Simulations

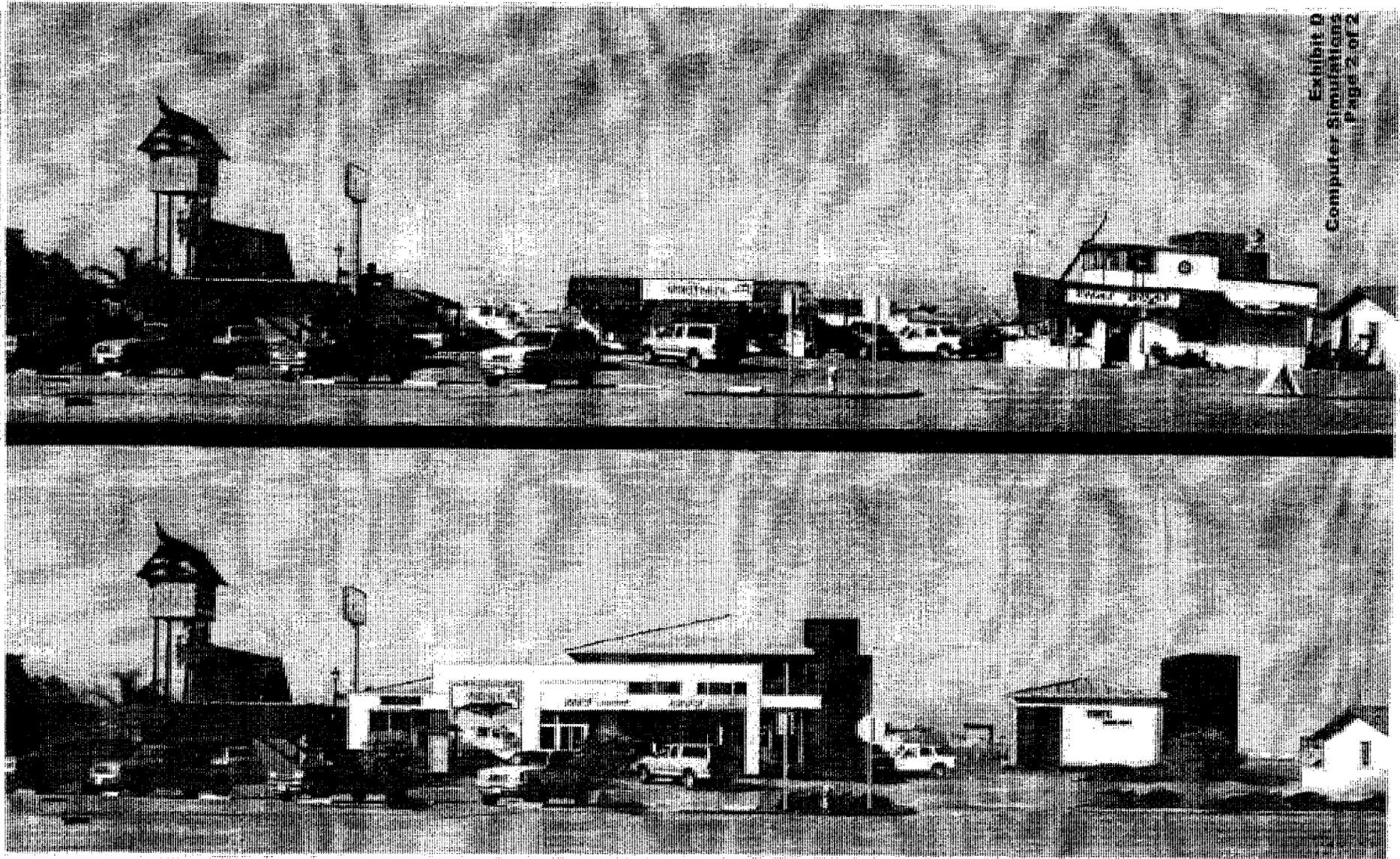


Embarcadero Simulation May 2007

Exhibit J - Concept Plan Simulations



Planning Commission Presentation January 22, 2008





Staff Report

AGENDA NO: C-1

MEETING DATE: May 19, 2015

TO: Planning Commissioners

DATE: May 13, 2015

FROM: Community Development Manager

SUBJECT: Review of Draft Design Guidelines.

RECOMMENDATION:

Staff recommends that the Planning Commission review the revised Draft Design Guidelines and provide direction to staff.

PROJECT DESCRIPTION:

The Planning Commission reviewed the Draft Design Guidelines at the May 5, 2015 Planning Commission meeting and provided direction to add a Glossary section and to update the language in sections A, D-3, E-2, and H-1. Staff has updated the noted sections and provided some additional clean up language to improve clarity. All changes have been made in edit format so the Commission can see the revisions. The Commission also expressed a desire to develop solar access language and possibly to revisit hillside guidelines; however, the direction for these two items was somewhat unclear and Staff requests clarification moving forward.

CONCLUSION

Staff completed most of the edits directed by the Commission at the May 5th meeting. Additional direction is requested on the solar access and hillside development policies and work continues on the Glossary and formatting of the overall document.

Staff has scheduled a workshop on Saturday May 16, 2015 at the Vets Hall to provide an additional opportunity for the public to provide input into the process. A workshop update will be provided to the Commission at the Planning Commission meeting.

Moving forward, the intent is to bring the finalized Guidelines to the Planning Commission on June 2, 2015 for recommendation to the City Council. The City Council is scheduled to review the Draft Guidelines at their June 9, 2015 City Council meeting.

