



CITY OF MORRO BAY PLANNING COMMISSION AGENDA

The City of Morro Bay provides essential public services and infrastructure to maintain a safe, clean and healthy place for residents and visitors to live, work and play.

Regular Meeting - Tuesday, April 17, 2018
Veteran's Memorial Building – 6:00 P.M.
209 Surf Street, Morro Bay, CA

Chairperson Gerald Luhr

Vice-Chairperson Michael Lucas
Commissioner Jesse Barron

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. For Public Hearing, New Business, and Unfinished Business items, additional opportunities for public comment will be provided following the Staff Report for each such 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 Department 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 - NONE

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.

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.: A00-054 (Amend UP0-284)

Site Location: 1001 Front Street, Morro Bay, CA

Proposal: Amendment to Conditional Use Permit (Precise Plan) to allow permanent use of a seasonal kiosk for Virg’s at 1001 Front Street. The Applicant is proposing a 48sf kiosk (6’ wide x 8’ long), 7’ 6” high “Tough Shed” to be located on private property at 1001 Front Street in an area between the parking lot and public sidewalk adjacent to the existing parking lot fencing. Seasonal use of kiosk to be open from April to November and removed and stored at an off-site location during off-season months. The purpose of the kiosk is an information booth to provide information and sell tickets for the Virg’s sportfishing and whale watching fleet manned. No indoor customer space will be available; the booth will function as a walk up window only. The Virg’s Kiosk previously received a temporary use permit on 4/21/2017 for a 6 month limited use. The project site is located in the WF/PD/S.4 Zoning District and within the Coastal Commission Original Jurisdiction.

CEQA Determination: Categorically Exempt, Section 15311 Class 11

Staff Recommendation: Conditionally approve

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

B-2 Case No.: UP0-495 and CP0-555 (*Request for continuance to a date uncertain*)

Site Location: 235 Marina Street, Morro Bay, CA

Staff Recommendation: Continue hearing to a date uncertain

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

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on May 1, 2018 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.morrobayca.gov/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.morrobayca.gov/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 a \$277 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.

Approved projects are deleted on next version of log.

Agenda No: A-1

Meeting Date April 17, 2018

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
Hearing or Action Ready Projects:										
1	DeGarimore	1001 Front St.	1/29/18	A00-054	CUP to amend Precise Plan UP0-284 to allow seasonal kiosk of Virg's Landing kiosk.	Under initial review. Virg's Landing kiosk previously permitted summer of 2017 for a temporary use permit of a seasonal kiosk. Applicant application is to allow permanent seasonal use. Agendized for 4-17-18 PC hearing.				cj
2	DeGarimore	1001 Front St.		A00-026 Amendment to CUP to modify project description to remove proposed new awning.	Administrative Amendment to UP0-284. Letter sent to applicant 9-9-15 regarding public access requirements. In process. CUP originally approved May 2012 for new dock system, retractable awning over public seating area, and permitting of an existing parking lot.	Conditional use permit UP0-284 approved by PC in May 16,2012. All work under this CUP was completed with exception of retractable awning system. Applicant has filed for an administration amendment to the CUP to modify project description to delete awning proposal. Seating area is currently partially covered with table umbrellas. Site noticed for administrative action on 4/6/18 to modify project description.		PN- Conditionally Approved 5/17/2017		cj
1	Borchard	508 Blanca	2/9/18	CP0-564	Administrative Coastal Development Permit for new 1,800 sq. ft. single-family residence with 453 sq. ft. garage and 364 sq. ft deck	Under Initial Review. Deemed incomplete, letter sent to applicant 3/8/18. Resubmitted 3/14/18, under review. Deemed complete, public notification period 4/4/18 to 4/14/18.				nh
2	City of Morro Bay	0 Main St	3/23/18	A00-057	Administrative Amendment to UP0-298 (Conditional Use Permit) for Farmer's Market - reconfigure setup layout of market vendors. Location proposed to change from Main St turn on Harbor St to new layout as only Main Street for 2 blocks between Pacific and Harbor Streets.	Deemed complete, sent for public notification from 4/4/18 to 4/14/18.				nh
3	Tench	1001 Front St.	3/14/18	UP0-516	Temporary Use Permit - Waterfront Market in Parking lot of Gio's Fish Market	Under Initial Review. Noticed 4/6/18. TUP requested for vendor market in parking lot for four separate weekends between May and October 2018.				jn
3	Reeves	1169 West	2/9/18	UP0-514/CP0-565	Coastal Development Permit / Conditional Use Permit for New 3,901 sq. ft. single-family residence with detached 980 sq.ft. garage	Under Initial Review. Deemed incomplete, letter sent to applicant 3/6/18. Resubmittal received 3/13/18. Under Review. Resubmitted 3/13/18, under review. Agendized for May 1, 2018 PC hearing.				nh
4	Wright	2996 Alder Ave	1/18/18	CP0-562	Coastal Development Permit / Conditional Use Permit for 3 story, 3 unit apartment building in the R-4/SP zone	Under initial review. Deemed incomplete, letter sent to applicant 2/20/18. Resubmittal received 3/13/18. Under Review. Staff determined project needs PC approval. Applicant notified 3/19/18 to resubmit for PC approval. Agendized for May 1, 2018 PC hearing.				nh

