



# 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, August 16, 2016  
Veteran's Memorial Building – 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Chairperson Robert Tefft

Commissioner Gerald Luhr  
Commissioner Michael Lucas

Commissioner Richard Sadowski  
Commissioner Joseph Ingrassia

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

## PUBLIC COMMENT PERIOD

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

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

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

## PRESENTATIONS

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

A. CONSENT CALENDAR

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

**A-2** Approval of minutes from the Planning Commission meeting of July 19, 2016.  
**Staff Recommendation:** Approve minutes as submitted.

B. PUBLIC HEARINGS

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

**B-1 Case No.:** UP0-439 / CP0-498

**Site Location:** 2234 Emerald Circle

**Proposal:** A request for Conditional Use and Coastal Development Permit approval for the construction of a new single-family residence at 2234 Emerald Circle in the Cloisters Subdivision. Specifically, the Applicant proposes 2,917 sq. ft. of living space, a 452 sq. ft. attached garage, and an 86 sq. ft. covered front porch on a 10,869 sq. ft. parcel located in the MMR/CRR/GC(PD) Zoning District and within the Coastal Commission Appeals District.

**CEQA Determination:** Categorically Exempt, Section 15303 Class 3 (a)

**Staff Recommendation:** Conditionally Approve

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

C. NEW BUSINESS

**C-1** Measure “D” Discussion/Study Session in support of possible preparation/adoption of a future interpretation memorandum as it relates to the requirements of the Measure D area.

**Staff Recommendation:** Review, comment, and provide direction

**Staff contact:** Scot Graham, Community Development Director

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on September 6, 2016 at 6:00 p.m.

**PLANNING COMMISSION MEETING PROCEDURES**

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Community Development Department, 955 Shasta Avenue, for any revisions, or call the department at 772-6264 for further information.

Written testimony is encouraged so it can be distributed in the Agenda packet to the Commission. Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Division at the Community Development Department, 955 Shasta Avenue, no later than 5:00 P.M. the Tuesday (eight days) prior to the scheduled public hearing. Written testimony provided after the Agenda packet is

published will be distributed to the Commission but there may not be enough time to fully consider the information. Mail should be directed to the Community Development Department, Planning Division.

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

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

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

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

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

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

### **APPEALS**

If you are dissatisfied with an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Community Development Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$263 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

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



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

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

Agenda No: A-1  
 Meeting Date: August 16, 2016

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
<b>Hearing or Action Ready Projects:</b>										
1	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394	Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.	Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG. Applicant looking to move location to pole across the street. resubmittal rcv'd 5/26. Deemed Complete, waiting for Applicant to confirm PC meeting date. PC on 9/6/16		PN- Conditionally approved 6/14/16		jg
3	Barry	2234 Emerald Circle	2/4/16	CP0-498 & UP0-439	Coastal Development & Conditional Use Permit for SFR in Cloisters neighborhood	Under initial review. Waiting on comments. Cloisters arch review committee approval req'd before City can take action. Resubmittal rcv'd 6/14. Scheduled for 8/16/16 PC meeting		PN- Conditionally approved per memo dated 7/6/16		jg
2	LaPlante	3093 Beachcomber	11/3/11	CP0-365	Coastal Development Permit for New SFR in appeals jurisdiction. Proposed SFR of 3,495sf w/ 500 sf garage on vacant land.	SD-- Incomplete Letter 12/12/11. Letter sent 4/11/2012 requesting environmental study. MR-Met with Applicant and discussed potential impacts of project and CEQA information requested to complete MND. Project referred to env. consultant and Coastal. MND in process. Applicant revising bio report and snail study. Spoke w/ Applicant Representative 3-13-14. Snail study complete and sent to Dept of Fish and Wildlife for concurrence review. Spoke w/ env. consultant re environmental 4/7 CJ. Met with application 7-18-14 to request addendum to bio report in order to complete CEQA. Bluff determination and snowy plover report submitted 8-14-14. CJ. MND complete. Anticipate routing to State Clearinghouse on 9/18/14. Coastal Commission comment letter received 10-20-14. City responded to Coastal on 10-27. Applicant working to address comments. Discussed project with Coastal staff in meeting 11-18-14 and met with applicant 12/4/14 and 1/20/15. Received plans revisions and sent request for Coastal concurrence 9-2-15. CJ. Continued to a date uncertain to redraw ESH buffer setback. Received phone call from Coastal Commission 3-2016 with request for project status & Discussed project's updated biological evaluation with Coastal staff on 5-11-16. Received revised site plan to meet ESH buffer on 7/9/16. PC hearing scheduled for 9/6/16.	Review complete, applicant to obtain building permit prior to construction.	No review since conditional approval of 11/20/12	Conditionally approved, per memo 9/22/15	cj

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>										
3	Hartssock	242 Surf	7/20/16	UP0-450 / CP0-509 / AD0-106 / AD0-107	Coastal Development and Conditional Use Permit for an addition and remodel to existing nonconforming single-family residence. Includes a request for a parking exception for tandem parking in the driveway and a variance for a reduced front setback	Under initial review		PN- Conditionally approved per memo dated 8/3/16		jg
4	Scoto	330 Sicily	7/13/16	CP0-508	Coastal Development Permit for new SFR: 1,743 sq. ft. with 473 sq. foot garage and 156 sq. ft. of decking	Under Initial Review. Correction letter sent 8/11/2016		PN- Conditionally approved per memo dated 8/3/16		rr
5	Baston	561 Embarcadero	7/11/16	UP0-448	Conditional use permit for Gray's Inn access improvements and piling repair	Under Initial Review		PN- Conditionally approved per memo dated 8/3/16		
4	Revamp	220 Atascadero	7/6/16	UP0-447	Use Permit to allow for a CrossFit training center to locate within the C-VS zoning District/ PD overlay	Under Initial Review. Waiting on comments. Correction letter sent 7/28/16. Working with owner and leasee for parking lot configuration. Site plan resubmitted 8/9/216. Needs fire sprinkler plan		PN-Conditionally approved per memo dated 7/26/16		jg
5	Robson	110 Orcas	5/6/16	A00-034	Planning Permit modification of CP0-471 for installation of 4 ft culvert in drainage area, increase in deck from 84sf to 320sf, and realignment of garage door.	Project modification reviewed against prior Planning approvals and reviewed with Engineering staff. Site noticed for admin modification. Confirming lot lines and easement details. Director action delay on noticing due to research regarding rights of access to the easement. Amendment to remove proposed culvert - noticed 8/5/2016		PN-Conditionally approved per memo dated 6/3/16		cj
6	Van Buerden	945 Embarcadero	5/24/16	UP0-446	Conditional Use Permit for House of JuJu restaurant remodel, and City Park improvements	Incomplete letter sent 6-23-16 to Applicant and Applicant Representative. Cj.				cj
7	Romero	3036 Ironwood	4/28/16	CP0-506	Admin CDP for new SFR , 2296sf living, 598sf garage, 149sf deck, 71sf porch/entry	Under initial review. Correction Letter sent 6/8/16. Waiting on submittal of stormwater forms.		PN- Conditionally approved per memo dated 6/3/16		jg
8	Bruce Elster	530 Morro Ave	4/20/16	UP0-282 & CP0-323	<b>New 2,978 sq. ft. SFR with 1,516 sq. ft. garage, 1,191 sq. ft. of decking, and a 560 s. ft. secondary dwelling unit.</b>	Applicant has decided against the parcel map and development of three townhomes and now proposes to build one SFR and a secondary dwelling unit. Under initial review. Waiting on PW comments. Correction letter sent 5/18/16. Spoke with Applicant 8/4/2016 - resubmittal pending				jg
9	McNamara	2720 Dogwood	3/1/16	UP0-441	<b>Garage and 2nd story addition to existing SFR</b>	Under Initial Review. Waiting on comments. Project redesign to eliminate nonconformity. Waiting on resubmittal		PN- Conditionally approved per memo dated 3/31/16		jg
10	Borges / RPM Consulting	1998 Main Street	3/1/16	CP0-503	<b>Coastal Dev. Permit for addition of 2nd story office/laundry room remodel to commercial building in Mobile Home Park</b>	Waiting on full project submittal. (Applicant recv'd HCD building permit and started construction before getting CDP). Rcv'd 3/17. Correction letter sent. Resubmittal rcv'd 6/6/16. Correction letter sent 6/27		PN- Conditionally approved per memo dated 4/18/16		jg

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
11	Hair	1078 Monterey St	2/26/16	S00-126	<b>Lot Line Adjustment/ Voluntary Lot Merger</b>	Minor adjustment to reconcile historical lot line discrepancies. Received legal descriptions 5-10-16 and under review.				cj
12	Rhine LP & Morro 94, LLC	3300 Panorama	2/24/16	CP0-500 & UP0-440	<b>Coastal Development Permit &amp; Conditional Use Permit for Demolition of 3 existing tanks, related pumps and concrete</b>	Under review. Correction letter sent 5-10-16. Environmental review complete and to be routed 7-28-16 for required 30 day period.		PN- Conditionally approved per memo dated 7/26/16		wm
13	Eisemann	535 Atascadero	10/12/15	CP0-490 & S00-125	Parcel map application & CDP to split 1 R-4 zoned lot in to two lots.	Incomplete letter sent 11-5-15. Received revised plans and communicated via email to applicant regarding plan corrections. Resubmittal under review. Correction letter sent 2/18/16 with Public Works comments. Received revised info from Applicant 3-3-16. Correction sent and resubmitted 4-8-16. Met w/ Architect to discuss intent to include development of 4-plex apartments. Resubmittal rcv'd 5/10. Correction letter sent 6/14/16. Spoke with architect 8/9/2016. Resubmittal pending		PN- Disapproved per Memo dated 6/14/16		jg
14	Elliott/ Bernal	2620 Laurel Ave	9/30/15	CP0-489	Admin CDP for new 2,461sf Single family home w/ 710 sf garage and 1495sf of balcony	JG. Under Initial Review. Correction letter sent 10/27. Spoke with Applicant and letter rcv'd 2/16- indicated desire to keep project open, updated plans to be submitted. Spoke with applicant 7/19/16, expects to resubmit plans in September		PN- Conditionally approved per memo dated 10/23/15		jg
15	DeGarimore	1001 Front St.	7/14/15	A00-026 and UP0-442	Amendment to CUP to modify project description to remove proposed new awning.	Letter sent to applicant 9-9-15 regarding public access requirements. In process. Applicant wishes to include a kiosk for Virg's Landing with the awning amendment. Reviewed prelim site plan of kiosk and provided email comment corrections on 2/24/16. Met with Virg's Landing owner to discuss kiosk plan 2-29-16. TUP application submitted for kiosk proposal adjacent to parking lot on 4-19-16. Correction letter sent 5-12-16.				cj
16	Gambril	405 Atascadero Rd.	5/13/15	CP0-475 / UP0-417	New construction of 10,000sf commercial retail on vacant lot	WM. Under review. Will need Arch and Traffic reports. Incomplete letter sent 9/4/15.		PN-Plans Disapproved. Req. Stormwater determination form & plan update-8/24/15		wm
17	T-Mobile	1478 Quintana	1/30/15	UP0-403	Minor Use Permit to Modify existing wireless telecommunication site at church	JG - Under initial review. Correction letter sent 3/5/2015. JG. Partial resubmittal rcv'd via email 9/18		JW approved		jg
18	Leage	833 Embarcadero	9/15/14	UP0-389	Demolish existing building. Reconstruct new 1 story 19 foot building (retail/restaurant use) & outdoor improvements	Under review. Deemed incomplete. Letter sent 10-13-14. CJ Resubmittal received 2/17/15. Incomplete letter sent. Resubmittal received. Not compliant with view corridors requirements. Resubmitta received 1-20-16. Email corrections provided to Applicant on 2/10. Reviewed revised plans received from architect via email on 3/7/16.	BC- incomplete	RPS - Disapproved for plan corrections noted in memo of 10/14/14		cj
<b>Planning Commission Continued projects:</b>										

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
19	Sonic	1840 Main St.	8/14/13	UP0-364 & CP0-404	Conditional Use Permit and Coastal Development Permit to develop Sonic restaurant.	Under initial review. Comment letter sent 9/10/13. CJ. Spoke w/ applicant 10/3 re: traffic study. CJ. Public Works & Fire comments received & forwarded 10/8/13 to applicant. Comments from Cal Trans received 10/31 and forwarded to Applicant. Applicant requested meeting w/ City staff & Cal Trans to review project requirements. Had project meeting-discussed traffic study requirements on 11-21-13. Requested fee estimate from environmental consultant for CEQA purposes. CJ. Resubmitted 5/27. Environmental Review in process. Correction letter based on environmental review sent 8-6-14. Resubmittal received 1-23-15 and correction sent 2-23-15. Resubmittal received 5/8/15. Reviewing initial study for pending route to State Clearinghouse. Stormwater Control Plan also being reviewed. Reviewing outstanding cultural resources concerns. Reviewed project with archaeologist 1-27-16. Archaeological consultation in progress. MND routed to State Clearinghouse. Comment letter received from APCD re MND. cj. Noticing error necessitates continuance from 5/3/16 to 5/17/16 PC hearing. Continued to date uncertain to allow submittal revisions.	Bldg -- Review complete, applicant to obtain building permit prior to construction.FD-Disapprove UPO 364/CPO 404 9/11/13.9/9/14 FD App TP. 2/10/15 FD Not App TP.	PN- Sonic has submitted Preliminary Stormwater Requirements. RPS: Initial conditions provide by memos of 9/10/13 and 10/14. Met with Caltrans on 10/17.		cj
20	Seashell Estates, LLC	361 Sea Shell Cove	1/26/15	CP0-459/ UP0-401	Coastal Development Permit/Conditional Use Permit for new SFR. Lot 4 of 1305 Teresa Subdivision	Reviewing CC&R Design Guidelines. Deemed complete 3-2-15. Anticipate 4/21 PC hearing. Project continued to a date uncertain. CJ.	2/23/15 FD Cond App TP	BCR has for review 2/3/15		cj

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
21	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		wm
22	AT&T	590 Morro Street	4/10/15	UP0-411 & CP0-465	Conditional Use Permit & Coastal Development permit to modify 2006 Planning permit approval for unmanned cell site	WM.Was tentatively scheduled for 3-1-16 PC hearing. Awaiting additional info from applicant. Tentatively scheduled for 5-17-16 hearing. Applicant requested continuance. PC continued review with direction on June 21, 2016.				wm
<b>Projects Appealed or Forwarded to City Council:</b>										