ATTACHMENTS:

Exhibit 1 – Draft Design Guidelines

Prepared By: SG

Dept Review: SG



DRAFT City of Morro Bay Interim Design Guidelines

Residential



SGraham 2015

DRAFT City of Morro Bay Interim Design Guidelines

Residential

Acknowledgements

City Council

Planning Commission

Michael Lucas, Commissioner
Gerald Luhr, Commissioner
Richard Sadowski, Commissioner
Katherine Sorenson, Commissioner
Robert Tefft, Chairperson

City Staff

Rob Livick, Public Services Director/City Engineer
Scot Graham, Community Development Manager

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- B. Scale and Mass
- C. Surface Articulation
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- E. Garage Placement and Design
- F. Building Materials
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- H. Additions to Existing Homes
- I. Privacy
- [J. Landscaping](#)
- [J.K. Glossary](#)

INTRODUCTION

Purpose of the Guidelines

The purpose of the Interim Design Guidelines is to maintain the high quality of the City of Morro Bay's neighborhoods by developing reasonable, sound and objective guidance to assist residents, homeowners, and designers in identifying the key design features and components that define the character of a neighborhood that can then be utilized in designing new or remodeled single family homes.

Neighborhood compatibility is generally represented by how a neighborhood looks and feels. The basic features that help define a neighborhood include: landscaping, pedestrian routes, street improvements, building material, architectural style, home size, scale, bulk, proximity of homes to one another, building height, and setbacks.

A majority of the neighborhoods in Morro Bay contain a wide variety of architectural styles, which helps focus policy language on scale, height, bulk and consistency or integrity of the chosen architectural style.

The intent behind implementation of design guidelines is to conduct design review on all single family residential construction (additions included). The guidelines are meant to implement the neighborhood compatibility policies found in the General Plan and Local Coastal Plan and as such, serve as a basis to provide consistent design review by both City Staff and the Planning Commission.

By applying the Design Guidelines as part of the project review process, The City of Morro Bay, has the opportunity to provide positive, constructive direction to development within the City. The Design Guidelines can save time, facilitate a positive response to community concerns about development proposals, avoid divisive controversy, reduce unnecessary delays and expenses, and most importantly, achieve high quality designs and more livable neighborhoods.

Single Family Residential Design Guidelines

The following guidelines are not meant to encompass the entire range of design possibilities, but instead are meant to provide basic guidance as to what is expected when development is proposed. The policies are not meant to discourage innovative designs nor encourage any specific style or design concept. Variations from these guidelines ~~will~~ should be considered when proposed project elements provide for a better project than would be possible adhering to the specific direction provided within the guidelines.

Design Guidelines

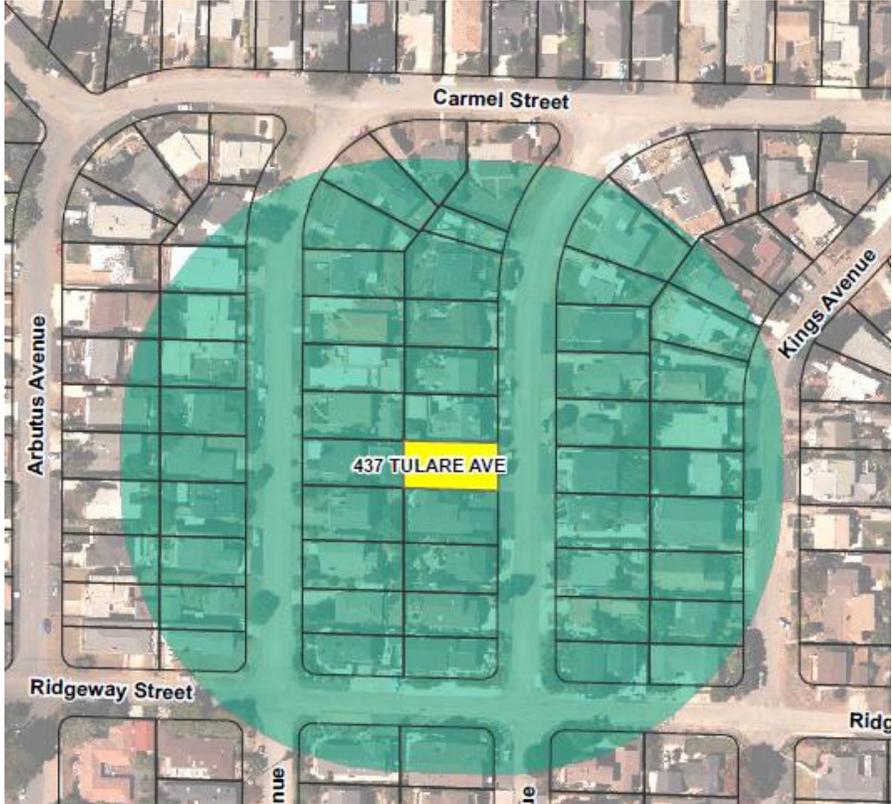
A. Relationship to Homes in Immediate Neighborhood

1. The overall design of the home should pay particular attention to the adjacent homes while remaining visually compatible with the immediate neighborhood.
2. Maintain architectural integrity with design and material consistency on all facades.
3. When replacing or changing the exterior materials, use materials compatible with homes in the surrounding area.
4. Entryways or features, such as front doors and porches should be visible from the street. Use of tall walls, ~~or~~ fences, ~~and~~ landscaping or other design elements that block view of the entry should be avoided.

Utilize figure 1 below when determining what constitutes the immediate neighborhood within a standard subdivision. For consideration of neighborhood compatibility, greater weight should be given to the character of existing development closer to a proposed project than to more distant portions of the neighborhood. There are factors where the diagram may not be applicable including, but not limited to, location and visibility of the building (e.g., terrain of the lot, lots with multiple frontages, small lot sizes). ***Should questions arise regarding what constitutes the "Immediate Neighborhood" please consult***

City Staff.

Figure 1. Immediate Neighborhood Map Example (300 Foot Radius).