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4	Taverner	335 Piney	6/15/17	CP0-547	Administrative Coastal Development Permit for the construction of a detached 624 sq. ft. accessory dwelling unit	Under Initial Review. Correction Letter sent 7/11/2017. Resubmittal received 9/28. Performed Site Visit. Waiting on confirmation of the removal of second kitchen area on lower floor. Letter sent 12/14 regarding required information submittal not rcv'd to date. Applicant must remove cooking facilities in lower portion of existing SFR. Has not yet complied to date (2/13) Another Letter sent 2/26. Recorded deed restriction received 3/23. Still waiting on confirmation that the downstairs stove/cooking facilities have been removed. Inspection Complete. Noticed 4/10/18		PN- Conditionally approved 7/17/2017		jg

30 -Day Review, Incomplete or Additional Submittal Review Projects:

1	Krull	2575 Greenwood	4/11/18	UP0-521 / CP0-575	395 sq. ft. ADU (converted from existing 2-car garage) and construct new 250 sq. ft. garage (in foot print of existing shed to be removed)	Under Initial Review				jg
2	Carter	2035 Bayview	4/10/18	CP0-574	Demo reconstruct. New 1,931 sq. ft. SFR with an attached 460 sq. ft. garage	Under Initial Review				jg
3	Wood	361 Main	4/6/18	CP0-573 / AD0-134	CUP; addition to existing residence; 2nd floor addition 386 sq. ft.; 2nd floor deck 329 sq. ft. with variance AD0-134	Under Initial Review				jg
4	Douleddee	958 Marina	3/28/18	CP0-572 / AD0-133 / UP0-519	Admin permit for detached secondary dwelling unit; refer to parking exception AD0-133 & Bldg permit 31732; MUP for parking exception AD0-133.	Under Initial Review				jg
5	Smothers/Fortino	570 Kings	3/23/18	UP0-517 and CP0-571	Construct two new dwelling units for an additional 1430 sq. ft. of habitable space on an R-2 parcel with an existing SFR	Under Initial Review				jg
6	Stollmeyer	312 Tahiti	3/16/18	CP0-570	Demo existing Stollmeyers building and construct SFR with accessory dwelling unit (ADU) on each of the 2 existing legal lots on	Under Initial Review				jg