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
23	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 discussed at 11-3-15 PC mtg.	No review performed.	N/R		sg
<b>Environmental Review</b>										
24	City of Morro Bay	N/A		UP0-423	MND for Chorro Creek Stream Gauges	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15.	No review performed.	MND complete. Cut permit checks to RWOCB and CDFW on 2/27/15		cj
<b>Final Map Under Review Projects:</b>										
25	Tract 2818	2400 Main St / Morro Mist	6/13/16	Map	Final Map - Tract 2818 / 23 lot subdivision and 1 common lot	Initial submittal for final map processing received 6-13-16. Correction letter sent 7-6-16.				cj
26	Tract 2670	1899 -1911 Sunset	11/17/15	Map	Final Map. - Tract 2670 6 lot subdivision and 1 common lot	Under review. Correction letter sent on 12-17-15. Met with Applicant on 3-8-16 to review outstanding items. Received revised CC&R's 3-8-16 for review. CC&R documents reviewed and determined deficient - corrections sent 4-21-16. Met with Applicant to review final corrections 7-13-16. Revised grading/retaining wall plans to be resubmitted. Draft CC&Rs under review by City Attorney. Attorney's review forwarded to Applicant on 7/28/16.				cj

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
27	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. Unresolved Planning conditions. Sent correction letter to Engineering 4-14-16. Received request for extension of permit as allowed by code. One year extension of permits granted extending map to 7/19/2017.	No review performed.	DH - resubmitted map and Biological study on Dec 19th 2012. PW has completed their review. Received a letter from Medina's lawyer and preparing response. PW comments sent to RS to be included with his response letter. RS said to process map for CC. Letter being prepared to send to applicant to submit mylars for CC meeting.		sg/cj
<b>Projects requiring coordination with another jurisdiction:</b>										
28	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		
29	City of Morro Bay Desal Plant	170 Atascadero			Project requires a Coastal Development Permit for upgrades at the Plant. Final action taken Sent to CCC but pursuant to their request the City has rescinded the action.	Waiting for outcome from the CDP application for the outfall. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15/13. Phase 1 complete and finalized. Phase 2 on hold as of 7/22/14.		
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / State Department of Housing:</b>										

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
30	City of Morro Bay	Citywide	10/16/13	A00-013, A00-029, Ordinance 601	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. New language for PC and Council review. Second reading going to council on April 12, 2016. PC reviewed change 5-3-16. CC second First Reading 6-28-16.	No review performed.			wm
31	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. Amendments withdrawn from Coastal Commission as they are no longer consistent with state law. Item has been included in the FY 16/17 goals and objectives.	No review performed.	N/A		sg
<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:</b>										

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
32	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.		
<b>Grants</b>										
33	California Coastal Commission, California Ocean Protection Council	City-wide		4/6/16		\$400,000 Grant Opportunity for funding for LCP update to address sea-level rise and climate change impacts.	Grant agreements for both the grants are in place and grant administration has been turned over to Michael Baker International, per terms of the GP/LCP update contract.	No review performed.	N/A	sg
34	City of Morro Bay	City-wide				Community Development Block Grant/HOME Program - Urban County Consortium	Staff has ongoing responsibilities for contract management. 2012 contracts in progress. 2013 contracts in progress. City Council approval 6/10/14 for City participation in Urban County consortium for Fiscal Years 2015-2017. Needs Assessment Workshop scheduled for 9/11/14 in tandem with Cities of Atascadero and Paso Robles at Atascadero City Hall 5pm. Draft 2015 CDBG funding recommendation approved by Council 12/9/14. 2016 Program year applications due 10/23/15. Final 2016 funding recommendations reviewed by Council on 3-8-16. Additional reallocation of County CDBG funds for Morro Bay approved by Board of Supervisors at 7/12/16 hearing.	No review performed.	N/R	cj
35	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.			cj
<b>Projects in Building Plan Check:</b>										

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
1	Frank	2900 Alder	4/4/16	B-30941	New Duplex	Approved by jg. 5/31/16	Approved by cdl on 6-3-16.	PN- Approved 6/27/16		
2	LaPlante	3093 Beachcomber	10/27/11	B-29586	New SFR: 3,495sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	SD--Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012. Building Permit on hold until Planning process	BC- Application on hold during planning process	DH- Provide SW mgmt, drainage rpt, EC per memo of 1/18/12.		
3	Nisbet	1230 Clarabelle	1/11/16	B-30935	New SFR with 1,853sf living, 563sf garage & 198sf decking		Cond. Approval 4/15/16cdl Approved 4/28/16	PN- Approved 6/27/16		
4	Leage	1205 Embarcadero	4/24/16	B-30651	686sf second story addition. Remains in Plan check status.	Correction letter sent. Not compliant w/ Planning conditions. CJ	Plans Denied 09-24-2015 cdk	PN- Approved 8/4/16		
5	PG&E	1290 Embarcadero	10/2/13	G-040	Soil Removal. Remains in plan check status.	CJ- Monitoring Well location partially in Coastal original jurisdiction. Coastal Commission processing consolidated permit. Waiver granted by Coastal 9-14-1491-W	BC- on hold pending planning process. Plans have been denied.	Memo of 11/29/13. CDP application should address soil revegetation		
6	Appleby	381 Fresno	7/31/14	B-30227	Carport& Storage Shed. Remians in plan check status.	Correction sent 8-7-14. WM. Will require a CUP prior to building. JG. Corrections sent 2/23 JG	Building approved 08-04-15 cdl	RPS - No PW comments if street access is not required for storage bldg		
7	Decker	430 Fresno	5/21/15	B-30491	Convert existing laundry room into bathroom. Remains in plan check status.	Approved. SG 6/15/15	Plans approved. 7/2/15 cdl	PN- Disapproved, per memo 8/4/16		
8	Ingraffia & May	636 Fresno	5/12/16	B-30993	826sf Addition of existing SFR & interior remodel	Approved. JG. 5-14-16	Denied 5/13/16 cdl	PN- Disapproved 8/3/16		
9	DeCock	1001 Front	6/2/16	B-31017	Installation of Temp Kiosk (Virg's)	Approved CJ. 6-14-16	Approved by cdl 6/7/16	PN- Approved 6/7/16		
10	Whitaker	1170 Front	3/10/16	B-30885	New 6 unit hotel		Denied by cdl on 6-17-16.	PN- Disapproved 6/30/16		
11	Hurless	2265 Hemlock	5/11/15	B-30477	SFR Garage converted to 492sf apartment with new bedroom and bathroom. Remains in plan check status.	Disapproved 8-28-15. JG	Denied by cdl on 5/15/15	PN- Disapproved needs sewer lateral video-		
12	Gonzalez	481 Java	10/10/13	B-30029	SFR Addition/ Remodel: add 578 sf living and 112 sf decking. Remains in plan check Status.	WM. Expecting Admin Use Permit application for minor revision to approved design.	Plans approved 9-18-15 cdl	PN-Disapproved, needs swr video & plan corrections. 9/24/15		
13	Mazzacane	270 Kern	6/29/16	B31058	Demo & reconstruct new SFR			PN- Not Approved per memo 8/3/16		
14	McClory	434 Kern	4/18/16	B30962	Demo & reconstruct new SFR with 2,607sf living, 956sf garage & 336sf decking	Approved. WM. 5-26-16.	Denied by cdl on 5/26/16 Approved by cdl on 6/6/16	PN- Approved 6/14/16		
15	Douglas	2587 Laurel	1/8/15	B-30352	Addendum to B-30074. Add 24 sq. ft., converting 1,020 sq. ft. to habitable space, add 120 sq. ft. porch, and 191 sq.ft. deck. Remains in plan check.	Under Review. JG. Denial	Plans Denied 10/16/15 cdl	PN 9/30/15 Approved as submitted. No memo		
16	PG&E	1245 Little Morro Creek	3/25/16	B-30925	Add 25K Generator to cell site/tower to satisfy Planning Commission conditions.	Approved. CJ. 4-5-16. Complies w/ PC approval.	Approved by cdl 3/30/16	PN- Approved 5/17/16		
17	Dyson	117 Main	8/15/14	B-30248	Covered Patio Remains in plan check Status.	Corrections. 9-5-14. WM.	BC-Returned for corrections 9/8/14.	NRR		

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
18	Morro Mist LLC	2402-2446 Main	7/5/16	B-31067 through B-31089	Building permit applications for 23 new townhomes in 6 detached building clusters to include 15 one-bedroom units and 8 three-bedroom units. 23 separate permit applications					
19	Costa	219 Marina	12/28/16	B-30835	Addition to existing 2-story SFR. Relocate garage & add deck with roof	Approved. WM. 5-17-16	Approved by cdl on 3/30/16	PN- Disapproved 5/18/16		
20	Meisterlin	315 Morro Bay Blvd.	9/12/14	B30275	Commercial Alteration-Handicap restroom. Remains in plan check Status.	Approved 9/25/14. CJ.	Plansw approved 9-30-2014 bc	RPS returned for corrections per memo of		
21	Crafton	430 Olive	3/4/16	B30898	409sf 2ns story addition to existng SFR with bedroom & living room expansion & bathroom addition	Approved. JG. 3-7-16	Approved by cdl on 3/15/16	PN- Disapproved 4/28/16		
22	Moore	379 Orton	3/30/16	B30936	New Manufactured home with 1,496sf living & 469sf garage	Approved. WM. 4-26-16	Denied by cdl on 4/15/16 Approved by cdl on 5/16/16	PN- Disapproved per memo dated 5/19/16		
23	James	326 Panay	4/18/16	B30959	New SFR with 1,465sf living, 467sf garage & 176 sf deck.	Disapproved. WM. 4-26-16. Corrections requested.	Denied by cdl on 5/4/16 Approved by cdl on 6/20/16	PN- Disapproved per memo dated 6/28/16		
24	Bunker	491 Panay	12/8/15	B30777	203sf interior remodel to existing 1144sf two story SFR. Remains in plan check Status.	Approved. JG. 12-10-15.	Approved by cdl on 12/17/15	PN- Approved 12/16/15		
25	Dennis	290 Piney	2/13/15	B-30382	New SFR. Remains in plan check Status.	Under review 2/26 JG. Waiting for conditions of approval to be included in plan set. 3/5 JG Approved 3/17 JG	Approved by cdl on 4/17/15	ME approved 4/16/2015		
26	Volk	800 Quintana	4/25/16	B-30811	Unmanned cell site including locating an antenna on and radios on roof, equipment at grade level.	Disapproved. CJ. 5-16-16. Does not meet conditions of approval. Requested resubmittal.	Approved by cdl on 5/11/16	PN- Approved 5/13/16		
27	Frye	244 Shasta	5/2/13	B-29910	Garage to Second Unit conversion. Remains in plan check Status.	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		
28	Dolezal	1885 Sunset	11/30/15	B-30758	Lot 6: New SFR with 1140sf and 480 garage. Remains in plan check Status.	Disapproved 5-31-16. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
29	Dolezal	1889 Sunset	11/30/15	B-30757	Lot 5: New SFR with 1140sf with 480 garage. Remains in plan check Status.	Disapproved 5-31-16. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
30	Dolezal	1893 Sunset	11/30/15	B-30756	Lot 4: New SFR with 1140sf living and 480sf garage. Remains in plan check Status.	Disapproved 5-31-16. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
31	Dolezal	1897 Sunset	11/30/15	B-30753	Lot 1: New SFR with 1140sf living and 480sf garage. Remains in plan check Status.	Disapproved 5-31-16. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
32	Dolezal	1901 Sunset	11/30/15	B-30754	Lot 2: New SFR with 1541sf living and 483sf garage. Remains in plan check Status.	Disapproved 5-31-16. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
33	Dolezal	1905 Sunset	11/30/15	B-30755	Lot 3: New SFR with 1457sf living and 480sf garage. Remains in plan check Status.	Disapproved 5-31-16. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
33	Skrah	335 Surf	4/29/16	B-30977	New freestanding Garage & workshop including 1/2 bath	Approved. WM. 6-1-16	Denied by cdl on 6/6/16	PN-Disapproved 6/14/16		
34		340 Tulare		B-31046	2nd floor 650sf Addition & 75sf garage addition			PN- Disapproved per memo dated 8/3/16		
Planning Projects & Permits with Final Action:										
1	Lowe	295 Little Morro Creek Road	5/13/16	CP0-507 & UP0-444	Admin CDP & Minor Use Permit for 6 foot fence w/ 12' gate, off site improvement and landscape screen on a vacant M-1 industrial zoned parcel	Project reviewed. Correction letter sent 7/6/16. Email response received. Project noticed 7/15/16 and administrative permit issued 7/26/16. cj.		PN- Conditional approved 6-3-16		

cj

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
2	Claassen	1700 Embarcadero	7/12/16	UP0-449	Temporary Use Permit for residential use of an existing RV park for a period of 6 months for the use of the Interim Police Chief	Issued 7/13/2016 sg.				sg
3	Verizon / PG&E	1401 Quintana	7/7/16	A00-036	Minor amendment to an existing CDP/CUP to relocate a proposed transformer in the R.O.W.	Under Initial Review. Need fire comments. Issued 8/1/2016		PN- Conditionally approved per memo dated 8/3/16		jg
4	Jeter	2221 Emerald Circle	7/27/16	A00-038	Minor amendment to an existing CDP/CUP to replace siding. (Cloisters Design Review Committee approval received)	Under Initial Review. Issued 8/5/2016				jg

AGENDA ITEM:   A-2  

DATE: \_\_\_\_\_

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

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – JULY 19, 2016  
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Robert Tefft	Chairperson
	Gerald Luhr	Vice-Chairperson
	Michael Lucas	Commissioner
	Richard Sadowski	Commissioner
	Joe Ingraffia	Commissioner
STAFF:	Scot Graham	Community Development Director
	Rob Livick	Public Works Director

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS  
<https://youtu.be/1HhUhOf4mVg?t=1m55s>

Commissioner Sadowski wanted to acknowledge the Wastewater staff for the work they do.

PUBLIC COMMENT PERIOD  
<https://youtu.be/1HhUhOf4mVg?t=2m38s>

Ken Vesterfelt, Morro Bay resident, announced the Morro Bay Police Department National Night out BB-Q at the Cloisters Park, August 2<sup>nd</sup>, 5-7 p.m.

Vesterfelt also announced the City is looking for a proposal from the Sheriff's Department regarding coverage for the city. Vesterfelt noted this will be on the agenda for the City Council meeting on August 9<sup>th</sup>, 6 p.m. The discussion will be on saving the level of service the Police Department already has in Morro Bay.

Erica Crawford, Morro Bay Chamber of Commerce, thanked the Planning Commission for their time in having the discussion on Parking Lieu fee at a previous meeting. Crawford noted the fees would help bring economic stimulant, business expansion and opportunities for local business.

Chairperson Tefft closed the Public Comment period.

PRESENTATIONS – NONE

A. CONSENT CALENDAR  
<https://youtu.be/1HhUhOf4mVg?t=5m35s>

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

- A-2** Approval of minutes from the Planning Commission meeting of May 17, 2016.  
**Staff Recommendation:** Approve minutes as submitted.

Commissioner Sadowski stated he would like to have his reference noted on the sewer capacity on the May 17<sup>th</sup> minutes for Item B-1, 1840 Main St.

Vice-Chairperson Luhr wanted staff to clarify status on the couple of mobile homes which are currently being installed. Luhr asked staff if mobile homes were allowed and noted there are citizens who are concerned with property value going down.