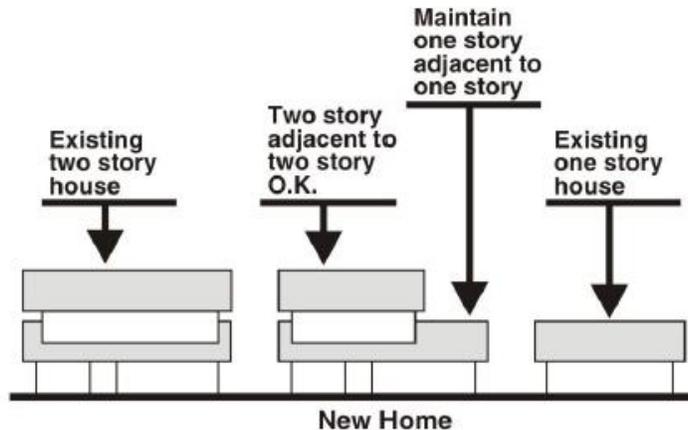


B. Scale and Mass

Building scale refers to the proportional relationship of a structure to objects/structures next to it. Mass is basically the size of a structure.

1. The perceived scale and mass of a home design should be compatible with homes in the nearby area. Features that accentuate the size of the home should be minimized so that it does not appear significantly larger than adjacent homes. Special attention should be given to the three dimensional massing of a project, with emphasis given to those elevations visible from the public way. Vantage points, other than street frontages may also be important for corner, hillside and bluff top lots and lots adjacent to parks or other public open space areas.

Figure 2. Placement options for second story when adjacent to single story home



2. The perceived scale and mass of a proposed addition to an existing residence should be of similar form and shape as those of the original home.
3. Blocks where single story houses or small two story homes are the predominant block pattern, a second story may require special attention. Scale may be minimized by employing one or more of the following technique's:
 - a. Limit the house profile of the expanded or new home to an area generally consistent with the profiles of the existing homes.
 - b. Setting the second floor back from the front and sides of the first story a distance sufficient to reduce apparent overall scale of the building.
 - c. Limit the size of the second story relative to the first story.
 - d. Increase the front and/or side setbacks for the entire structure
 - e. Place at least 60 to 70 percent of the second floor area over the back half of the first story.

- f. Slopeing the new roof away from the adjacent homes.
- g. Incorporate the second story into the roof.

Figures 3 & 4 demonstrate incorporation of second floor into the roof helping to relate larger homes to smaller neighbors



Figure 4.



Figure 5. Second floor is pulled into the center of the roof providing a setback from the building edges helping to maintain adequate space, light and sense of openness to the adjacent residences.

C. Surface Articulation

Residences should be designed with relief in building facades. Long unarticulated wall and roof planes should be avoided, especially on two story elevations.

1. Changes within the wall and roof planes can be accomplished when one of the forms is setback several feet or when a gable end fronts the street and through the use of porches that run across the street facing elevation of the home.
2. Changes within the wall and roof planes can also be achieved through the use of various textures and materials. This can be seen in the use of horizontal wood lap siding, wood trim around windows and doors, shingle textures on the roof, deep recessed entries, use of roof segments separating the first and second floor facades.

Figure 6. Changes in wall plane and second floor step backs are utilized as well as a mix of materials and use of recessed areas help achieve relief in the building facade

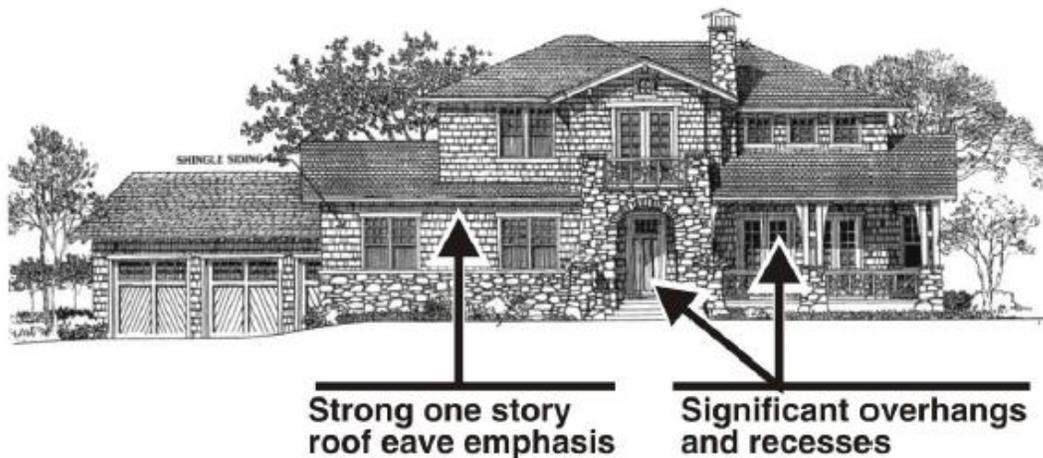




Figure 7. Design exhibits use of differing wall planes, two story entry element and covered porch to break up the front facade.

D. Building Orientation

1. Residences should contain visible front entryways, in scale with neighboring properties and oriented toward the public street.



Figure 8. Avoid exaggerated tall entries like this



Figure 9 & 10. Avoid formal entries in neighborhoods with informal homes (above) and in neighborhoods where entries are located under roof eaves as shown in the ranch style example below.



2. New/remodeled~~Avoid~~ structures with~~should not present~~ height or~~and~~ bulk at front and side setback lines which is~~are~~ significantly greater than those of the adjacent homes.



Figure 11. Homes with differing bulk and massing along front facade

3. Homes should be located on the lot in a similar manner as adjacent homes and within the applicable setback requirements.



Figure 12. Homes with similar setbacks on the street frontage

4. In cases where setbacks are similar varied in the neighborhood, new homes should match those of adjacent homes.

- Where adjacent homes have differing setbacks, the setback of the new home should be the try placing the home such that it uses an average of the two on either side.