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7	Stollmeyer	310 Tahiti	3/16/18	CP0-570	Demo existing Stollmeyers building and construct SFR with accessory dwelling unit (ADU) on each of the 2 existing legal lots on	Under Initial Review				jg
4	Beecham	781 Harbor	3/13/18	CP0-569	Admin CDP for demolition only of 1653 sf structure & 807sf garage	Under initial Review. Requires an historical evaluation				jg
5	Hilton	430 La Jolla	3/5/18	CP0-568	Remodel existing SFR to create an Accessory Dwelling Unit	Under Initial Review. Correction letter sent 3/20/2018				jn
6	Kenney	321 Trinidad	3/2/18	UP0-515/AD0-131	Addition to a nonconforming SFR and parking exception for tandem space	Under Initial Review. Correction Letter sent 4/3				jg
7	Scott	2940 Hemlock	2/23/18	CP0-567	New 1,266 sq. ft. single-family residence	Under Initial Review. Waiting on PW comments. Correction Letter sent 3/22				jg
8	Frye	3400 Toro	2/21/18	CP0-566	New single-family residence with an attached accessory dwelling unit	Under Initial Review. Waiting on PW comments. Correction Letter sent 3/20. Resubmittal rcv'd 4/2				jg
9	Matson Bay	787 Main Street & 280 Morro Bay Blvd	1/17/18	S00-130	Lot Line Adjustment	Under initial review. Deemed incomplete, letter sent to applicant 2/16/18				nh
10	Matson Bay	271 Pacific	1/17/18	S00-131	Cert of Compliance	Under initial review. Approved, recording documents in process. Waiting for signed documents from applicant				nh
11	Matson Bay	767 Main Street	1/17/18	S00-132	Cert of Compliance	Under initial review. Approved, recording documents in process. Waiting for signed documents from applicant				nh
12	Kitzman	355 Quintana Place	1/26/18	A00-000-053	Lot Tie and modification to parking lot for Culligan Water	Under initial review. Deemed incomplete, letter sent to applicant 2/21/18				nh
3	Johnson	128 Rennell	1/10/18	CP0-561	Demo/reconstruct 1,362 sq. ft. SFR with 496 sq. ft. garage, and 240 sq. ft. covered front porch	Incomplete letter mailed 2-9-18				nh
4	TLC Family Enterprises	833 Embarcadero	1/2/18	UP0-509	Demo/reconstruction of existing Off the Hook Building.	Under Initial Review. Correction letter sent 2/13/18				cj
5	Di Benedetto	235 Marina	11/1/17	CP0-555/UP0-495	Coastal Development Permit & CUP for Demo/Reconstruct with new 2,228sf single family residence.	Under initial Review. Correction Letter sent 11/13. Resubmittal Received 3/12/18. Under Review. Scheduled for 4/17 PC Hearing. Continuance requested to a date uncertain because of inconsistencies with General Plan Land Use Policy LU-69. Applicant must redesign and resubmit				jg
6	Guesno	210 Atascadero	6/1/17	CP0-544 / UP0-481	Coastal Development Permit and Conditional Use Permit for commercial change in use	Under review. Correction memo sent to applicant 6-27-17. Resubmittal received 7/24/17. Incomplete letter sent 8/4/17. Plans still incomplete as of Nove 2017. Resubmittal received 1/5/18. Incomplete letter sent 2/6/18.		PN- Disapproved 7/5/17		nh