Graham responded the mobile home on Orton St. is moving forward with the installment. Graham noted the garage is not a modular or manufactured and will be built separately. The mobile home on Greenwood Ave. has been deferred because they're still putting the garage portion together.

Graham stated mobile homes are allowed by code and staff is moving forward to push for permanent foundations be required for them.

Discussion between staff and the Planning Commission regarding building requirements a concerns from citizens about placing them in the neighborhood.

**MOTION:** Commissioner Sadowski moved to approve Consent Calendar with amendment to the May 17<sup>th</sup> minutes. Commissioner Lucas seconded and the motion passed unanimously (5-0).

<https://youtu.be/1HhUhOf4mVg?t=14m34s>

## **B. PUBLIC HEARINGS**

**B-1 Case No.:** E00-000-106

**Site Location:** 110 Orcas Street

**Project Description:** Request for abandonment of a portion of the sewer easement and relocation of sewer easement at northeast portion of property at 110 Orcas, using the procedures provided by the California Streets and Highways Code, Section 8300 et seq. (Travis Robson, 110 Orcas Street Applicant/Owner)

**CEQA Determination:** Categorically Exempt

**Staff Recommendation:** Staff requests a continuance of this item to a date uncertain.

**Staff Contact:** Pamela Newman, Engineering Technician III, (805) 772-6215

<https://youtu.be/1HhUhOf4mVg?t=15m1s>

Staff is requesting a continuance on this item.

Graham stated the abandonment is being processed together with another permit which includes improvements to the property and installation of a culvert to the drainage. The culvert raised concerns with the neighbors, so staff advised the applicant to contact their neighbors. Graham wanted to be sure both projects moved forward together and noted the applicant agreed to the continuance.

Chairperson Tefft opened the Public Comment period.  
<https://youtu.be/1HhUhOf4mVg?t=17m1s>

Daniel Pompa, Morro Bay resident, stated he and his neighbors are concerned if any changes are made to the creek it would cause a back-up or flood to the neighborhood. Pompa would like the Planning Commission to review this before making a decision.

Chairperson Tefft closed the Public Comment period.  
<https://youtu.be/1HhUhOf4mVg?t=19m14s>

Commissioner Sadowski asked staff if Fish and Game or Fish & Wildlife would be involved when they start modifying the creek.

Graham stated the creek is not identified as ESH in our LCP.

Commissioner Lucas stated the codes states you can't increase hydrologic risks on a neighbor with alterations.

Graham stated the drainage is not the development and recommends the Planning Commission refrain from talking about it. Graham noted when staff has to deal with issues like this it would have to go through the FEMA process which would determine what would happen.

**MOTION:** Vice-Chairperson Luhr moved to continue Item B-1 to a date uncertain. Commissioner Lucas seconded and the motion passed unanimously (5-0).  
<https://youtu.be/1HhUhOf4mVg?t=21m19s>

**B-2 Case No.:** E00-000-107

**Site Location:** 219 Marina Street

**Project Description:** Request for abandonment of a portion of the sewer easement on existing back northeast portion of property at 219 Marina, using the procedures provided by the California Streets and Highways Code, Section 8300 et seq. (C.P. Parker, 219 Marina, Applicant).

**CEQA Determination:** Categorically Exempt

**Staff Recommendation:** Adopt Planning Commission Resolution Number 17-16, finding that the right-of-way abandonment is consistent with the General Plan and recommend that the City Council adopt a resolution of intention of the abandonment with findings and conditions.

**Staff Contact:** Pamela Newman, Engineering Technician III, (805) 772-6215  
<https://youtu.be/1HhUhOf4mVg?t=21m55s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Chairperson Tefft opened the Public Comment period.  
<https://youtu.be/1HhUhOf4mVg?t=32m44s>

Chris Parker, architect, stated the depth was 2-3 feet. Parker noted they were able to find a map from 1928 but contained little information.

Vicky Ryal, Morro Bay resident, stated there used to be an alley, that's why the sewer was placed there in the first place. Ryal asked staff what was the location of the sewer line.

Livick responded the sewer line was located on the south side of the condo.

Betty Winholtz, Morro Bay resident, recommended staff use diagrams when speaking to the public about location sites and lots. Winholtz wanted the Commission to know the report states the abandonment has to be for the benefit of the City and not the developer. Winholtz would like to know what findings the Planning Commission was going to make for this.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/1HhUhOf4mVg?t=37m18s>

Discussion between the Planning Commission and staff.

The Planning Commission presented the following conditions:

1. City to be able to have access to property.
2. Improvements to be limited to flat work or ground cover, as specified by Public Works Director.
3. Sewer line to be 6 feet or less in depth.
4. If area is fenced, there should be access for allowable entry.

**MOTION:** Commissioner Luhr moved to approve Item B-2, E00-000-107 with approved conditions. Commissioner Lucas seconded and the motion passed unanimously (5-0).

<https://youtu.be/1HhUhOf4mVg?t=53m31s>

C. NEW BUSINESS

<https://youtu.be/1HhUhOf4mVg?t=56m16s>

**C-1** Parking Management Striping Plan Implementation

**Staff Recommendation:** Review, discuss, and provide direction to staff

**Staff Contact:** Scot Graham, Community Development Director, (805) 772-6291

Chairperson Tefft opened the Public Comment period.

<https://youtu.be/1HhUhOf4mVg?t=1h19m45s>

Roger Ewing, Morro Bay resident, stated parking is a problem in Morro Bay and is much needed, but should be backed by common sense. Ewing stated the angled parking shown in the staff's presentation wouldn't make sense on Morro Bay Blvd. Ewing also stated other concerns he had with this type of parking.

Betty Winholtz, Morro Bay resident, stated angled parking was placed on Monterey St. in the 1990's or early 2000's. Because of the angled parking, the street was made into a one-way street. Winholtz stated people were uncomfortable with it so it was taken out. If it were brought back to Monterey then it would have to be left as a two-way street. Winholtz, did not think it would be a good idea to implement the angled parking on Morro Bay Blvd. and Main St. Winholtz also noted there shouldn't be backed in parking due to the elderly residents in Morro Bay.

Erica Crawford, Chamber of Commerce, stated her list of questions and concerns regarding the parking implementation.

1. What is the actual gain of parking spaces?
2. Commercial loading
3. How would it work for delivery trucks?
4. Employee parking lots; should be provided if they are unable to park in front of business.
5. How could we make paid parking positive for the business climate of Morro Bay?

Chairperson Tefft closed the Public Comment period.  
<https://youtu.be/1HhUhOf4mVg?t=1h26m53s>

Discussion between the Planning Commissioners

D. UNFINISHED BUSINESS – NONE

E. PLANNING COMMISSIONER COMMENTS

<https://youtu.be/1HhUhOf4mVg?t=2h4m53s>

Commissioner Sadowski received a letter regarding Measure D. He asked staff if this should be agendaized for discussion.

Commissioner Lucas feels Measure D fits in with the Embarcadero design.

Commissioner Ingraffia stated he would also like to have a conversation regarding Measure D.

Chairperson Tefft stated there has been some interpretation in the past.

Graham will place the item on the agenda in the next couple of months.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

<https://youtu.be/1HhUhOf4mVg?t=2h9m22s>

Graham announced the General Plan Advisory meeting will be this Thursday. Graham also stated the baseline assessment for the Gen Plan is on the City website under “Plan Morro Bay”.

Graham also announced there will be a joint meeting with the City Council on August 9<sup>th</sup> at 4 p.m.

G. ADJOURNMENT

The meeting adjourned at 8:11 p.m. to the regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on August 2, 2016, at 6:00 p.m.

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – JULY 19, 2016

---

Robert Tefft, Chairperson

ATTEST:

---

Scot Graham, Secretary



AGENDA NO: B-1

MEETING DATE: August 16, 2016

## Staff Report

**TO:** Planning Commissioners

**DATE:** August 10, 2016

**FROM:** Joan Gargiulo, Assistant Planner

**SUBJECT:** Conditional Use Permit (#UP0-439) and Coastal Development Permit (#CP0-498) Request to allow the development of a new single-family residence in the Cloister's Subdivision. The project proposal includes 2,917 sq. ft. of living space, a 452 sq. ft. attached garage, and 86 sq. ft. covered front porch on a 10,869 sq. ft. parcel.

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by approving Planning Commission **Resolution 17-16** which includes the Findings and Conditions of Approval for the project depicted on site development plans dated stamp received July 19, 2016.

**APPLICANTS:**

Don and Claudia Barry

**ARCHITECT:**

Robert Fisher

**LEGAL DESCRIPTION/APN:**

065-388-043

**PROJECT DESCRIPTION:**

The Applicant is requesting Conditional Use and Coastal Development Permit approval for the construction of a new single-family residence that includes 2,917 sq. ft. of living space, a 452 sq. ft. attached garage, and 86 sq. ft. covered front porch on a 10,869 sq. ft. parcel located in the MMR/CRR/GC(PD) Zoning District and within the Coastal Commission Appeals Jurisdiction.



Vicinity Map

Prepared By: JG

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

**PROJECT SETTING:**

The project is located on Lot 88 in the south cluster of the Cloister’s Subdivision designated as Planning Area 2, Atascadero Beach, in the Local Coastal Plan. The parcel at 2234 Emerald Circle lies to the west of Highway 1, south of San Jacinto Road, and north of Atascadero Road (HWY 41).

<b>Adjacent Zoning/Land Use</b>			
<b>North:</b>	MMR/CRR/GC(PD)	<b>South:</b>	MMR/CRR/GC(PD)
<b>East:</b>	MMR/CRR/GC(PD)	<b>West:</b>	MMR/CRR/GC(PD)

<b>Site Characteristics</b>	
<b>Site Area</b>	Lot 88 is 10,869 square feet
<b>Existing Use</b>	Vacant Parcel
<b>Terrain</b>	Level and undeveloped
<b>Vegetation/Wildlife</b>	None
<b>Archaeological Resources</b>	N/A
<b>Access</b>	Emerald Circle

<b>General Plan, Zoning Ordinance, &amp; Local Coastal Plan Designations</b>	
<b>General Plan/Coastal Plan Land Use Designation</b>	Mix Use Area ‘G’ / Area 2 Atascadero Beach
<b>Base Zone District</b>	MMR/CCR Maritime and marine research/Coastal resource residential
<b>Zoning Overlay District</b>	Planned Development Overlay
<b>Special Treatment Area</b>	n/a
<b>Combining District</b>	n/a
<b>Specific Plan Area</b>	n/a
<b>Coastal Zone</b>	Located within the Coastal Appeal Jurisdiction

**PROJECT ANALYSIS:**

**Background**

The proposed residence is located within the Cloister’s subdivision. The final map for this

project was recorded in October 1996. The Cloister's project consists of 120 clustered residential lots and 3 open space lots that include a public park dedicated to the City and dune area dedicated to the State (California Department of Parks and Recreation). An assessment district was formed to maintain the public park (including the parking lot and restrooms) and open space areas. Public streets and street lighting are maintained by the City.

The Cloister's subdivision went through a lengthy public review process, including review and approval by the California Coastal Commission on July 9, 1992 (A-4-MRB-91-44). The Planning Commission gave final approval of the Conditional Use Permit (CUP 28-90 Precise Plan) and Tentative Tract Map (TM 01-90) on August 16, 1993. The City Council accepted the public improvements for this subdivision on January 26, 1998.

In accordance with the Conditions of Approval for the overall subdivision, the Planning Commission is required to perform design review of each proposed residence as part of the Coastal Development Permit review.

Although no particular design style is required, homes with a Bungalow, Craftsman, or Cape Cod character are in keeping with the established design criteria. Three different height limits were established to preserve views and minimize visual impacts while complementing adjacent neighborhoods and providing for a variety of skylines. Lot 88 allows for a maximum building height of 14 feet above average natural grade. Garage structures should be set behind the front of the house a minimum of 4 feet and must be at least 25 feet from the front property line and must not dominate the street façade. Driveway access for each lot has been designed so that two driveways are not side-by-side de-emphasizing the dominance of the automobile. Each project must provide varying front setbacks from their neighbor creating more variety and individual interest.



Existing Site

<b>Zoning Ordinance Standards</b>		
	<b>Standards</b>	<b>Proposed</b>
<b>Front Setback</b>	20 feet	20 ft.
<b>Garage Setback</b>	25 feet	25 ft.
<b>Interior Side Setback</b>	6 feet	6'1"
<b>Exterior Side Setback</b>	10 feet	10 ft.
<b>Rear Setback</b>	10 feet	48 ft.
<b>Height</b>	14 Feet	13'6"
<b>Lot Coverage</b>	Max. 45%	31.8%
<b>Parking</b>	2 Car Garage	2 Car Garage

<b>Design Criteria</b>		
	<b>Proposed</b>	<b>Standards</b>
<b>Architectural Character</b>	Craftsman style. This design has been approved by the Cloister's Design Review Committee	Bungalow, Craftsman, or Cape Cod character
<b>Building Form and Massing</b>	<ul style="list-style-type: none"> <li>• Variable ridge heights</li> <li>• Defined front entry with porch</li> <li>• Rear trellis</li> </ul>	<ul style="list-style-type: none"> <li>• Horizontal and vertical articulation</li> <li>• Variable ridge heights &amp; wall planes</li> <li>• Avoid large expanses of wall surface area on front and rear building elevations</li> <li>• Use features such as porches, balconies, arbors, and trellises</li> <li>• Define entry</li> </ul>
<b>Roof Forms</b>	<ul style="list-style-type: none"> <li>• Low pitched roof</li> <li>• Composite Shingles</li> </ul>	<ul style="list-style-type: none"> <li>• Gable, shed, hip forms with dormers are encouraged</li> <li>• Detailed overhangs and eaves</li> <li>• Flat, unglazed concrete tile, clay tile, slate, dimensional asphalt shingles</li> </ul>
<b>Garage</b>	452 sq. ft. two-car garage	<ul style="list-style-type: none"> <li>• Garages located behind the house preferred</li> <li>• Driveways should not dominate the landscape</li> <li>• Staggered/recessed doors recommended</li> </ul>
<b>Exterior Materials/Finishes</b>	See materials board <ul style="list-style-type: none"> <li>• Hardi-plank board and bat siding</li> <li>• Stone veneer</li> <li>• Textured stucco</li> </ul>	Natural materials such as brick, stone, wood, light textured stucco, and split faced concrete block consistent with the chosen architectural style
<b>Colors</b>	See color board	Simple color schemes using a maximum of three colors

### **Project Evaluation**

The project meets all of the Morro Bay Municipal Code requirements. The property is located within the Golf Course (GC) district and the Planned Development (PD) overlay district. The GC district is no longer applicable to the subdivision.

The project is located within the Coastal Commission's appeal jurisdiction, thus requiring the CDP's for development of each lot to be reviewed and approved at a noticed public hearing. As the Cloisters project was fully considered for the impacts of the future homes that would be built on the new lots, there are no significant issues to be resolved related to coastal impacts. The view corridors, non-use areas, boardwalks and fenced off areas were all designed in accordance with the tract conditions of approval to protect and enhance coastal resources and provide coastal access consistent with the policies of Chapter 3 of the California Coastal Act. Development of single family residential homes on these newly created lots, consistent with approved Design Guidelines and conditions of approval, will have no adverse impact on coastal resources or coastal access.