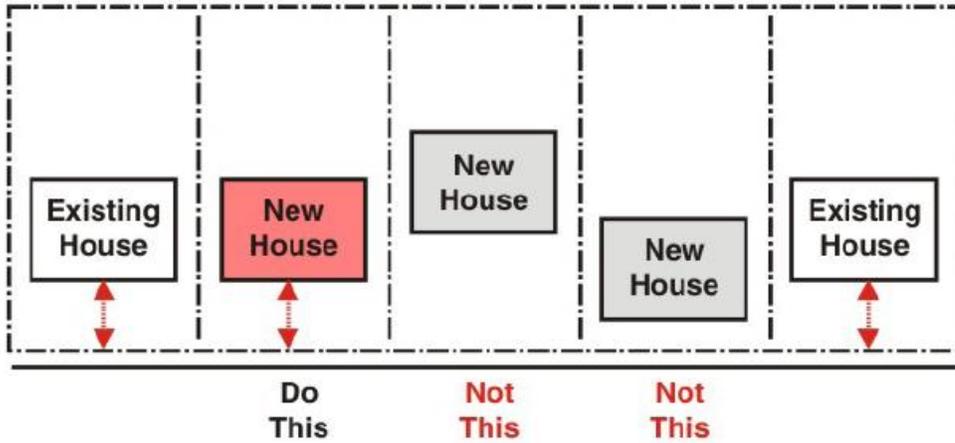


Figure 13. Utilize average of surrounding setbacks for locating new homes

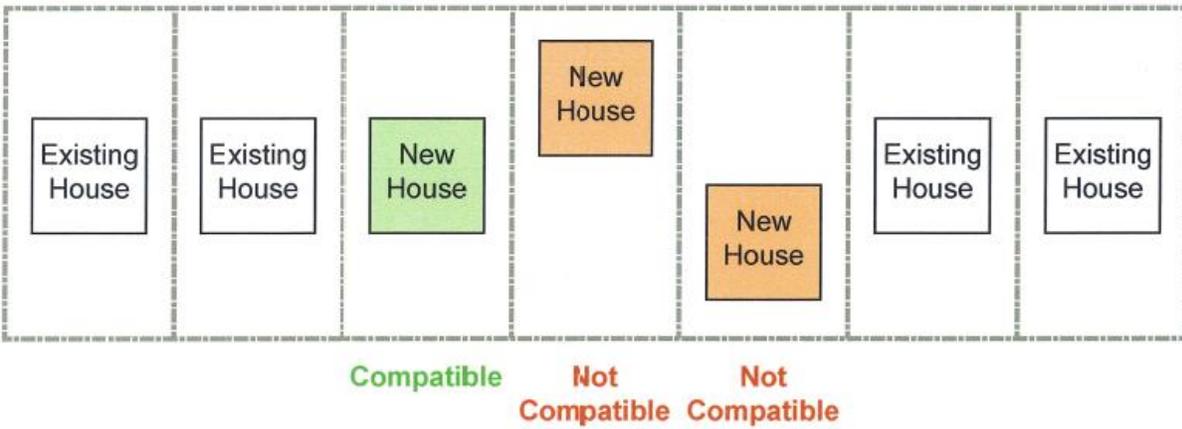


Figure 13a. In neighborhood where existing homes have consistent setbacks, new construction should match the siting of adjacent home.

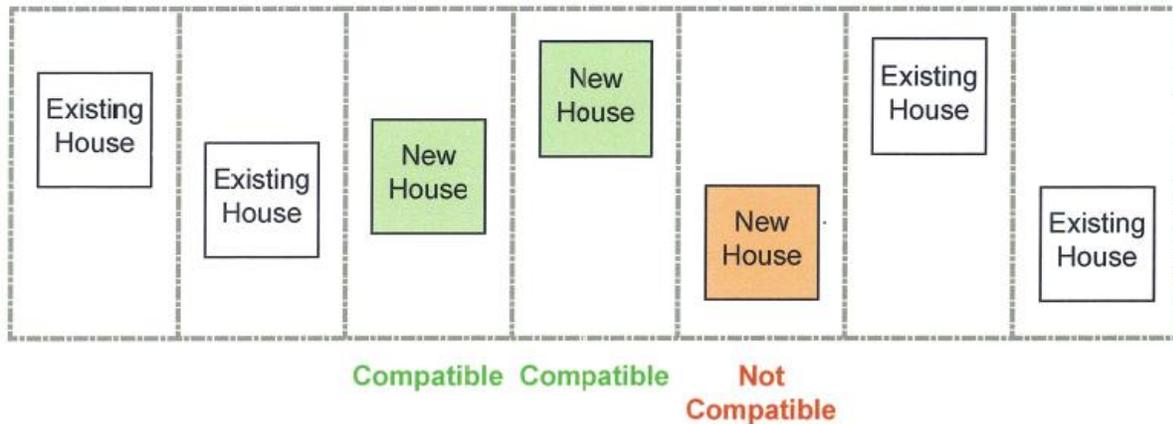


Figure 13b. In neighborhoods where existing homes have varied setbacks, the siting of new construction should be equal to or greater than the average setback of adjacent homes.

Exception to Averaging: Where the adjacent lots have a nonconforming setback, the applicant may have the option of conforming to the required zoning setback. In some instances, a varied setback from the neighborhood pattern may be necessary or appropriate (Such lot constraints include topography, trees, creeks, lot size and Environmental Sensitive Habitat).

E. Garage Placement and Design

The living area of a home should be the most prominent feature of the front façade. Garage doors can have a noticeably negative impact to the street facing elevation of a home. To reduce the prominence of garages and driveways, home designs should incorporate a least one of the measures below.

1. Garages placed along the front elevation of a home should not exceed 50% of the linear front elevation width where possible. The remainder of the front elevation should be devoted to living area or a porch.
2. Garages exceeding 50% of the linear front elevation should include one or more of the following design options:
 - a. Recess garage from the front wall of the house a minimum of 5'
 - b. Provide an entry porch trellis extending in front of the face of the garage.
 - c. If the garage is the dominant feature from the street frontage, it should be designed with architectural and visual interest.

Figure 13. Limiting driveway width of garages and setting them back from the front façade can minimize visual impact



Figures 14 – 18 provide examples of Decorative Garage Door ideas:

Figure 14.



Figure 15.



Figure 16.



Figure 17.