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7	Morgan	101 Fig St.	4/12/17	UP0-476	Conceptual Review of New SFR with accessory unit. Existing historical structure on lower level.	PC Conceptual Review 5/16/17. Applicant evaluating whether to pursue project.		PN-Conditionally approved 5/11/17		nh
8	Huber	2783 Coral Ave	2/24/17	CP0-530, UP0-470, S00-127	Proposed 6 lot residential subdivision (Tentative Tract Map, CDP, and CUP application). Property located at corner of San Jacinto & Coral Ave.	Under Initial Review. Resubmitted 11-2017. RFP released for preparation of environmental (IS/MND). MND update in process. Draft initial study provided for staff review 3/16/18. Comments provided to consultant 4-6-18 to draft public review draft document.		PN- Not Approved per memo dated 3/16/17		nh
9	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 rcv'd 8/17/2016. Correction letter sent 10/13/2016. <i>Applicant now wants to remove development from proposal and process the parcel map independently of any development.</i> Waiting on updated map (4/7/2017) Rcv'd 4/17. Correction letter sent 5/30/2017. Resubmittal Received 7/10/17. Correction Letter sent 8/22. Resubmittal rcv'd 10/18/17. Applicant has chosen to again change the project. Permit expired. Applicant directed to resubmit application at meeting 12/14. Subdivision Review Committee tentatively scheduled for 1/30/18. Correction Letter sent 2/22. Resubmittal rcv'd 4/12		PN- Disapproved per Memo dated 8/10/2017		jg
10	Gambriel	405 Atascadero Rd.	5/13/15	CP0-475 / UP0-417	New construction of 10,000sf commercial retail on vacant lot	WM. Under review. Will need Arch and Traffic reports. Resubmittal received 8/11/15. Incomplete letter sent 9/4/15. Resubmitted 2/13/18. Under Review. Incomplete letter sent 3/13/18. Resubmittal received 3/26/18. Under Review. RFP for environmental consultant concluded. Consultant selected, preparing contract documentation.		PN-Conditionally Approved 2/28/2018		nh
Planning Commission Continued projects:										
2	Erlendson	299 Sienna	9/1/17	UP0-491/AD0-123-CP0-560	Application altered. Applicant now requests Coastal Development Permit for a secondary dwelling unit to be located within the existing 2-car garage.	Under review. Correction letter sent 9/13/17. PC hearing 10/3/2017. Continued to a date uncertain with direction to work with staff prior to resubmittal. Applicant must resubmit. Under Review. Correction Letter sent 1/24/18				jg
3	Seashell Estates, LLC	361 Sea Shell Cove	1/26/15	CP0-459/ UP0-401	Coastal Development Permit/Conditional Use Permit for new SFR. Lot 4 of 1305 Teresa Subdivision	Reviewing CC&R Design Guidelines. Deemed complete 3-2-15. Anticipate 4/21 PC hearing. Project continued to a date uncertain. C.J.	2/23/15 FD Cond App TP	BCR has for review 2/3/15		cj

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4	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		cj
Projects Appealed or Forwarded to City Council:										
5	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 reviewed 5/17/2010. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. PC reviewed 2/7/2011. Workshops scheduled 9/29/11 & 10/6/11 .City Council 12/13/11. Continued to 1/10/12 CC meeting. PC reviewed 5/2/2012. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13 & 7/3/13. 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. Business workshops held fall/winter 13/14. Result of sign workshops discussed at 11-3-15 PC mtg. Revised Public Draft of Sign Ordinance posted to City website on July 6, 2017	No review performed.	N/R		sg
Environmental Review										

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6	Rhine LP & Morro 94, LLC	3300 Panorama	2/24/16	CP0-500 & UP0-440	Coastal Development Permit & Conditional Use Permit for Demolition of 3 existing tanks, related pumps and concrete	Under review. Correction letter sent 5-10-16. Environmental review complete and to be routed 7-28-16 for required 30 day period. PC 9/6/16 hearing. Reviewed and PC continued hearing to 10/4/16. Project continued to 12/6 PC meeting. Project reviewed at 1/3/17 PC hearing and continued to a date uncertain. Revised MND in progress. Draft MND available for public comment 2/28/18 to 3/30/18. Staff reviewing public comment.		PN- Conditionally approved per memo dated 7/26/16		nh
7	Bay Pines/Shorebreak Energy	1501 Quintana	11/29/16	UP0-463/CP0-525	Coastal development permit & Conditional Use Permit for Bay Pines Solar Project.	Under Initial Review. Bio Report and Phase 1 Arch report rcv'd. Waiting for preliminary title report. Rcv'd 3/15. Sent to PW: Under Review. Correction letter sent 4/12/2017. Rcv'd email resubmittal 5/5, resubmittal under review. Requires Initial Study		PN- Conditionally Approved, 6/5/17		cg
8	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 recent activity.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cg
Final Map Under Review Projects:										
9	Tract 2812	2400 Main St / Morro Mist	6/13/16	Map	Final Map - Tract 2812 / 23 lot subdivision and 1 common lot	Initial submittal for final map processing received 6-13-16. Correction letter sent 7-6-16. Draft CC&Rs received. Resubmittal received 1/5/17. Corrections sent 4-7-17. Resubmittal received 6-16-17 and 9-5-17. CC&Rs approved. Draft affordable housing documents prepared and sent to Applicant 11-28-17. Documents resubmitted to City 3-12-18.. Agendized for Council map acceptance on 4-24-18.		PN- Approved Public Imp. On 1/9/2018. Waiting on Final Map resubmittal/		cg
Projects requiring coordination with another jurisdiction:										
10	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		