The individual project review is intended to ensure that the development of each of the lots within the tract continues to comply with the provisions of the Coastal Act. The various height limitations, setbacks and design criteria were established with the intent to create a built environment that will be in harmony with the natural surroundings. As proposed, the project appears consistent with the design criteria, architectural, and use restrictions as contained in the approved CC&R's as summarized in the tables above.

The Cloisters Design Review Committee has also reviewed and approved the project plans for consistency with the Cloister's Design Guidelines (See Cloisters Design Review Committee approval letter provided in Attachment D).

### **PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Tribune newspaper on Friday, August 5, 2016, and all property owners and occupants of record within 500 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

### **ENVIRONMENTAL DETERMINATION:**

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

Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

**CONCLUSION:**

The proposed project is consistent with all applicable development standards of the Zoning Ordinance, Cloister's Tract Conditions, CC&R's and Design Guidelines, and applicable provisions of the General Plan and Local Coastal Plan. No modifications or exceptions to City development requirements are proposed. The project has been found to be exempt from CEQA.

**RECOMMENDATION:**

Staff recommends the Planning Commission approve the requested Conditional Use Permit #UPO-439 and Coastal Development Permit #CP0-498 for the construction of a new single-family residence at 2234 Emerald Circle, as shown on plans date stamp received July 19, 2016, by adopting Planning Commission **Resolution 17-16** which includes the Findings and Conditions of Approval for the project.

**EXHIBITS:**

- Exhibit A – Planning Commission Resolution 17-16
- Exhibit B – Graphics/Plan Reductions
- Exhibit C – Color and Materials Board
- Exhibit D – Cloister's Design Review Committee Letter

# EXHIBIT A

## RESOLUTION NO. PC 17-16

### A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT (UP0-439) AND COASTAL DEVELOPMENT PERMIT (CP0-498) TO ALLOW CONSTRUCTION OF A SINGLE- FAMILY RESIDENCE AT 2234 EMERALD CIRCLE IN THE CLOISTERS SUBDIVISION

**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 August 16, 2016, for the purpose of considering Conditional Use Permit UPO-439 and Coastal Development Permit CP0-498 for a proposed new single-family residence at 2234 Emerald Circle in the Cloisters Subdivision; 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 pursuant to Class 3, CEQA Guidelines Section 15303(a) construction of a single-family residence in a residential zoning district with no potentially significant environmental impacts. Additionally, none of the Categorical Exemption exceptions, noted under section 15300.2, apply to the project.

#### Conditional Use Permit Findings

2. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood because the single family residence and associated attached garage are permitted uses within the zoning district applicable to the project site and said structures will be constructed in accordance with all applicable project conditions and City regulations.
3. The project will not be injurious or detrimental to property and improvements in the neighborhood because the single family residence and associated attached garage are designed to be consistent with the Design Guidelines, project conditions, and City regulations applicable to this development.

# EXHIBIT A

Planning Commission Resolution No. 17-16

UPO-439 / CP0-498 2234 Emerald Circle

Page 2

4. The project will not be injurious or detrimental to the general welfare of the City because the single family residence and associated attached garage are permitted uses within the zone district and plan designation applicable to the site and said structures are designed to be constructed in accordance with all applicable project conditions and City regulations.
5. The project is an allowable use in the zoning district and is also in accordance with the certified Coastal Land Use plan for the City of Morro Bay, and is in conformance with the coastal access policies of Chapter 3 of the California Coastal Act.
6. The project is in conformance with the applicable conditions of approval for Tract 1996 (Case No. CUP 28-90/TM 01-90) as indicated in the attached staff report dated August 16, 2016.
7. The project design is consistent with the elements contained in the approved CC&R's for Tract 1996, the Cloisters, that are intended to create a unified architectural and aesthetic consistency and tone so that each residence will harmonize with the beauty and natural surroundings and coastal nature of the property.

**Section 2. Action.** The Planning Commission does hereby approve Conditional Use Permit UPO-439 and Coastal Development Permit CP0-498 for property located at 2234 Emerald Circle (Lot 88) subject to the following conditions:

## **STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report dated August 16, 2016, for the project at 2234 Emerald Circle depicted on plans date stamped July 19, 2016, 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.

# EXHIBIT A

Planning Commission Resolution No. 17-16

UPO-439 / CP0-498 2234 Emerald Circle

Page 3

3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development 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 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. Compliance with Conditions of Approval for Tract 1996: The approved projects shall comply with all applicable conditions of approval for approved Conditional Use Permit and Tract Map, Case No. CUP 28-90/TM 01-90, including, but not limited to, required noise standards, residential fire sprinklers, building and fence height limitations, lot coverage, and undergrounding of all utilities.

# EXHIBIT A

Planning Commission Resolution No. 17-16

UPO-439 / CP0-498 2234 Emerald Circle

Page 4

2. Design Review: The exterior finishes and materials shall remain in substantial conformance to the plans reviewed and on file with this approval. Any approved changes shall meet the intent as stated in Section 5.1 of the approved CC&R's for Tract 1996 and require approval from the Cloister's Design Review Committee.
3. Building Height Verification: Prior to either roof nail or framing inspection, a licensed surveyor shall submit a letter to the building inspector certifying that the height of the structures are in accordance with the approved plans and complies with the height requirement of 14 feet maximum above finish grade as accepted by the Director.
4. 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.
5. Landscape Plan and Maintenance: Pursuant to the conditions of approval for Tract 1996, no landscaping shall be maintained at a height exceeding the maximum allowed for the structure. Additionally, the criteria contained in the CC&R's, Sections 5.17-5.22 shall be met. All plant materials shall be maintained diligently to ensure proper health, growth and appearance. Replacement materials shall have similar functional characteristics as that originally approved.
6. 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 Chumash 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.
7. Construction Hours: Pursuant to MBMC subsection 9.28.030.I, Construction or Repairing of Buildings: The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Community Development Department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.
8. 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.

## **BUILDING CONDITIONS**

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

## **PUBLIC WORKS CONDITIONS**

1. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements to protect water quality and control runoff flow from new and redevelopment projects. The requirements can be found in the Stormwater management guidance manual on the City's website [www.morrobay.ca.us/EZmanual](http://www.morrobay.ca.us/EZmanual). Projects with more than 2,500 sq ft of new or redeveloped impervious area are subject to these requirements. Complete and submit the "SFR Performance Requirement Determination Form".
2. Sewer Backwater Valve: A sewer backwater valve shall be installed on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project (MBMC 14.24.070). Indicate and label on plan.
3. Erosion and Sediment Control Plan: For small projects less than one acre and less than 15% slope, provide a standard erosion and sediment control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.
4. Water Meter: Site has an existing 1' water line, but no meter. New water meter 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. Retrofits are approved by the Public Works Director and may include the following water savings best management practices:
  - Irrigation retrofits
  - Waterless urinals
  - Waterless toilets
  - Ultra-Low flow toilets
  - Lawn/Landscape replacement
  - Grey water system installation in new construction
  - Installation of rainwater recovery system

# EXHIBIT A

- Other water savings best management practices as approved by the Public Services Director
  - If retrofit is deemed to be infeasible by Public Works Director, then payment of an “In-Lieu” fee program of \$6,032 per Water Equivalency Units (WEU)
5. Encroachment Permits: A sewer encroachment permit shall be required for the installation of the sewer lateral. When utility connections require pavement cuts a traffic control plan indicating appropriate signing, marking, barricades and flaggers must be submitted with the Encroachment Permit application.

Add the following Notes to the Plans:

1. Any damage, as a result of construction operations for this project, to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.
2. No work shall occur within (or use of) the City’s Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Department Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the 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(I)(4)(a)) is required.

Applicant shall submit plans for an automatic fire sprinkler system, in accordance with NFPA 13-D, to Morro Bay Community Development Department for review.

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

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

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

Applicant shall include above language on Building Plan submittal.

# EXHIBIT A

Planning Commission Resolution No. 17-16

UPO-439 / CP0-498 2234 Emerald Circle

Page 7

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

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Robert Tefft, Chairperson

ATTEST

\_\_\_\_\_  
Scot Graham, Planning Secretary

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

**CAL-GREEN REQUIREMENTS:**

**INDOOR WATER USE (SECTION 4.303)**  
INDOOR WATER USE SHALL BE REDUCED FROM THE BASELINE BY 20%. A SCHEDULE OF ALLOWED WATER USE FOR EACH FIXTURE TYPE IS PROVIDED ON SHEET A1

**OUTDOOR WATER USE (SECTION 4.304)**  
AUTOMATIC IRRIGATION SYSTEM CONTROLLERS FOR LANDSCAPING PROVIDED BY THE BUILDER AND INSTALLED AT THE TIME OF FINAL INSPECTION SHALL BE EITHER WEATHER- OR SOIL MOISTURE-BASED CONTROLLERS THAT AUTOMATICALLY ADJUST IRRIGATION IN RESPONSE TO CHANGES IN PLANTS' NEEDS AS WEATHER CONDITIONS CHANGE.

**ENHANCED DURABILITY AND REDUCED MAINTENANCE (SECTION 4.406)**  
ANNULAR SPACES AROUND PIPES, ELECTRIC CABLES, CONDUITS OR OTHER OPENINGS IN SOLE/BOTTOM PLATES AT EXTERIOR WALLS SHALL BE PROTECTED AGAINST THE PASSAGE OF RODENTS BY CLOSING SUCH OPENINGS WITH CEMENT MORTAR, CONCRETE MASONRY, OR SIMILAR METHOD ACCEPTABLE TO THE ENFORCING AGENCY.

**CONSTRUCTION WASTE RECYCLING (SECTION 4.408)**  
RECYCLE AND/OR SALVAGE FOR REUSE A MINIMUM OF 50% OF THE NONHAZARDOUS CONSTRUCTION AND DEMOLITION DEBRIS, OR MEET A LOCAL CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT ORDINANCE, WHICHEVER IS MORE STRINGENT.

A. CONSTRUCTION WASTE MANAGEMENT PLAN SHALL BE SUBMITTED FOR APPROVAL TO THE ENFORCING AGENCY THAT:  
1. IDENTIFIES THE MATERIALS TO BE DIVERTED FROM DISPOSAL BY RECYCLING, REUSE ON THE PROJECT OR SALVAGE FOR FUTURE USE OR SALE  
2. SPECIFIES IF MATERIALS WILL BE SORTED ON-SITE OR MIXED FOR TRANSPORTATION TO A DIVERSION FACILITY.  
3. IDENTIFIES THE DIVERSION FACILITY WHERE THE MATERIAL COLLECTED WILL BE TAKEN.  
4. IDENTIFIES THE CONSTRUCTION METHODS EMPLOYED TO REDUCE THE AMOUNT OF WASTE GENERATED.  
5. SPECIFIES THAT THE AMOUNT OF MATERIALS DIVERTED SHALL BE CALCULATED BY WEIGHT OR VOLUME, BUT NOT BY BOTH.

DOCUMENTATION SHALL BE PROVIDED TO THE ENFORCING AGENCY WHICH DEMONSTRATES COMPLIANCE WITH THIS REQUIREMENT. THE WASTE MANAGEMENT PLAN SHALL BE UPDATED AS NECESSARY AND SHALL BE ACCESSIBLE DURING CONSTRUCTION FOR EXAMINATION BY THE ENFORCING AGENCY.

**BUILDING MAINTENANCE AND OPERATION (SECTION 4.410)**

AT THE TIME OF FINAL INSPECTION, A MANUAL, COMPACT DISC, WEB-BASED REFERENCE OR OTHER MEDIA ACCEPTABLE TO THE ENFORCING AGENCY WHICH INCLUDES ALL OF THE FOLLOWING SHALL BE PLACED IN THE BUILDING:

- DIRECTIONS TO THE OWNER OR OCCUPANT THAT THE MANUAL SHALL REMAIN WITH THE BUILDING THROUGHOUT THE LIFE CYCLE OF THE STRUCTURE
- OPERATION AND MAINTENANCE INSTRUCTIONS FOR THE FOLLOWING:
  - EQUIPMENT AND APPLIANCES, INCLUDING WATER-SAVING DEVICES AND SYSTEMS, HVAC SYSTEMS, WATER-HEATING SYSTEMS AND OTHER MAJOR APPLIANCES AND EQUIPMENT.
  - ROOF AND YARD DRAINAGE, INCLUDING GUTTERS AND DOWNSPOUTS
  - SPACE CONDITION SYSTEMS, INCLUDING CONDENSERS AND AIR FILTERS
  - LANDSCAPE IRRIGATION SYSTEMS
  - WATER REUSE SYSTEMS
- INFORMATION FROM LOCAL UTILITY, WATER AND WASTE RECOVERY PROVIDERS ON METHODS TO FURTHER REDUCE RESOURCE CONSUMPTION, INCLUDING RECYCLE PROGRAMS AND LOCATIONS.
- PUBLIC TRANSPORTATION AND/OR CARPOOL OPTIONS AVAILABLE IN THE AREA
- EDUCATIONAL MATERIAL ON THE POSITIVE IMPACTS OF AN INTERIOR RELATIVE HUMIDITY BETWEEN 30% TO 60% AND WHAT METHODS AN OCCUPANT MAY USE TO MAINTAIN THE RELATIVE HUMIDITY IN THAT RANGE.
- INFORMATION ABOUT WATER-CONSERVING LANDSCAPE AND IRRIGATION DESIGN AND CONTROLLERS WHICH CONSERVE WATER.
- INSTRUCTIONS FOR MAINTAINING GUTTERS AND DOWNSPOUTS AND THE IMPORTANCE OF DIVERTING WATER AT LEAST 5 FEET AWAY FROM THE FOUNDATION.
- INFORMATION ON REQUIRED ROUTINE MAINTENANCE MEASURES, INCLUDING, BUT NOT LIMITED TO, CAULKING, PAINTING, GRADING AROUND THE BUILDING, ETC.
- INFORMATION ABOUT STATE SOLAR ENERGY AND INCENTIVE PROGRAMS AVAILABLE.
- A COPY OF ALL SPECIAL INSPECTION VERIFICATIONS REQUIRED BY THE ENFORCING AGENCY OR THE CALGREEN CODE.