Figure 18.

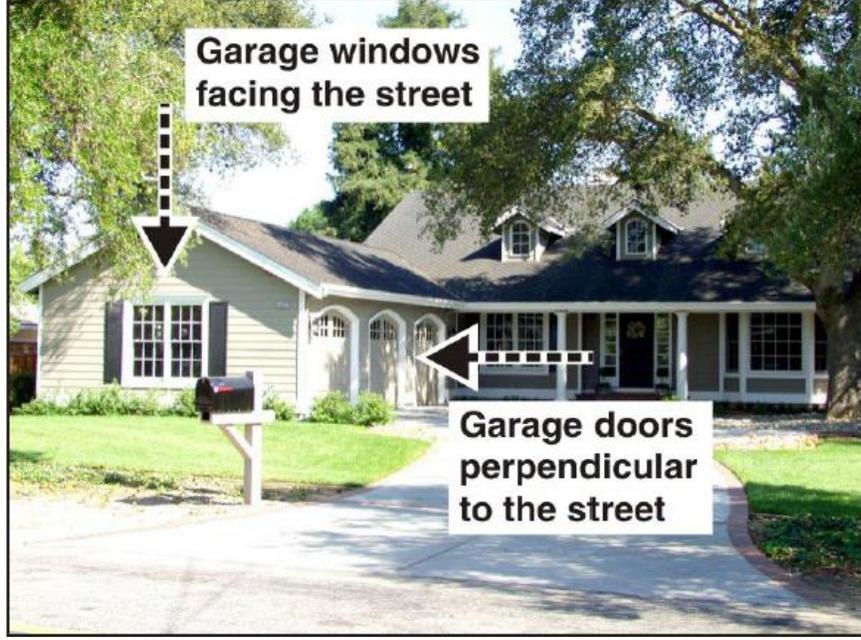


3. [Orient garage entries should be oriented](#) away from the street where possible. This can be accomplished through placement of the garage at the rear of property or through use of a side loaded garage.

Figure 19. Narrow driveway with garage located toward the rear of the property



Figure 20. Side loaded garage help minimize the visual impact of larger garages on the streetscape



- 4. Mitigate the impact of driveways on the street scape [by](#):
 - a. Limiting width of curb cuts to the minimum size needed to access

the garage. This preserves on street parking and reduces paving in the front yard.

- b. Utilizinge decorative paving materials, permeable pavers or special patterns or colors to break up paved driveway areas in front setbacks.
- c. Utilizinge single width driveways or make us of “Hollywood” driveways (see below).

Figure 21. Hollywood Driveway Design for single car garage



Figure 22. Hollywood driveway design for two car garage



Figures 23 – 27 provide examples of permeable paver drive options

Figure 23.



Figure 24.



Figure 25.



Figure 26.



Figure 27.



5. Other similar features as approved by the review authority.

F. Building Materials

Building materials should be consistently applied and shall be harmonious with adjacent materials. Changes in materials or colors should not occur on the same wall plane. Piecemeal and frequent changes in building materials should be avoided.

1. When using a mix of material, avoid using too many materials.
2. Avoid using an even split of materials (i.e. 50/50) on facades.
- 1.3. It is preferred to have one material as the dominant surface with the second material utilized in a lesser or accent role.

Figure 28. Example of utilizing a mix of materials.

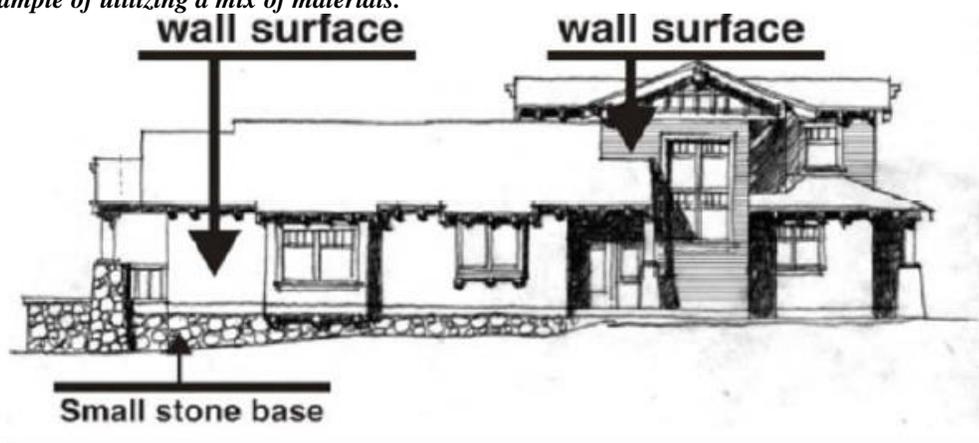


Figure 29. Use of complimentary building materials and color palette enhances building design



| *G. Architectural Elements*

The architectural elements of a building include openings, doors, windows and architectural features such as roof elements, columns and dormers.

1. Architectural Elements within the design should be in proportion to the overall home design.

2. Architectural Elements should also be balanced on the building elevation. One option to achieve balance is through the vertical and horizontal alignment of the elements.

Figure 30. Some architectural styles require simple shapes and formal symmetry of the door and windows



Figure 31. Avoid too many building elements competing for attention



H. Additions to Existing Homes

1. The design of the addition should be consistent with the materials and architectural elements utilized in the existing home [and adjacent neighborhood](#). If differing materials or styles are chosen for the addition they should be complimentary in nature.
2. Second floor additions should integrate seamlessly into the overall design of the home. The addition should look like an original part of the home.

Figure 32. Original single story home



Figure 33. Incorporating a second floor addition into the roof adds the desired space while respecting the integrity of the existing house and the scale of the neighborhood.



3. Rooflines of the addition should be compatible with the roof slope of the existing

house.

~~4. Exterior materials of an addition should match or be harmonious with the materials used on the remainder of the structure~~

5.4. New windows and other architectural elements should be compatible with the shape, pattern, style, color and materials of the original architectural elements. If all windows are replaced, the new windows should be compatible with the architectural style of the home.