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11	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.		
Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:										
12	City of Morro Bay	Citywide			Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project	Comprehensive overall update to the City's 1988 General Plan, 1984 Local Coastal Program, and 1997 Zoning Code. General Plan Advisory Committee meetings ongoing. For more information or to get involved, visit www.morrobayca.gov/planmb . Project to be complete with documents ready for adoption and certification by end of 2018.				
13	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.. Application submitted to Coastal Commission August 2016. Coastal objected to ban on use as vacation rentals. New State legislation will force additional changes.	No review performed.			wm
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:										

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
14	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	Coastal Development Permit and 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 hearing held on 9/6/16 and continued for further review to 11-1-16 PC hearing. Continuance requested. Continued to a date uncertain		PN- Conditionally approved 6/14/16		jg jg
15	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 jg
Grants										
16	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		\$400,000 Grant for LCP update to address sea-level rise and climate change impacts. Round 3 Grant award of \$200,000 for Lateral Access Plan, and ESHA delineation.	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. Received signed grant agreement for \$200,000 LCP Planning grant by CCC for Round 3 awards 2-27-17.	No review performed.	N/A		sg
17	City of Morro Bay	City-wide			Community Development Block Grant/HOME Program - Urban County Consortium	Staff has ongoing responsibilities for contract management in coordination with County staff administration. Final 2016 funding recommendations reviewed by Council on 3-8-16. 2016 Subrecipient Agreement executed and Council approved 2018-2020 Cooperation Agreement with County on 6-13-17.	No review performed.	N/R		cj
18	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
Projects in Building Plan Check:										
1	Bernal	154 Bayshore Dr.	3/23/18	B-31924	Convert existing deck(s) into conditioned space, adding 120 sq ft. to unit.		BLDG - Disapproved by hb (see memo) on 4-2-18. GA			
2	LaPlante	3093 Beachcomber	4/24/17	B-31487	New SFR: 3,495sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	Sent memo correction 6-15-17. Disapproved by cj on 10-16-17.	Approved by cdl on 5-10-17	Disapproved by jb (see memo) on 10-3-17	Emailed comments on 10-20-17.	
3		1269 Berwick	4/4/18	B-31938	Adding deck to existing home & 2 windows replaced with new slider doors.		BLDG - Disapproved by hb on 3-9-18. MF			
4		205 Bradley Ave	3/26/18	B -31927	Interior Remodel, new interior walls, replace one window for egress, new drywall, new plumbing fixtures, relocate water heater, new lighting and		BLDG - Disapproved by hb on 4-3-18. mf			