**POLLUTANT CONTROL (SECTION 4.504)**

- DUCT OPENINGS AND OTHER RELATED AIR DISTRIBUTION COMPONENTS OPENINGS SHALL BE COVERED DURING CONSTRUCTION
- ADHESIVES, SEALANTS AND CAULKS SHALL BE COMPLIANT WITH VOC AND OTHER TOXIC COMPOUND LIMITS.
- PAINTS, STAINS AND OTHER COATINGS SHALL BE COMPLIANT WITH PRODUCT-WEIGHTED MIR LIMITS FOR ROC AND OTHER TOXIC COMPOUNDS.
- AEROSOL PAINTS AND COATINGS SHALL BE COMPLIANT WITH PRODUCT-WEIGHTED MIR LIMITS FOR ROC AND OTHER TOXIC COMPOUNDS.
- DOCUMENTATION SHALL BE PROVIDED BY CONTRACTOR TO VERIFY THAT COMPLIANT VOC LIMIT FINISH MATERIALS HAVE BEEN USED.
- CARPET AND CARPET SYSTEMS SHALL BE COMPLIANT WITH VOC LIMITS
- 80% OF FLOOR AREA RECEIVING RESILIENT FLOORING SHALL COMPLY WITH THE VOC-EMISSION LIMITS DEFINED IN THE COLLABORATIVE FOR HIGH PERFORMANCE SCHOOLS (CHPS) LOW-EMITTING MATERIALS LIST OR BE CERTIFIED UNDER THE RESILIENT FLOOR COVERING INSTITUTE (RFCI) FLOORSCORE PROGRAM.
- PARTICLEBOARD, MEDIUM DENSITY FIBERBOARD (MDF) AND HARDWOOD PLYWOOD USED IN INTERIOR FINISH SYSTEMS SHALL COMPLY WITH LOW FORMALDEHYDE EMISSION STANDARDS.

**INDOOR AIR QUALITY AND EXHAUST (SECTION 4.506)**

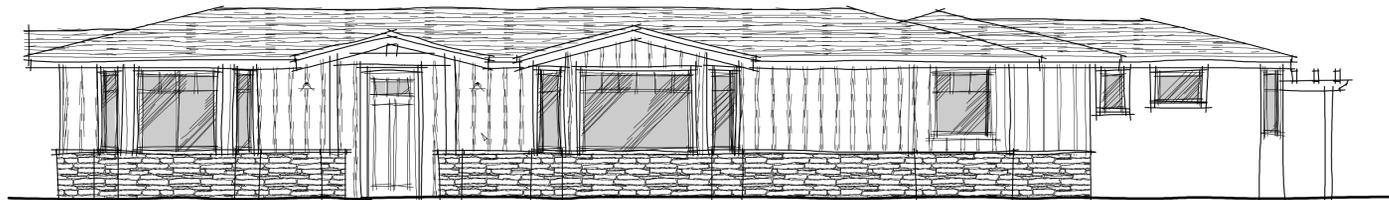
MECHANICAL EXHAUST FANS WHICH EXHAUST DIRECTLY FROM BATHROOMS SHALL BE ENERGY STAR COMPLIANT AND DUCTED TO TERMINATE OUTSIDE THE BUILDING. UNLESS FUNCTIONING AS A COMPONENT OF A WHOLE HOUSE VENTILATION SYSTEM, FANS MUST BE CONTROLLED BY A HUMIDISTAT WHICH SHALL BE READILY ACCESSIBLE.

**ENVIRONMENTAL COMFORT (SECTION 4.507)**

HEATING AND AIR-CONDITIONING SYSTEMS SHALL BE SIZED, DESIGNED AND HAVE THEIR EQUIPMENT SELECTED USING THE FOLLOWING METHODS:  
1. THE HEAT LOSS AND HEAT GAIN IS ESTABLISHED ACCORDING TO ACCA MANUAL J, ASHRAE HANDBOOKS OR OTHER EQUIVALENT DESIGN SOFTWARE OR METHODS.  
2. DUCT SYSTEMS ARE SIZED ACCORDING TO ACCA 29-D MANUAL D, ASHRAE HANDBOOKS OR OTHER EQUIVALENT DESIGN SOFTWARE OR METHODS.  
3. SELECT HEATING AND COOLING EQUIPMENT ACCORDING TO ACCA 36-S MANUAL S OR OTHER EQUIVALENT DESIGN SOFTWARE OR METHODS  
EXCEPTION: USE OF ALTERNATE DESIGN TEMPERATURES NECESSARY TO ENSURE THE SYSTEMS FUNCTION ARE ACCEPTABLE.

**MOISTURE CONTENT**

SPECIAL INSPECTION OF THE FRAMING MEMBERS WITH A MOISTURE METER IS REQUIRED



# Barry Residence

**LANDSCAPE SITE INFORMATION**

LANDSCAPE AREA ELEMENTS	AREA	% OF LOT
FORMABLE PAVING	1478 SF	14%
RIVER COBBLE	371 SF	3%
RECOMBINED GRANITE PATH	382 SF	3%
PLANTING AREA	2656 SF	24%
TOTAL LANDSCAPE AREA	5094 SF	49%
CONCRETE PAVEMENT	560 SF	5%

**HEIGHT CALCULATION**

LOW POINT	20.80'
HIGH POINT	21.65'
AVERAGE GRADE	21.23'
HEIGHT LIMIT	14'-0"
MAXIMUM ALLOWABLE HEIGHT	35.23'

**SYMBOL LEGEND**

- SECTION MARKER  
SECTION LETTER  
PAGE
- DETAIL MARKER  
DETAIL LETTER/NUMBER  
PAGE
- NORTH ARROW  
DIRECTION OF TRUE NORTH
- $5:12$  SLOPE INDICATOR  
ROOF PITCH  
DOWNWARD DIRECTION OF ROOF SLOPE
- $8'-6"$  SHEARWALL INDICATOR  
LENGTH OF WALL  
TYPE OF WALL
- HOLDDOWN INDICATOR  
TYPE OF HOLDDOWN OR STRAP
- POST INDICATOR  
TYPE OF POST  
ADDITIONAL CONNECTOR  
LOCATION OF POST
- $11/16" \times 11/20$  @  $12" \text{ O.C.}$  FRAMING MEMBER  
TYPE OF TRUSS/RAFTER/JOIST  
EXTENT OF TRUSS/RAFTER/JOIST
- DOOR/WINDOW IDENTIFIER  
DOOR SYMBOL  
WINDOW SYMBOL
- ROOM IDENTIFIER  
ROOM NAME  
CEILING HEIGHT
- $0'$  FLOOR LEVEL CHANGE  
AMOUNT OF FLOOR CHANGE
- EXTERIOR LUMINAIRE IDENTIFIER  
SEE EXTERIOR LIGHT FIXTURE SCHEDULE
- SKYLIGHT  
RECTANGULAR SKYLIGHT  
SOLAR TUBE SKYLIGHT

**OWNER:**  
Claudia & Don Barry  
585 Santa Ysabel  
Los Osos, Ca 93402  
(360) 460-7163

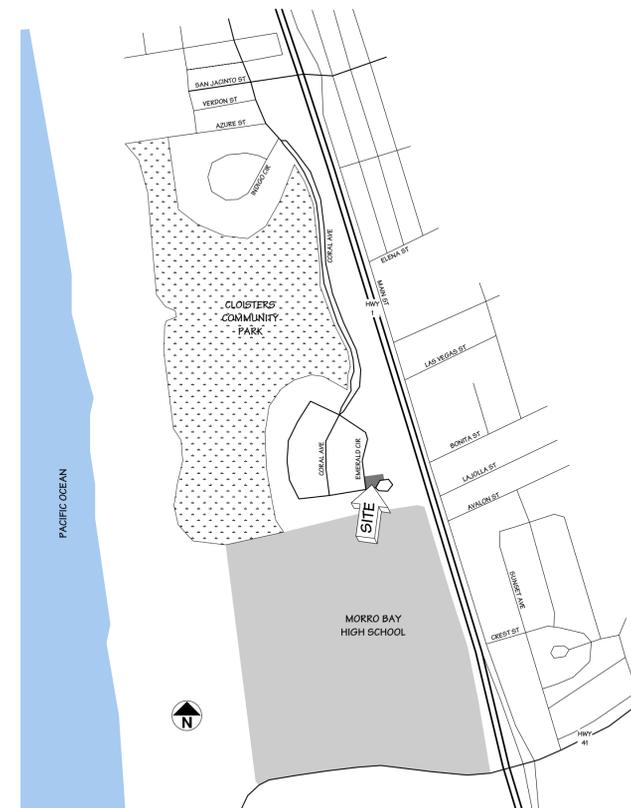
**ARCHITECT:**  
Robert Fisher  
C17280  
875 San Rafael Rd  
Atascadero, Ca 93422  
(805) 461-4804

**STRUCTURAL ENGINEER:**  
Ashley & Vance Engineering, Inc.  
860 Walnut St, Ste C  
San Luis Obispo, Ca 93401  
(805) 545-0010

**CIVIL ENGINEER:**  
Above Grade Engineering  
1304 Broad St  
San Luis Obispo, Ca 93401  
(805) 540-5115

**SOILS ENGINEER:**  
Geosolutions  
220 High St  
San Luis Obispo, CA 93401  
(805) 543-8539

**ENERGY CONSULTANT:**  
Cartsairs Energy Calculations  
Timothy Carstairs, CEA, CEPE  
P.O. Box 4736  
San Luis Obispo, Ca 93403  
(805) 904-9048



VICINITY MAP  
N.T.S.

**SHEET INDEX**

COVER	T1
SITE	A0
FLOOR PLAN	A1
EXTERIOR ELEVATIONS	A2
ROOF PLAN	A3
CONCEPTUAL LANDSCAPE PLAN	C.1
WATER MANAGEMENT PLAN	CP.1
PRELIMINARY GRADING & DRAINAGE	CP.2

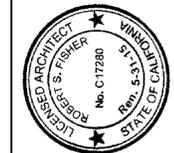
**ROBERT FISHER**  
AN ARCHITECTURAL CORPORATION



8775 San Rafael Road  
Atascadero, CA 93422  
805.461.4804  
Email: rfsarch@yahoo.com

THESE DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF ROBERT FISHER. ALL DESIGNS AND OTHER INFORMATION ON THESE DRAWINGS ARE FOR USE ON THE SPECIFIED PROJECT AND SHALL NOT BE USED WITHOUT THE EXPRESSED WRITTEN CONSENT OF ROBERT FISHER.

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE BEFORE PROCEEDING WITH WORK AND REPORT ANY DISCREPANCIES OR CHANGES TO ROBERT FISHER PRIOR TO CONSTRUCTION OF AFFECTED ASPECTS OF THE PROJECT



Shade Tree Home Design & Drafting



Joe Duhon  
459-6713 - phone  
461-6713 - fax  
joe@duhon.com

**Building Code Data:**  
Occupancy Group: R3, U  
Description of Use: Single Family Residence  
Type of Construction: V-B  
Fire Sprinklers: Yes  
Number of Stories: One (1) Story Structure  
Building Height: 12'-2"  
Living Space (Conditioned): 2,917 SF  
Lot Coverage (Footprint): 3,455 SF [31.8%]  
Lot size: 10,869 SF  
Setbacks:  
Front: 20'-0"  
Side yard: 6'-0"  
Corner Lot Side Yard: 10'-0"  
Rear Yard: 10'-0"

**Legal Description:**  
Lot 88 Tract 1996  
The Cloisters  
APN 065-388-043

**CODES AND STANDARDS**

- THESE GENERAL NOTES AND ACCOMPANYING PLANS ARE COMPLEMENTARY AND ALL CONSTRUCTION IS TO BE AS HEREIN OUTLINED AND SHOWN ON DRAWINGS.
- ALL WORK SHALL BE DONE STRICT COMPLIANCE WITH:
  - California Building Code, Vols 1 & 2 (2013 CBC)
  - California Residential Code (New) (2013 CRC)
  - California Plumbing Code (2013 CPC)
  - California Mechanical Code (2013 CMC)
  - California Electrical Code (2013 CEC)
  - California Energy Code (v.2013 CEC)
  - California Green Building Code (2013 CalGreen)
  - California Fire Code (2013 CFC)
  - California Reference Standards Code
- ALL APPLICABLE STATE AMENDMENTS & COUNTY ORDINANCES
- THE BUILDER SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON DRAWINGS AND IN THE FIELD AND SHALL BE RESPONSIBLE FOR ANY NECESSARY ADJUSTMENT AND/OR CORRECTIONS.
- CONTRACTORS SHALL VERIFY ALL GRADES, CONDITIONS AND DIMENSIONS PRIOR TO COMMENCING WORK. BOB FISHER ASSUMES NO RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS WITHOUT PRIOR, WRITTEN APPROVAL.
- WARRANTY: ALL WORKMANSHIP, MATERIALS, AND EQUIPMENT SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR FROM THE DATE OF OWNER'S BENEFICIAL USE OR OCCUPANCY, WHICHEVER IS EARLIER. DAMAGE DUE TO VOLTAGE FLUCTUATION, FIRE, ACTS OF ELEMENTS, ACTS OF THE OWNER OR OTHER PARTIES, IMPROPER MAINTENANCE, OR NEGLIGENCE, ARE SPECIFICALLY EXCLUDED FROM THE GUARANTEE. IF OWNER REQUESTS THAT WORK BE PERFORMED DURING NORMAL WORKING HOURS AND SHALL BE MADE PROMPTLY AFTER NOTICE OF FAILURE. IF OWNER REQUESTS THAT WORK BE PERFORMED ON OVERTIME BASIS, OWNER SHALL PAY THE DIFFERENCE BETWEEN REGULAR AND OVERTIME LABOR AT STANDARD BILLING RATES.
- THE DESIGN IS BASED ON INFORMATION SUPPLIED TO BOB FISHER BY THE OWNER. THIS INCLUDES ORIGINAL STRUCTURE PLANS AND PREVIOUS ADDITION PLANS. BOB FISHER ASSUMES NO LIABILITY, EITHER EXPRESSED OR IMPLIED, FOR ANY INCORRECT SUPPLIED INFORMATION.
- OWNER SHALL PROVIDE TEMPORARY SANITARY FACILITIES FOR USE OF ALL EMPLOYEES AND PERSONS ENGAGED ON THE PROJECT AS REQUIRED BY LAW OR REGULATIONS OF THE GOVERNING POLITICAL JURISDICTION.
- ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.