Figure 34. Addition incorporated into the roof, but roofing material is not consistent with architectural style of the existing residence.



I. Privacy. Minimize privacy intrusions on adjacent residences.

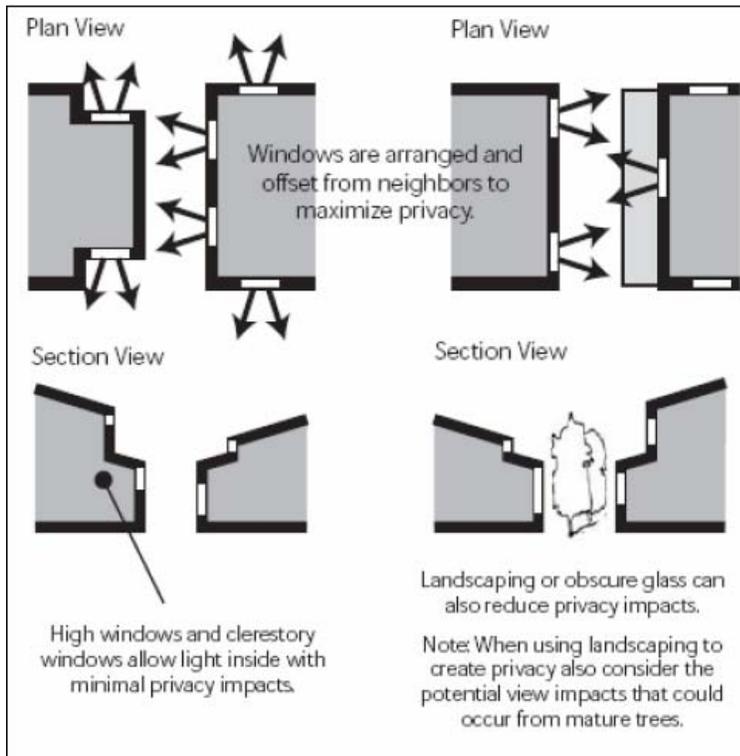
While it may not be possible to ensure complete privacy between homes, given the small lot sizes in the City, designs should attempt to lessen the impacts as much as possible. Possible options for reducing privacy conflicts are noted below.

1. Place Windows should be placed so as to minimize views into the living spaces

and yard spaces near neighboring homes.

2. When placing windows in side building walls, offset or stagger windows locations | to avoid looking directly into a neighboring room.
3. Where potential privacy issues exist, ~~utilize~~ smaller windows should be utilized to | help minimize the perception of privacy invasion.
4. Other options for reducing privacy impacts between neighboring residences include: use of appropriate landscaping, designing sill height above eye level or utilizing frosted or textured glass to reduce visual exposure.
5. Second floor decks and balconies should be designed and located with consideration given to the privacy of adjoining properties.

Figure 35. Design options for reducing privacy impacts



J. Landscaping

Landscape plans associated with submittals for new single family homes should [incorporate/reflect](#) the following:

1. [Select D](#)drought tolerant plant species that require little to no fertilizer, herbicides, and pesticides.
2. [Use P](#)plants appropriate for the sites characteristics; sun exposure, wind, soil moisture, and existing vegetation.
3. ~~Install efficient drip irrigation systems that make use of soil moisture meters, and rain and wind shutoff devices to reduce water consumption.~~
- 4.3. [Utilize N](#)on-invasive plant species, particularly near creeks, drainages or existing native vegetation. Plantings should be sited such that they will not interfere with onsite utility lines, including water and sewer lines.

- 5.4. Siting of trees~~Tree should be sited carefully~~ to avoid unnecessarily obstructing views from adjacent properties. In view sensitive areas, trees should either be maintained at a height not exceed the maximum height of the zone district or trees should be chosen that do not exceed a mature height that exceeds the maximum height of the zone district. Existing mature trees are exempted from this policy.
- 6.5. ~~Where~~ Street trees are required in association with new development, trees should be chosen from the City's approved street tree list.
- 7.6. ~~Preserve~~ Mature landscaping where possible, paying special attention to the preservation of mature healthy trees.
7. Efficient drip irrigation systems that make use of soil moisture meters, and rain and wind shutoff devices to reduce water consumption.

| [K. Glossary.](#)



AGENDA NO: D-1

MEETING DATE: May 19, 2015

Staff Report

TO: Planning Commissioners **DATE:** May 14, 2015

FROM: Scot Graham, Community Development Manager

SUBJECT: Discussion of Site Posting Options for Public Noticing Requirements

RECOMMENDATION:

The City Council, at their April 14, 2015 meeting, directed Staff to review the City's project notification requirements with the Planning Commission. Staff recommends the Planning Commission review the attached information regarding project notification and site posting options relative to the City's public noticing requirements and provide direction to staff to return with an interpretation memo and resolution for adoption of interpretation.

BACKGROUND:

Current Notice/Posting Requirements

The City's Zoning Code requirements for public noticing for planning permit applications are found in Section 17.60.110 under Notice and Hearing. This section states:

“17.60.110 - Notice and hearing. A public hearing shall be held on any application for a regular use permit or variance, except permits and variances on which the zoning administrator is specifically authorized to act. Notice of such hearing shall be given, not less than ten days prior to such hearing, by publication in a newspaper of general circulation, and by mailing, postage prepaid, a notice of the time and place of such hearing to all persons whose names and addresses appear on the latest adopted tax roll, or as known to the city clerk, as owning property within a distance of three hundred feet from the exterior boundaries of the area occupied, or to be occupied, by the use which is the subject of the hearing. Such notice shall set forth a general description of the property affected and the nature of the proposed use or variance.”

For public hearing action items, the Community Development Department conducts noticing in a 3 step process:

Prepared By: _____ Department Review: _____

1. A notice is prepared and published in the Tribune newspaper legal section 10 days prior to hearing;
2. A postcard notice is sent to all owners and occupants within 300 feet of the subject property 10 days prior to the hearing.
3. A site notice is prepared on 11" x 17" paper with a description of the project and two images to illustrate the proposed project, typically a site plan image and an elevation image. Site is posted 10 days prior to the hearing.