#	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
5	Hauck	206 Bradley Ave	1/5/18	B-31835	Remodel garage, frame new ceiling, drywall ceiling & walls, replace 8' x 6' 8"	Approved by jg on 1-26-18	Disapproved by hb on 1-17-18		2-5-18 - Emailed comments to property owner. PB	
6	MMbs Llc	1215 Embarcadero	12/9/16	B-31326	Demo existing Dockside 3 and Morro Bay Landing to replace with 2 story new structure	Disapproved with plan corrections 1-5-17. CJ. Approved 11-27-17. CJ Fire: Approved by mv on 1-22-18	Plans sent to Ca, Code Check 1-5-17. Sent CA code check 11/14/17.	PN- Disapproved per memo dated 1/18/17	1-17-18 - Received resubmittal and routed to BLDG (CA Code Ck), PW & FIRE. PB	
7	Mathias	2515 & 2525 Greenwood	2/16/18	B-31888	New SFR with ADU		CCC - Disapproved by Scott Martini with CCC (see memo) received on 3-12-18 PB	PN- Disapproved per memo dated 3/5/18		
8	Bulatov	2980 Hemlock	9/11/17	B-31651	Remodel existing SFR, new 1st, & 2nd floor addition(1444sq.ft.) new 310 sf deck above	Disapproved by jg on 9-8-17.	03-28-18 - Disapproved by Bldg. (hb) on 3-27-18. - GA	Disapproved by jb on 9-15-17.	1-24-18 - Received submittal & routed to BLDG (w/ soils), PLAN, PW. & FIRE (route when one is back). PB	
9		391 Jamacia	4/4/18	B-31939	Reconfigure interior walls, add en suite bathroom					
10	Warmerdam	2901 Juniper	12/15/17	B-31812	Single Family Alteration Remodel of existing home	Diapproved by jg 12-27-17	BLDG - CA Code Ck Disapproved on 1-16-18	PW- Disapproved by jb on 12/21/17.	1-16-18 Emailed all plan review comments & (waiver request on 1-19-18) to Trevor Miller PB	
11	Goldstein	142 Kodiak	1/3/18	B-31817	Addition & Remodel	Disapproved by jg on 1-12-18	BLDG - Approved by hb (with redlines). - GA	Disapproved by jbon 12-2-17	1-17-18 - Emailed all plan review comments to Architect (Goldstein) & advised of plans for p/u. PB	
12	Wright	520 LaJolla	7/21/17	B-31595	Enclose 10'x20' carport for single car garage	Disapproved by rr on 7-26-17.	Disapproved by cdl on 8/11/17.	N/A		
13	Cole	1030 Las Tunas	1/30/18	B-31852	Single Family Addition Permit	Disapproved with correction memo by nh on 2/1/18.	BLDG - Disapproved by hb on 2-1-18			
14	Sterkel	1115 Las Tunas	1/23/18	B-31845	368 sf addition, & 175 sf exterior deck	Disapproved with correction memo by nh on 2/6/18. Approved resubmittal 3/21/18. nh	BLDG - Disapproved by hb (see memo) 4-3-18. MF			
15	Boisclair	900 Main	12/19/17	B-31810	Raise existing stage 6" to add additional sound deadning. Create front of stage perimeter		BLDG - Approved by ac on 12-26-17 PB			
16	Olcott	285 Marina	10/27/17	B-31752	ADA Renovation; parking lot	Approved by sg on 11-6-17.	Approved by cdl on 11-14-17.	Disapproved by jb on 11-3-17.	Emailed comments 11/21/17	