PREPARED FOR:

**BARRY RESIDENCE**  
2334 Emerald Circle  
Morro Bay, CA 93442

DATE: 06/09/2016

REVISION: 07/18/2016

COVER

SCALE: AS NOTED

SHEET

**T1**

**GRADING AND EROSION CONTROL NOTES**

ALL GRADING CONSTRUCTION SHALL CONFORM TO CBC-2010 GRADING-33.  
 DUST CONTROL SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION  
 NO CUT OR FILL SLOPES SHALL BE CONSTRUCTED STEEPER THAN TWO HORIZONTAL TO ONE VERTICAL (2:1)  
 ALL DISTURBED AREA SHALL BE HYDRO-SEEDED OR PLANTED WITH APPROVED EROSION CONTROL VEGETATION AS SOON AS PRACTICAL AFTER COMPLETED CONSTRUCTION  
 MINIMUM SLOPE AWAY FROM BUILDINGS SHALL BE 2% FOR FIRST TWO FEET  
 RESPONSIBLE PARTY FOR SEDIMENTATION AND EROSION CONTROL  
 DAN CHIVENS - (805) 550-2971

**DUST MITIGATION MEASURES:**  
 A) CONSTRUCTION VEHICLE SPEED AT WORK SITE MUST BE LIMITED TO FIFTEEN (15) MPH OR LESS  
 B) PRIOR TO ANY GROUND DISTURBANCE, SUFFICIENT WATER MUST BE APPLIED TO THE AREAS TO BE DISTURBED TO PREVENT VISIBLE EMISSIONS FROM CROSSING PROPERTY LINE  
 C) AREAS TO BE GRADED OR EXCAVATED MUST BE KEPT ADEQUATELY WETTED TO PREVENT VISIBLE EMISSIONS FROM CROSSING THE PROPERTY LINE.  
 D) STORAGE PILES MUST BE KEPT ADEQUATELY WETTED, TREATED WITH A CHEMICAL DUST SUPPRESSANT, OR COVERED WHEN MATERIAL IS NOT BEING ADDED OR REMOVED FROM PILE.  
 E) EQUIPMENT MUST BE WASHED DOWN BEFORE MOVING FROM PROPERTY ONTO A PAVED PUBLIC ROAD; AND  
 F) VISIBLE TRACK-OUT ON THE PAVED PUBLIC ROAD MUST BE CLEANED USING WET SWEEPING OR A HEPA FILTER EQUIPPED VACUUM DEVICE WITH-IN 24 HOURS  
 EROSION CONTROL AND BEST MANAGEMENT PRACTICES MUST BE IN PLACE AND FUNCTIONAL PRIOR TO THE FIRST INSPECTION. NO INSPECTIONS CAN BE PERFORMED IF THEY ARE NOT IN PLACE OR HAVE FAILED TO PROVIDE EROSION CONTROL. FAILURE TO MAINTAIN EROSION CONTROL WILL CAUSE INSPECTIONS TO BE DELAYED UNTIL EROSION CONTROL MEASURES ARE FUNCTIONAL.

EROSION CONTROL AND BEST MANAGEMENT PRACTICES MUST BE IN PLACE AND FUNCTIONAL PRIOR TO THE FIRST INSPECTION. NO INSPECTIONS CAN BE PERFORMED IF THEY ARE NOT IN PLACE OR HAVE FAILED TO PROVIDE EROSION CONTROL. FAILURE TO MAINTAIN EROSION CONTROL WILL CAUSE INSPECTIONS TO BE DELAYED UNTIL EROSION CONTROL MEASURES ARE FUNCTIONAL.

**EXTERIOR LIGHT FIXTURE SCHEDULE**

- A) KIRKHAM BRONZE 8 1/2" WIDE DARK SKY LED OUTDOOR WALL LIGHT - LED, SHIELDED, DARK SKY COMPLIANT
- B) KIRKHAM BRONZE 11" WIDE DARK SKY LED OUTDOOR WALL LIGHT - LED, SHIELDED, DARK SKY COMPLIANT
- C) KIRKHAM ARCHITECTURAL BRONZE LANDSCAPE PATH LIGHT - LOW VOLTAGE, SHIELDED, DARK SKY COMPLIANT

PAD PREPARATION AS PER SOILS REPORT BY GEOSOLUTIONS DATED MARCH 1, 2012. PRIOR TO PLACING STEEL REPRESENTATIVE OF SOILS FIRM SHALL INSPECT ALL EARTH WORK AND SUBMIT A REPORT IN WRITING TO BUILDING OFFICIAL THAT PAD WAS PREPARED IN ACCORDANCE WITH SOILS REPORT AND IS SUITABLE TO SUPPORT THE INTENDED STRUCTURE.

**SITE DRAINAGE**

THE GROUND IMMEDIATELY ADJACENT TO THE FOUNDATION SHALL BE SLOPED AWAY FROM THE BUILDING AT A SLOPE OF NOT LESS THAN 5% FOR A MINIMUM DISTANCE OF 10' MEASURED PERPENDICULAR TO THE FACE OF WALL.  
 IMPERVIOUS SURFACES WITHIN 10' OF BUILDING FOUNDATION SHALL BE SLOPED MINIMUM 2% AWAY FROM BUILDING  
 IF PHYSICAL OBSTRUCTIONS OR LOT LINES PROHIBIT 10' OF HORIZONTAL DISTANCE, A 5% SLOPE SHALL BE PROVIDED TO AN APPROVED ALTERNATIVE METHOD OF DIVERTING WATER AWAY FROM FOUNDATION. SWALES USED FOR THESE PURPOSES SHALL BE SLOPED A MIN. OF 2% WHERE LOCATED WITHIN 10' OF THE BUILDING FOUNDATION.

NO WORK SHALL OCCUR WITHIN (OR USE OF) CITY'S RIGHT OF WAY WITHOUT AN ENCROACHMENT PERMIT.

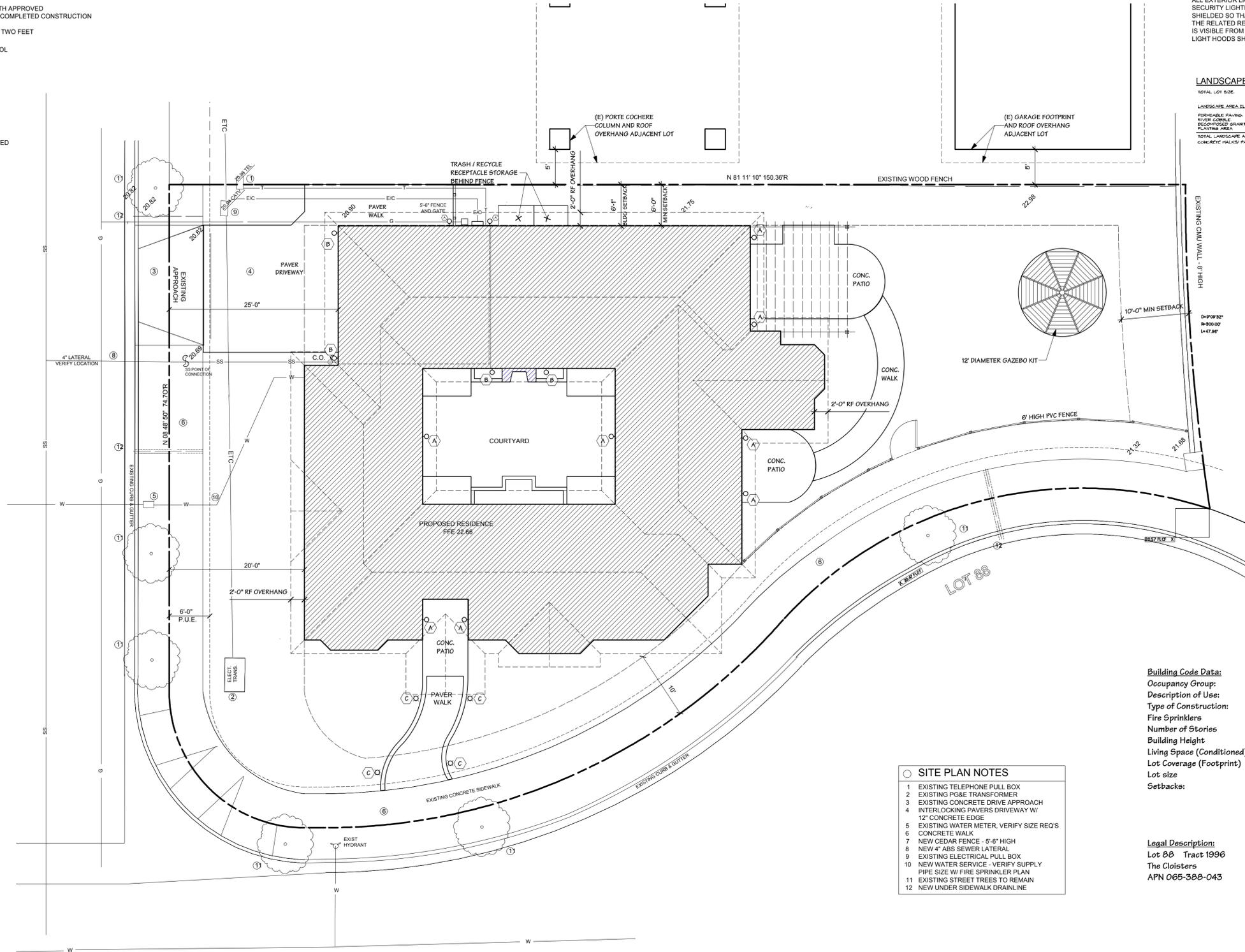
ANY DAMAGE, AS A RESULT OF CONSTRUCTION OPERATIONS FOR THIS PROJECT, TO CITY FACILITIES, I.E. CURB/BERM, STREET, SEWER LINE, WATERLINE, OR ANY PUBLIC IMPROVEMENTS SHALL BE REPAIRED AT NO COST TO THE CITY OF MORRO BAY.

**EXTERIOR LIGHTING:**

ALL EXTERIOR LIGHTING FIXTURES, INCLUDING SECURITY LIGHTING, SHALL BE AIMED AND SHIELDED SO THAT NEITHER THE LAMP NOR THE RELATED REFLECTOR INTERIOR SURFACE IS VISIBLE FROM ADJACENT PROPERTIES. LIGHT HOODS SHALL BE DARK COLORED

**LANDSCAPE SITE INFORMATION**

LANDSCAPE AREA ELEMENTS	AREA	% OF LOT
TOTAL LOT SIZE:	10,641 SF	
PERMEABLE PAVING:	1,476 SF	14%
RECYCLED GRANITE PATH:	332 SF	3%
PLAYING AREA:	2,026 SF	19%
TOTAL LANDSCAPE AREA:	5,044 SF	48%
CONCRETE WALKS/PATIO:	560 SF	5%



- SITE PLAN NOTES**
- 1 EXISTING TELEPHONE PULL BOX
  - 2 EXISTING PG&E TRANSFORMER
  - 3 EXISTING CONCRETE DRIVE APPROACH
  - 4 INTERLOCKING PAVERS DRIVEWAY W/ 12" CONCRETE EDGE
  - 5 EXISTING WATER METER, VERIFY SIZE REQ'S
  - 6 CONCRETE WALK
  - 7 NEW CEDAR FENCE - 5'-6" HIGH
  - 8 NEW 4" ABS SEWER LATERAL
  - 9 EXISTING ELECTRICAL PULL BOX
  - 10 NEW WATER SERVICE - VERIFY SUPPLY PIPE SIZE W/ FIRE SPRINKLER PLAN
  - 11 EXISTING STREET TREES TO REMAIN
  - 12 NEW UNDER SIDEWALK DRAINLINE

**Building Code Data:**  
 Occupancy Group: R3, U  
 Description of Use: Single Family Residence  
 Type of Construction: V-B  
 Fire Sprinklers: Yes  
 Number of Stories: One (1) Story Structure  
 Building Height: 12'-2"  
 Living Space (Conditioned): 2,917 SF  
 Lot Coverage (Footprint): 3,455 SF [31.8%]  
 Lot size: 10,649 SF  
 Setbacks:  
 Front: 20'-0"  
 Side yard: 6'-0"  
 Corner Lot Side Yard: 10'-0"  
 Rear Yard: 10'-0"

**Legal Description:**  
 Lot 88 Tract 1996  
 The Cloisters  
 APN 065-388-043

**SITE PLAN**

1/8" = 1'-0"

**ROBERT FISHER**  
 AN ARCHITECTURAL CORPORATION

ROBERT FISHER  
 ARCHITECT C17280

8775 San Rafael Road  
 Alhambra, CA 91702  
 805.461.4804  
 Email: rfsarch@yahoo.com

THESE DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF ROBERT FISHER. ALL DESIGNS AND OTHER INFORMATION ON THESE DRAWINGS ARE FOR USE ON THE SPECIFIED PROJECT AND SHALL NOT BE USED WITHOUT THE EXPRESSED WRITTEN CONSENT OF ROBERT FISHER.

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE BEFORE PROCEEDING WITH WORK AND REPORT ANY DISCREPANCIES OR CHANGES TO ROBERT FISHER PRIOR TO CONSTRUCTION OF AFFECTED ASPECTS OF THE PROJECT.



**Shade Tree Home Design & Drafting**

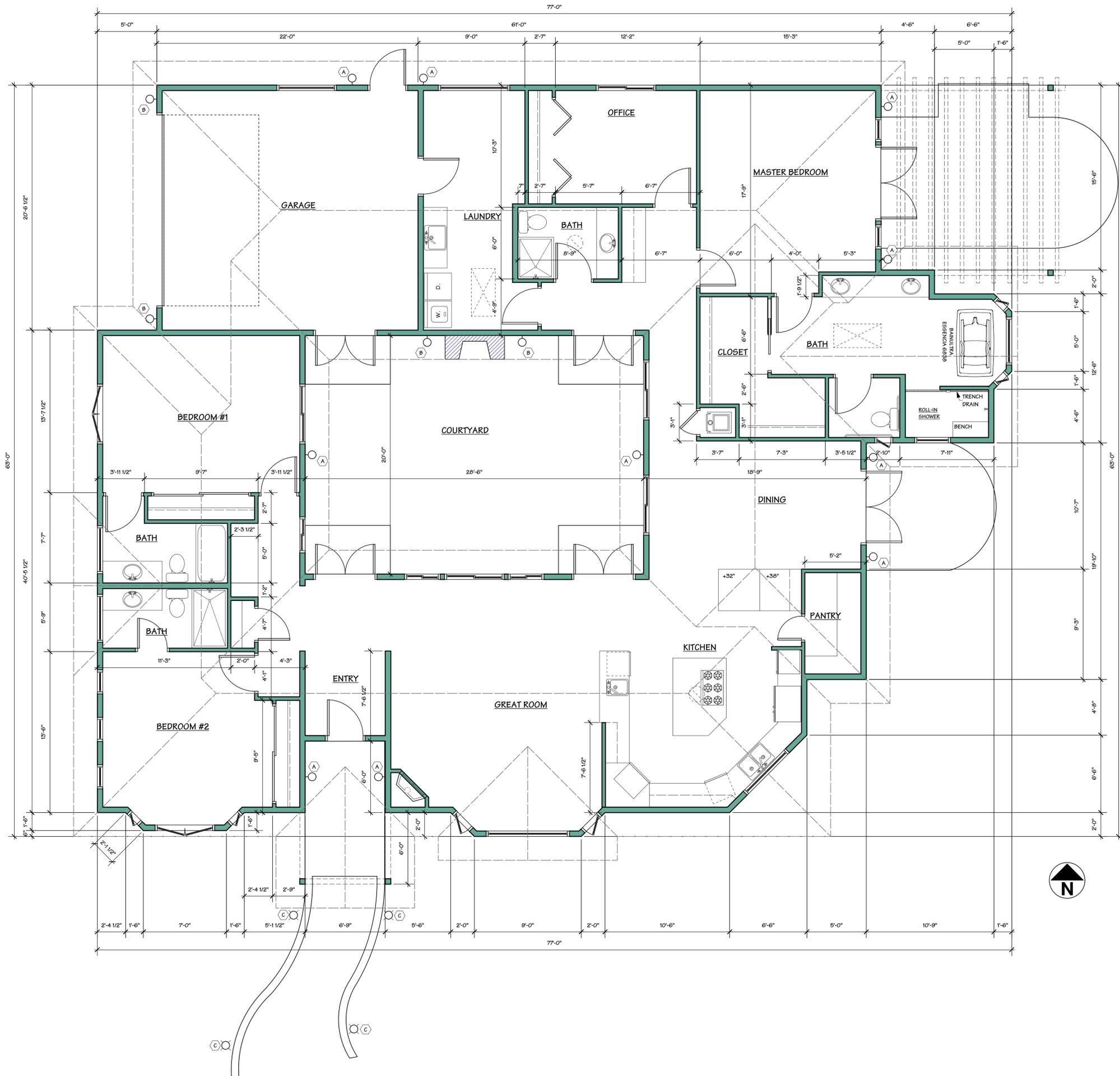
Joe Duhon  
 469-6713 - phone  
 461-6713 - fax  
 joe@duhon.com

PREPARED FOR:

**BARRY RESIDENCE**  
 2334 Emerald Circle  
 Morro Bay, CA 93442

DATE: 06/09/2016  
 REVISION: 07/18/2016

SITE PLAN  
 SCALE: 1/8"=1'-0"  
 SHEET



- EXTERIOR LIGHT FIXTURE SCHEDULE**
- A KIRKHAM BRONZE Ø 1/2" WIDE DARK SKY LED OUTDOOR WALL LIGHT - LED, SHIELDED, DARK SKY COMPLIANT
  - B KIRKHAM BRONZE 1" WIDE DARK SKY LED OUTDOOR WALL LIGHT - LED, SHIELDED, DARK SKY COMPLIANT
  - C KIRKHAM ARCHITECTURAL BRONZE LANDSCAPE PATH LIGHT - LOW VOLTAGE, SHIELDED, DARK SKY COMPLIANT

AREA	
LIVING SPACE	2917 SQ. FT.
COVERED ENTRY PORCHE	86 SQ. FT.
GARAGE	452 SQ. FT.
TOTAL STRUCTURE	3455 SQ. FT.
INTERIOR COURTYARD	570 SQ. FT.