The Zoning Ordinance also specifies noticing requirements for Amendments in Section 17.64. For planning permit applications that would affect more than 1,000 persons, this Section specifies that the City may provide notice by placing a 1/8th page display advertisement in a local newspaper.

DISCUSSION:

Options for Increasing Noticing/Posting Requirements.

1. Increase mailing radius from 300' to 500' feet
2. Increase timeframe for noticing from 10 days to 15-days for both mailing and site posting.
3. Increase size of posting sign to an 18" x 24" corrugated plastic sign
4. Utilize Brightly colored sign
5. Incorporate a pre-application neighborhood consultation requirement, by applicant, into the process.

The items noted above are discussed in greater detail below.

1. Mailing Notice. Increase mailing notification radius from 300' to 500'

The Planning Commission expressed a desire, at the May 5, 2015 meeting, to temporarily increase the mailing radius to 500'. Additional radius should apply to:

- a. all projects
- b. all commercial projects
- c. project with second story additions only
- d. residential projects that exceed 2,500 square feet in size (new or addition)

2. Increased noticing timeframe - 10 to 15 days for mailings and site postings

Extending the noticing timeframe provides a longer review period and increases the likelihood that the neighbors will become aware of the project.

3 & 4. Use Larger Colored Notification Sign- increase size of notification sign from 11” x 17” to 24” x 18” and utilize brightly colored corrugated plastic.

The Planning Commission, at the May 5, 2015, expressed a general preference for increasing sign posting size. A practice utilized by many jurisdictions is to create a City sign template, choose a bright sign color and purchase the signs for distribution and posting by the applicant. This would ensure that all signs look the same and contain the same information. There is also typically a sign posting affidavit of some type. The County of Santa Barbara has a fairly simple and straightforward sign posting program (See Exhibit C).

5. Pre-application neighbor notification – Include requirement for the applicant to conduct pre-application outreach to the neighbors.

Some jurisdictions have moved to requiring a pre-application outreach effort on the part of the applicant. If the Commission were to be interested in adding this type of outreach effort, some discussion should take place with regard to the following:

- a. Should outreach apply to all projects
- b. Should outreach be required for second floor additions only
- c. Should outreach apply to all commercial development
- d. Should outreach apply to all homes exceeding 2,500 square feet (new and/or additions) in size

The City of Rancho Palos Verdes has such a program and the associated forms are attached as Exhibits D.

ZONING ORDINANCE AUTHORITY:

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

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

CONCLUSION:

Staff recommends that Planning Commission review the information and attachments presented in this staff report for purposes of discussion and provide direction to staff to return with an interpretation memo for possible future adoption.

ATTACHMENTS:

- A. Sample Site Posting Notice
- B. Legal Noticing Checklist used by staff
- C. Santa Barbara County Sign Posting Requirement
- D. Rancho Palos Verdes Neighbor Consultation Form



CITY OF MORRO BAY

LEGAL NOTICING REQUIREMENTS CHECKLIST

Community Development Department
 Planning Division
 955 Shasta Avenue
 Morro Bay, CA 93442
 (805) 772-6264

Date and initial when completed. Place checklist with attachments in project address file.
 Date: _____
 Initials: _____

| | | |
|---|---|--------------------------------|
| Application Case Number: | | |
| Site Location: | | |
| Additional Mailings (check box when completed) | | |
| <input type="checkbox"/> Applicant | Name: _____ | |
| | Address: _____ | |
| <input type="checkbox"/> Agent | Name: _____ | |
| | Address: _____ | |
| <input checked="" type="checkbox"/> Coastal Commission | Name: California Coastal Commission | |
| | Address: 725 Front St., Suite 300, Santa Cruz, CA 95060 | |
| <input type="checkbox"/> Other Interested Parties | Name: _____ | Name: _____ |
| | Address: _____ | Address: _____ |
| Buffer Information | | |
| Submit Mailing Labels Required for the Public Notice | Property Owners | Occupants of Structures |
| <input type="checkbox"/> Coastal Development Permit | | |
| <input type="checkbox"/> Administrative | Within 100 Feet | Within 100 Feet |
| <input type="checkbox"/> Regular | Within 300 Feet | Within 300 Feet |
| <input type="checkbox"/> Conditional Use Permit | Within 300 Feet | Within 300 Feet |
| <input type="checkbox"/> Minor Use Permit | Within 300 Feet | Within 300 Feet |
| <input type="checkbox"/> Special Use Permit | Within 300 Feet | Within 300 Feet |
| <input type="checkbox"/> Variance | Within 300 Feet | Within 300 Feet |
| <input type="checkbox"/> Tentative Map (Combine with CDP/CUP) | Within 300 Feet | Within 100 Feet |
| <input type="checkbox"/> Parcel Map (Combine with CDP/CUP) | Within 300 Feet | Within 100 Feet |
| <input type="checkbox"/> Tract Map (Combine with CDP/CUP) | Within 300 Feet | Within 100 Feet |
| <input type="checkbox"/> Other: _____ | _____ | _____ |
| Site Notices | | |
| <input type="checkbox"/> Notices posted at Public Services, City Hall, and Library kiosks | | |
| <input type="checkbox"/> Site Notice posted at Site Location (to be done by Planner) | | |



City of Santa Barbara

ON-SITE NOTICE POSTING INSTRUCTIONS

(To Be Distributed with Posting Materials)

The public noticing requirements (SBMC §28.87.380) allow the City to require a posted notice on the project site as an additional method of providing notice to the public of an upcoming hearing.

At the time of submittal for a project that is required to be noticed, Staff will provide the applicant with a yellow on-site posting sign and a metal stake on which to mount the sign. The applicant is responsible for installation of the on-site posting sign, following the directions below.