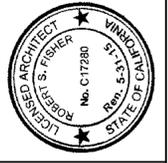
**ROBERT FISHER**  
AN ARCHITECTURAL CORPORATION

ROBERT FISHER  
ARCHITECT C17280

8775 San Rafael Road  
Alhambra, CA 91802  
805.461.4804  
Email: rfsarch@yahoo.com

THESE DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF ROBERT FISHER. ALL DESIGNS AND OTHER INFORMATION ON THESE DRAWINGS ARE FOR USE ON THE SPECIFIED PROJECT AND SHALL NOT BE USED WITHOUT THE EXPRESSED WRITTEN CONSENT OF ROBERT FISHER.

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE BEFORE PROCEEDING WITH WORK AND REPORT ANY DISCREPANCIES OR CHANGES TO ROBERT FISHER PRIOR TO CONSTRUCTION OF AFFECTED ASPECTS OF THE PROJECT.



Shade Tree  
Home  
Design  
& Drafting

Joe Duhon  
459-6713 - phone  
461-6713 - fax  
joe@duhon.com

PREPARED FOR:

**BARRY RESIDENCE**  
2334 Emerald Circle  
Morro Bay, CA 93442

DATE: 06/09/2016  
REVISION: 07/18/2016

FLOOR PLAN  
SCALE: 1/4"=1'-0"  
SHEET

**A1**

**EXTERIOR LIGHT FIXTURE SCHEDULE**

▲ (A)	KIRKHAM BRONZE 6 1/2" WIDE DARK SKY LED OUTDOOR WALL LIGHT - LED, SHIELDED, DARK SKY COMPLIANT
▲ (B)	KIRKHAM BRONZE 11" WIDE DARK SKY LED OUTDOOR WALL LIGHT - LED, SHIELDED, DARK SKY COMPLIANT

THESE DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF ROBERT FISHER. ALL DESIGNS AND OTHER INFORMATION ON THESE DRAWINGS ARE FOR USE ON THE SPECIFIED PROJECT AND SHALL NOT BE USED WITHOUT THE EXPRESSED, WRITTEN CONSENT OF ROBERT FISHER.

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE BEFORE PROCEEDING WITH WORK AND REPORT ANY DISCREPANCIES OR CHANGES TO ROBERT FISHER PRIOR TO CONSTRUCTION OF AFFECTED ASPECTS OF THE PROJECT.



Shade Tree  
Home  
Design  
& Drafting



Joe Duhon  
459-6713 - phone  
461-6713 - fax  
joe@duhon.com

PREPARED FOR:

**BARRY RESIDENCE**  
2234 Emerald Circle  
Morro Bay, CA 93442

DATE: 06/09/2016

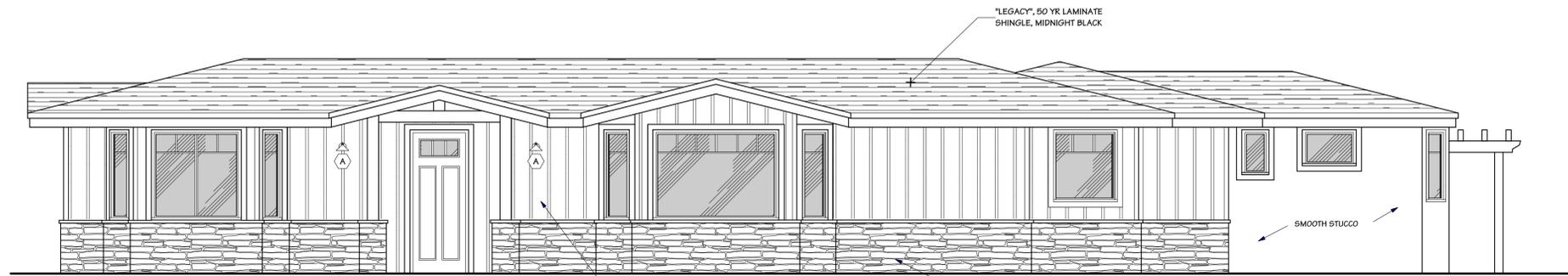
REVISION: 07/18/2016

EXTERIOR ELEVATIONS

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

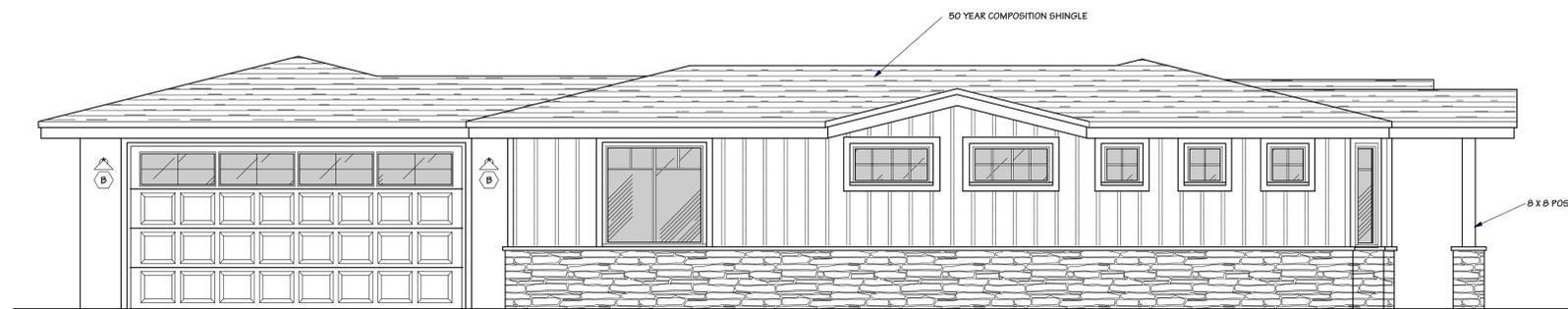
SHEET

**A2**



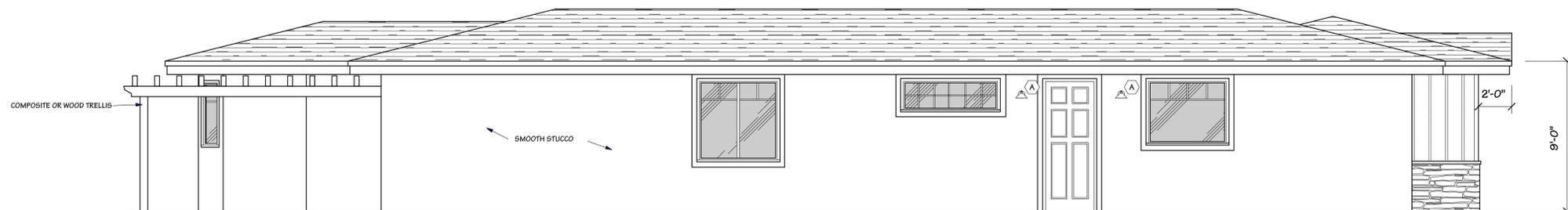
**SOUTH ELEVATION**

1/4" = 1'-0"



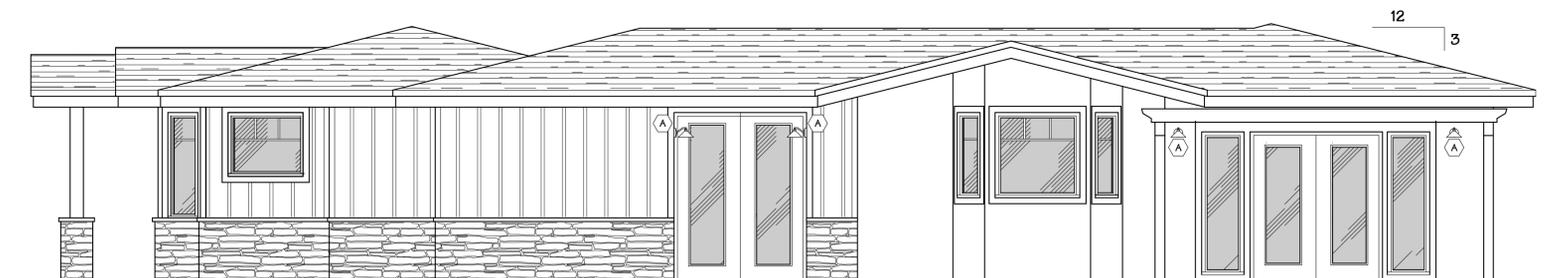
**WEST ELEVATION**

1/4" = 1'-0"



**NORTH ELEVATION**

1/4" = 1'-0"

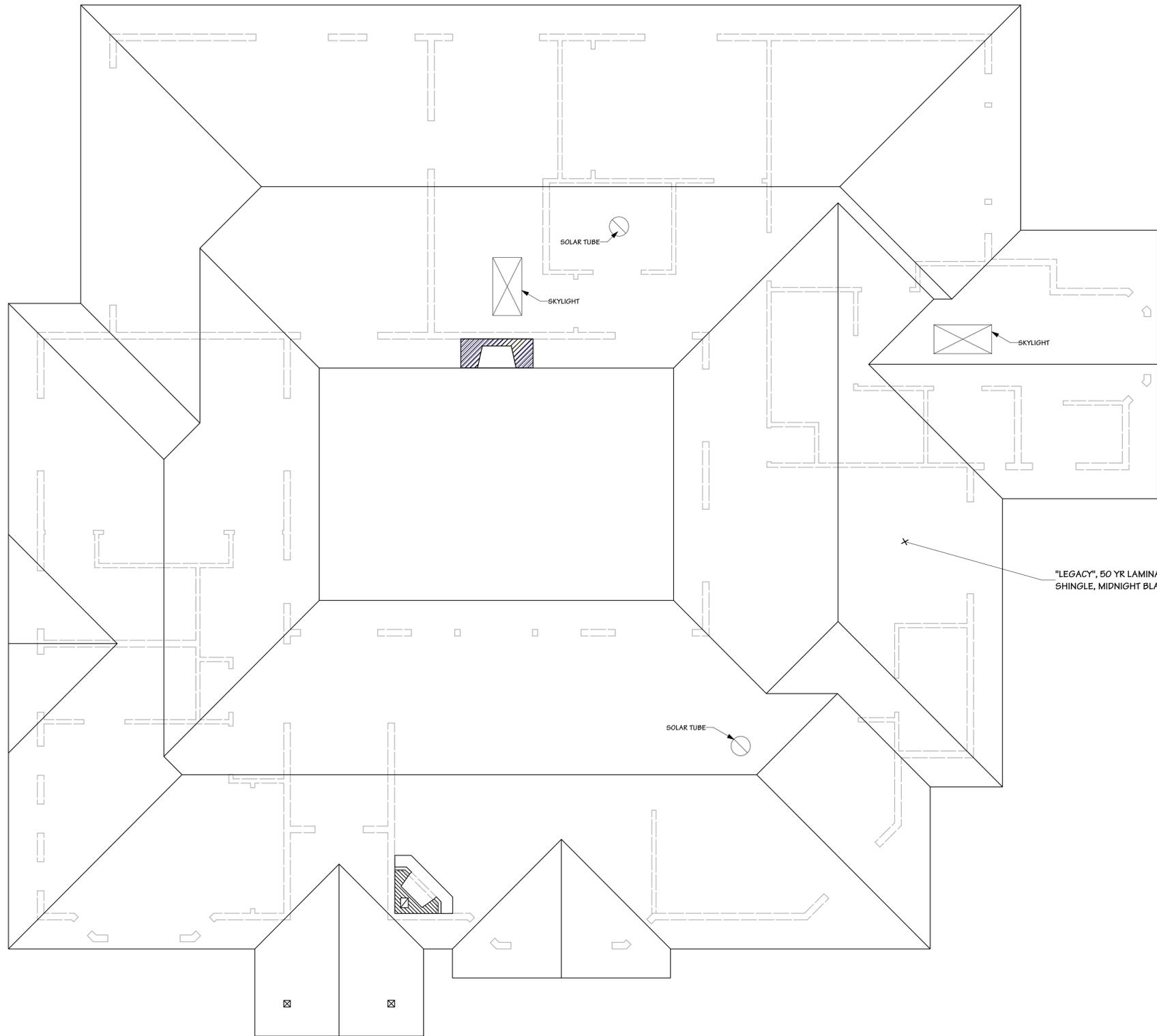


**EAST ELEVATION**

1/4" = 1'-0"

**HEIGHT CALCULATION**

LOW POINT	20.80'
HIGH POINT	21.65'
AVERAGE GRADE	21.23'
HEIGHT LIMIT	14'-0"
MAXIMUM ALLOWABLE HEIGHT	35.23'



8775 San Rafael Road  
Albany, CA 94722  
805.461.4804  
Email: rsfarch@yahoo.com

THESE DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF ROBERT FISHER. ALL DESIGNS AND OTHER INFORMATION ON THESE DRAWINGS ARE FOR USE ON THE SPECIFIED PROJECT AND SHALL NOT BE USED WITHOUT THE EXPRESSED, WRITTEN CONSENT OF ROBERT FISHER.

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE BEFORE PROCEEDING WITH WORK AND REPORT ANY DISCREPANCIES OR CHANGES TO ROBERT FISHER PRIOR TO CONSTRUCTION OF AFFECTED ASPECTS OF THE PROJECT.



Shade Tree  
Home  
Design  
& Drafting



Joe Duhon  
459-6713 - phone  
461-6713 - fax  
joe@duhon.com

PREPARED FOR:

**BARRY RESIDENCE**  
2234 Emerald Circle  
Morro Bay, CA 93442

DATE: 06/09/2016  
REVISION: 07/18/2016

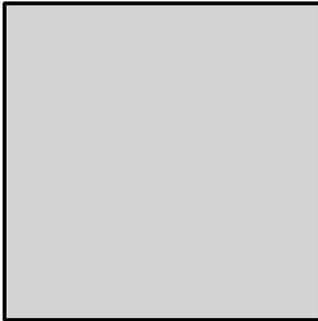
ROOF PLAN  
SCALE: 1/4"=1'-0"

SHEET

**A3**

EXHIBIT C

# Barry Residence 2234 Emerald Circle



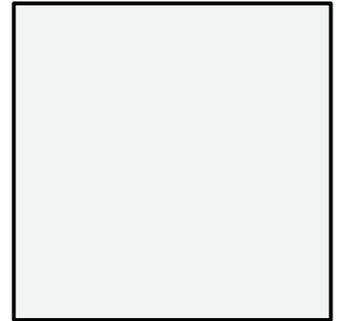
House Color -  
Behr Premium  
*"Sterling" (780E-3)*



Trim and Fascia Color -  
Behr Premium  
*"Dutch White" (MQ3-31)*



Front Door Color -  
Behr Premium  
*"Ocean Storm" (MQ5-61)*



Alternate Front Door Color -  
Behr Premium  
*"Bakery Box" (BL-W09)*



Malarkey Roofing  
Laminated Architectural Shingles -  
*"Midnight Black"*



Stone Veneer  
Country Ledgestone  
*"Echo Ridge"*

**ROBERT FISHER**  
AN ARCHITECTURAL CORPORATION



**ROBERT FISHER**  
ARCHITECT C17280

8775 San Rafael Road  
Atascadero, CA 93422  
805.461.4804  
Email: rsfarch@yahoo.com

## Cloisters Architectural Review Committee

---

July 18, 2016

**Claudia and Don Barry**  
585 Santa Ysabel  
Los Osos, CA. 93402

RECEIVED

JUL 20 2016

City of Morro Bay  
Community Development Dept.

**RE: The Barry Residence – New Single Family Residence  
2234 Emerald Circle (Lot 88)  
Morro Bay, CA. 93442**

Dear Mr. and Mrs. Barry,

Please accept this letter as notification for the approval of the submitted plans and exhibits of the proposed new single family residence, in the Cloisters of Morro Bay, at the above mentioned address.

We have reviewed the prepared (and revised) plans developed by Mr. Robert Fischer, dated June 9, 2016, and have found that the proposed project, with revisions, are in satisfactory compliance to the standing and approved Cloisters Design Guidelines. This approval also states the following as conditions of approval to the proposed and submitted design:

1. That the architectural review committee be notified at the time of final occupancy to verify that the completed project complies with the approved plans.
2. That the proposed design, to include the recent revisions, be constructed in accordance to the approved plans.
3. That the architectural review committee be notified of any modifications or revisions to the approved plans, prior to any installation or construction of the same.

Should you have any questions, regarding this review or approval, please contact me at your convenience.

Sincerely,

*Craig R. Smith*  
Craig R. Smith, AIA

Architectural Design Consultant to the Cloisters Architectural Review Committee  
c/o CRSA Architecture  
890 Monterey Street, Suite A, San Luis Obispo, CA. 93401  
805 544-3380 x 202 | crsa@craigsmithaia.com



WEST ELEVATION



ACROSS STREET TO THE WEST



SOUTH ELEVATION



ACROSS STREET TO THE SOUTH



AGENDA NO: C-1

MEETING DATE: August 16, 2016

## Staff Report

**TO:** City of Morro Bay Planning Commission      **DATE:** 08/10/16

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

**SUBJECT:** Measure “D” Discussion/Study Session in support of possible preparation/adoption of a future interpretation memorandum as it relates to the requirements of the Measure D area.

### **RECOMMENDATION**

1. Review the staff report and related materials, discuss and provide direction to staff

### **BACKGROUND**

The Planning Commission recently raised the question about how we might go about better defining what is meant by the language in Measure “D”. The resulting discussion brought about identification of Measure D as a future agenda item.

Concern regarding how the language in Measure “D” has been interpreted overtime has been an ongoing issue since its inception through voter approval by the Citizens of Morro Bay on June 2, 1981.

#### **Measure “D” 2008**

The Council, back in 2008, discussed placing an initiative on the November 2008 General Election to either repeal or amend Measure “D”. Ultimately the Council decided to postpone the decision on amending or repealing Measure “D”, and instead direction was provided to staff to pursue additional stakeholder input and then to return to Council with the results of those efforts. It is unclear if this item was ever brought back for consideration by Council, but in searching through City records it appears that it was not.

#### **Measure “D” 20012/2013**

Back in April 23, 2013 the Council and Planning Commission held a joint meeting where Measure “D” again surfaced as a topic of discussion. The consensus between the Planning Commission and Council was that the intent behind Measure “D” was to preserve the area for the commercial fishing industry and that this was a topic worthy of discussion at the Planning Commission level, where stakeholder input could be gathered and recommendations brought back to Council for better defining what was allowed

Prepared By: SG      Dept Review: SG

in the Measure “D” area.

In looking through the record it does not appear that the subject was ever agendaized for Planning Commission consideration, but instead the Harbor Advisory Board (HAB) picked it up in September of 2013. The agenda and minutes for the September 5, 2013 Harbor Advisory Board meeting can be found at the following link: <http://www.morrobayca.gov/archive.aspx>.

The HAB’s discussion centered on developing potential definitions for portions of Measure “D” to help clarify the language of the measure. Specifically, the Motion included the following:

**MOTION:** Chairman Eckles moved that the Harbor Advisory Board recommend to City Council that the City develop a policy statement defining passenger for hire and sport fishing as it pertains to Measure D, and to urge the City toward conservative interpretation to favor the commercial fishing industry and strict enforcement of Measure D.

Discussion by the Board. Ms. Meissen said she thought the first part of the Motion would not have great utility in helping the Harbor Director make decisions on what types of businesses are allowed in the area under Measure D, such as the Stand-Up Paddle business. She said that she really liked the second part of the Motion and anything that will help support our local fishermen.

Vote: The Motion was seconded by Mr. Luffee and passed with a vote of 5 to 1, with Ms. Meissen voting no.

It does not appear that the above noted action by the HAB ever resulted in additional action or direction to or by Council.

### **DISCUSSION**

The intent behind Measure “D” is to limit development and uses, within the Tidelands Trust lease site area between Beach Street and Target Rock, to those catering predominately to licensed commercial fishing operations or non-commercial recreational fishing activities.

The language of Measure D follows:

#### ***Zoning Code Section 17.36.020:***

*The City shall not grant any permit, authorization or other approval of any State owned tidelands subject to City lease between Beach Street and Target Rock, unless such development or use is primarily for the purposes of serving or facilitating licensed commercial fishing activities, or noncommercial recreational activities fishing activities, or is clearly incidental thereto. For the purposes of illustration only, and not by way of limitation, no approval shall be granted for any new passenger for hire boats or supporting facilities, or any new restaurant, café, gift shop or other retail establishment serving the general public, and any existing such uses shall hereinafter be considered nonconforming and shall not be expanded or enlarged.*

The language is somewhat vague and the first sentence is really the only operational portion of the Measure. The second sentence indicates that it is for “Illustration only” and is thus not binding, although it does help somewhat in trying to define what is meant by the measure.

Chairperson Tefft, provided staff with five (5) questions pertaining to the meaning of the measure and it seemed as good a place to start as any. There may be other questions that the Commission is interested in addressing or Commissioners may have similar concerns as those noted but different solutions, options or ideas on how to address the questions. Again, these questions are provided to help jump start the conversation. Each Questions is followed by a staff comment section:

### Question 1

In the phrase “*licensed commercial fishing activities or noncommercial recreational fishing activities*”, does the adjective “licensed” apply only to “commercial fishing activities” or does it apply to “noncommercial recreational fishing activities”, as well? In other words, does this phrase mean:

- a.) *Licensed commercial fishing activities or licensed noncommercial recreational fishing activities* (e.g., sportfishing), or
- b.) *Licensed commercial fishing activities or any noncommercial recreational fishing activities* (e.g., sportfishing, fishing from private boats, fishing from piers)?

It is notable that, in common English usage, when two nouns separated by the word “or” are preceded by an adjective, the adjective typically applies to both nouns. For example:

“Diners may choose from broiled halibut or cod.”

“The space will be planted with a 15-gallon maple or oak.”

Common grammatical usage notwithstanding, the Planning Commission should attempt to clarify the actual intent of Measure D and to provide a better-defined statement of the types of activity that must be served or facilitated by new development in this area.

### Staff Comment Question 1

The question as to what is meant by “noncommercial recreational fishing activities”, seems to be one that has come up regularly over time. In some instances, there is testimony in the record that suggests the original intent behind this section of Measure “D” might have been to allow sport fishing boats. This has also been one of the sections regularly suggested for amendment.

### Question 2

What is encompassed within the concept of “*servicing or facilitating*”? In many instances, the manner in which a proposed development will serve or facilitate the commercial fishing industry will be clear. Some examples that would appear relatively straightforward include docking sites for commercial fishing boats and fish off-loading and processing facilities. In other cases, however, the facilitative relationship between a development proposal and commercial fishing may be less direct. Specifically, would the following represent valid instances in which the commercial fishing industry is served and facilitated by development, as required by Measure D:

- a.) *Development that is unrelated to fishing but which financially supports a commercial fishing enterprise* – Consider, by way of example, the following:

- The owner of a commercial fishing boat docked in Morro Bay is unable to meet expenses (mortgage, dock fees, salaries, maintenance, *et al.*) with the revenues generated by fishing. He proposes to open a pancake house within the area subject to Measure D, with the condition that 75% of the profits generated by the pancake house will be devoted exclusively to the upkeep, maintenance, and continued operation of the fishing vessel. Is this proposal consistent with Measure D?
  - The holder of both a landside and water lease in the area encompassed by Measure D
-

proposes to build a boutique hotel on the landside site. As a condition of approval for this development, the applicant agrees to build 12 docking slips on the water lease and, in anticipation of profits to be made from the hotel, to rent these slips to commercial fishing vessels at a rate 25% lower than that charged at City-owner docks. Does this proposal “serve and facilitate” the commercial fishing industry, as required by Measure D?

- b.) *Development that does not directly serve or facilitate commercial fishing but which raises public awareness of our local fishing heritage* – For example, a maritime museum or a theater that shows documentaries about the commercial fishing industry.
- 

### **Staff Comment Question 2**

We recently received some inquiries that are somewhat related to this item. More specifically, the inquiry centered on an unofficial proposal to operate a boat-vacation rental or (Botel) in the Measure D area.

#### **Question 3**

To what degree is the approval of proposed projects within the area covered by Measure D constrained by the requirement that “*such development or use is **primarily** for the purpose of serving or facilitating licensed commercial fishing activities or noncommercial recreational fishing activities*”?

Does this requirement mean that the City cannot approve a development which serves both fishing and general boat owners unless the service to commercial vessels is greater than that afforded to recreational boats? For example, would the “primarily” provision preclude a boat haul-out facility unless more than 50% of vessels to be hauled are commercial fishing boats or prohibit a new fuel dock unless service is denied to pleasure boats?

---

### **Staff Comment Question 3**

This issue would likely only come in to play if the haul out facility were on the water side of the Embarcadero. The current location identified for a possible boat haul out facility is the Triangle Lot on the opposite side of the Embarcadero, outside the Measure “D” area.

#### **Question 4**

What is the significance of the fact that Measure D does not include language that restricts its impact to only approvals required for new development? An intuitive interpretation of this omission would be to conclude that Measure D does not allow for the “grandfathering” of land uses that fail to meet the test of “*serving or facilitating licensed commercial fishing activities or noncommercial recreational fishing activities*”. In other words, Measure D appears to require that land uses which do not serve or facilitate the fishing industry be disallowed whenever the City has discretion to do so (i.e, whenever a City permit, authorization, or tidelands lease agreement is under consideration), regardless of whether or not such non-compliant land use currently exists at the site or has existed there in the past. What other interpretations can reasonably be made of this clause?

In a related question, if a structure that houses nonconforming land uses is demolished and a new structure is erected at the site, can the land uses which existed in the demolished building be considered to be “continued” in the new structure, or must all uses in the new building be considered to be “new” uses? Likewise, if a “*passenger for hire boat*” is removed from docks within the Measure D area, should this use be considered “discontinued”? Can such a vessel be replaced with another “*passenger for hire boat*”, or would such an action represent a “new” use? Under the terms of Zoning Ordinance 17.56.130, does it matter if such replacement occurs after a period of six months has elapsed?

---

#### **Staff Comment Question 4**

The recently approved Fowler lease site landside development removes Dockside 3 and places the restaurant square footage within the new waterfront building. Dockside 3 is considered nonconforming related to use, but we were able to relocate the restaurant space, so long as the seating/restaurant area was not expanded. As we were taking this lease site proposal through the approval process, we inquired with Joe Pannone, City Attorney, and he agreed that based on how our nonconforming ordinance is written and taking into consideration the language of Measure D, it was possible to preserve the existing nonconforming use, so long as it was not expanded.

#### **Question 5**

Measure D states specifically that *"no approval shall be granted for any new passenger for hire boats or supporting facilities, or for any new restaurant, café, gift shop or other retail establishments serving the general public"*. This restriction, however, is qualified by the phrase *"for purposes of illustration only, and not by way of limitation"*. Does the qualifying phrase provide the City with any latitude with respect to consideration of the listed uses?

---

#### **Staff Comment 5**

I believe the question here is a little more straight forward, given the "for purpose of illustration only" language would typically mean that it is not binding. Although, I would again note that the language following the statement does help define what is allowed in the Measure D area and it would not likely be a good idea to allow uses that directly controvert what is suggested. The point to take away here is that based on the "illustration only" language, the Commission has much more leeway in defining what is meant or allowed by this section.

#### **CONCLUSION**

The expectation or desire from this discussion is to emerge with some general direction from the Commission regarding interpretations for allowed uses/development in the Measure "D" area, keeping in mind the intent behind the measure is to preserve the Commercial Fishing industry in the City. I would hope to take input from the Commission and to start forming a policy document that supports and helps define what is allowed on this area. Once the PC finalizes the Draft document, I envision presenting it to the Harbor Advisory Board and then City Council.