1. On the yellow sign, fill in the following information in large printed letters using a **BLACK** permanent marker (*see example below*):
 - a. Project Address
 - b. Case Number (MST #)
 - c. Applicant's Name & Phone Number
 - d. Staff Contact - If the project has been assigned a Case Planner, please provide their name. Otherwise please list one of the following: ABR Staff, HLC Staff, or SFDB Staff.
 - e. Date that the notice was first posted on the site.
2. The sign must be placed within two feet (2') of the property line of the subject site, so that it can be easily viewed from the public right-of-way. For properties accessed only by a private easement, post the sign on the easement so that it is clearly visible from the closest public roadway.
3. The applicant must install the sign at the site no later than ten (10) days prior to the first public hearing date.

Note: The on-site notice may be removed between required, noticed public hearings, although you are encouraged to keep it up during the entire planning review process. Please **KEEP** the sign and metal stake given to you for installation of the sign, as they will be used for the next noticed, public hearing. If you wish to recycle the metal stake, you may return it to the Planning & Zoning Counter.

Example Sign:

| | |
|--|--------------------------------|
| | <h2>NOTICE OF DEVELOPMENT</h2> |
| <p>A PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE IS ON FILE WITH THE CITY OF SANTA BARBARA</p> | |
| Address: <u>630 Garden Street</u> | Case # MST: <u>2009-00121</u> |
| Applicant: <u>John Doe</u> | Phone: <u>(123) 555-1212</u> |
| Staff Contact: <u>HLC Staff</u> | Date Posted: <u>4/9/09</u> |
| <p>For more information, please contact (Para información sobre este permiso de desarrollo favor de llamar): City of Santa Barbara Planning Division at (805) 564-5470 www.SantaBarbaraCA.gov → "Find Permit Status"</p> | |

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City of Santa Barbara
ON-SITE NOTICE POSTING AFFIDAVIT

STATE OF CALIFORNIA)

COUNTY OF SANTA BARBARA) ss.

CITY OF SANTA BARBARA)

I, _____ hereby certify that I have received, read, and
(Print Name)
understand the requirements as outlined in the “On-Site Notice Posting Instructions” handout. I
understand that I am responsible for assuring that the site is posted 10 days prior to each public hearing
for the subject property located at _____
(Address)
_____.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNED: _____
(Signature)

NAME: _____
(Print Name)

ADDRESS: _____

EMAIL: _____

PHONE: _____

DATE: _____

\\Comdevsvr\comdev\Group Folders\PLAN\Handouts\Official Handouts\Zoning\On-Site Notice Posting Instructions.docx

Original: 8/16/2013 3:47:00 PM Revised 8/19/2013 2:02:00 PM



NEIGHBORHOOD COMPATIBILITY PRE-APPLICATION MEETING NOTICE

Date: _____

Dear Neighbor:

This notice is to inform you that I am contemplating the construction of the following project at the following address: _____

Pursuant to Section 17.02.030 of the Rancho Palos Verdes Municipal Code (RPVMC) the contemplated project is required to comply with the City's Neighborhood Compatibility requirement.

According to Rancho Palos Verdes' Neighborhood Compatibility Guidelines, the City strongly encourages input from the immediate neighbors (20 closest property owners) early in the development process. Therefore, as recommended by the City, I plan to have a pre-application meeting to provide you with an opportunity to review the project plans and to identify any concerns you may have. The pre-application neighborhood meeting will occur on:

(insert meeting date) _____

(insert meeting time) _____

(insert meeting location) _____

Your attendance is strongly encouraged so that we may discuss potential concerns and impacts the contemplated project may create. Your attendance and input at the pre-application neighborhood meeting would be useful and appreciated. I can be reached at the following number _____ for confirmation or any other related matters or questions.

Sincerely,

(insert name)



NEIGHBORHOOD COMPATIBILITY CONSULTATION FORM

PROJECT ADDRESS: _____

APPLICANT: _____

APPLICANT'S PHONE NUMBER: _____

THE FOLLOWING PROPERTY OWNERS WERE NOTIFIED, AS PART OF THE CITY'S RECOMMENDED PRE-APPLICATION PROCESS, OF OUR INTENT TO SUBMIT A PROJECT APPLICATION REQUIRING THE NEIGHBORHOOD COMPATIBILITY ANALYSIS. THIS PROJECT INVOLVES THE CONSTRUCTION OF (PROJECT DESCRIPTION) _____

AT A MAXIMUM PROPOSED HEIGHT OF _____ FEET. THE PROPOSED PROJECT IS LOCATED AT THE ABOVE ADDRESS AND THE NEIGHBORS WITHIN THE TWENTY (20) CLOSEST PROPERTIES OF THE PROJECT SITE WERE SHOWN A COPY OF THE MOST RECENT PROJECT PLANS THAT WILL BE CONSIDERED BY THE PLANNING DEPARTMENT. PLEASE NOTE THAT BY SIGNING THIS NOTICE, THE UNDERSIGNED ONLY ACKNOWLEDGE THAT THEY HAVE BEEN CONSULTED AND THE SIGNATURES DO NOT SIGNIFY APPROVAL OF ANY KIND.

| LOT # (as shown on radius map) | ADDRESS | PRINTED NAME OF LAND OWNER | SIGNATURE | REVIEWED PLANS? Y/N |
|--------------------------------------|---------|-------------------------------|-----------|------------------------|
| Comments: | | | | |
| | | | | |
| Comments: | | | | |
| | | | | |
| Comments: | | | | |
| | | | | |
| Comments: | | | | |
| | | | | |

ATTENTION APPLICANT: IF ADDITIONAL SPACE IS NEEDED, PLEASE COPY THIS FORM AND OBTAIN ALL SIGNATURES IN THIS FORMAT.

MANEIGHBORHOOD COMPATIBILITYSTEERING COMMITTEEFEBRUARY 8, 2003NEIGHBORHOOD COMPATIBILITY PRE-APPLICATION CONSULTATION FORM.doc