#	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
17	Henderson	958 Marina	10/18/17	B-31732	Replace interior finish, repair & reinforce existing structure & replace electrical mechan.& plumbing systems on 2ndary unit	Under review Disapproved by rr on 11-1-17. Project requires planning entitlements.	BLDG - Disapproved by hb on 3-28-18. MF	Approved by jb on 10-23-17.		
18	Robison	1185 Main St.	1/22/18	B-31842	Residential Elevator Installation	Disapproved by sg on 1-29-18	BLDG - Disapproved by hb (see memo) on 2-16-18 PB			
19	Kinsinger	222 Main St.	11/22/17	B-31786	149 Sq. Ft. addition & interior remodel of kitchen, bath and living-room.	Disapproved by jg on 1-12-18	BLDG - Conditional Approval by hb on 4-4-18 (see memo). MF	Approved by jb on 11-22-17.		
20	Millerstein	844 Main St.	11/17/17	B-31781	Com. Alteration Re-enclosed storage area & upgrade to allow for office space in addition to storage upgrade exterior to match surrounding	Approved by rr on 12-8-17	BLDG - Conditional approval by hb, (submit completed unreasonable hardship form)	Approved by jb 11/22/17	1-25-18 - Received resubmittal and routed to BLDG ONLY. PB	RR
21	Davis	1199 Main	4/6/18	B-31942	Addition of 150 sq. ft to upper floor; install new egress window & interior door					
22	Sonic	1840 Main	10/17/17	B-31730	Sonic Drive-in Restaurant, 1395 sf building, 1020 sf covered patio, 2646 sf covered parking	Corrections sent 12-8-17. Resubmitted 3-2-18. Application incomplete and corrections sent 4-5-18. cj.	BLDG - Disapproved by CCC (see memo) on 3-16-18 PB	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	
23	Morro Mist LLC	2402-2446 Main	7/5/16	B-31067 through B-31089	Building Permit applications for 23 new town homes in 6 detached building clusters to include 15 one- bedroom units and 8 three bedroom units. 23 separate applications.	Disapproved. Corrections sent 8-3-16. cj. Resubmittal received and disapproved 11-28-17.	BLDG- Approved by cdl on 8-22-17. PZ	PN- Approved waiting for RL sign-off of WEU form.		
24	Lau	2780 Main	9/15/17	B-31680	Remodel existing resteraunt/ apartment. Reduce size of restaurant by 500 sf and add that to the Apartment.	Disapproved by jg 10-18-17.	BLDG - Disapproved by hb (see memo) on 3-14-18 PB	Disapproved by jb on 9-22-17.	Emailed comments on 10/19/17.	
25	Crowfoot	416 Napa	3/1/17	B-31417	Convert downstairs closet into kitchen to create secondary dwelling unit (CP0-531)	Approved by rr on 7-31-17.	BLDG-Approved by cdlon 3-29-17. PZ	PN- Disapproved per memo dated 3/29/17		
26		2584 Nutmeg Ave	2/2/18	B-31862	Retaining Wall - Approx 25' in length, staggard heights on slope at the southwest corner of property.		BLDG - Approved w/ redlines by hb on 2-8-18 PB			
27	Colmer	501 Quinn Ct,	11/16/17	B-31775	SFR- New	Disapproved by cj 12-21-17. Corrections sent 3-29-18. cj	BLDG - Disapproved by CCC (see memo) on 3-16-18 PB	Approved by jb on 11-30-2017		
28	Colmer	505 Quinn Ct,	11/16/17	B-31774	SFR- New	Disapproved by cj 12-21-17. Corrections sent 3-29-18. cj	BLDG - Disapproved by CCC (see memo) on 3-16-18 PB	Approved by jb on 11-30-2017		
29	Colmer	557 Quinn Ct,	11/16/17	B-31776	SFR- New	Disapproved by cj 12-21-17. Corrections sent 3-29-18. cj	BLDG - Disapproved by CCC (see memo) on 3-16-18 PB	Approved by jb on 11-30-2017		
30	Berry	321 Rennell St.	4/6/18	B-31941	New 544 sq. ft. SFR & 448 sq. ft attached garage.					
31	Nisbet	687 Sequoia	4/3/18	B-31936	Repair & replace driveway					
32	Brisson	341 Sicily	9/12/17	B-31670	Single Family Alteration	Conditional approval 9-27-17. RR	Disapproved by cdl on 9-21-17.	N/A	Emailed comments on 9/28/17	

#	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
33		340 Tulare	3/27/18	B -31932	Addendum to 31046 - Change foundation from piers and grade beams to slab on grade.		BLDG - Disapproved by hb (see memo) on 3-28-18. - GA			
34	Forde	564 Zanzibar	1/16/18	B-31837	Single Family Alteration	Disapproved by sg on 1-29-18	BLDG - Approved by hb on 3-5-18 PB			

Planning Projects & Permits with Final Action:

1	Madding	458 Dunes St	11/7/17	UP0-503	Remodel & addition to existing single family home; addition is 373sf.	Under Intial Review. Correction letter sent 12/13. Resubmitted 2/28/18. Deemed complete. Approved April 3, 2018 by Planning Commission.				nh
2	Van Buerden	701 Embarcadero	2/6/18	UP0-513/SP0-216	Minor Use Permit for a change to the existing signage program and to allow internally illuminated signage on the Embarcadero	Correction Letter sent 1/18. Waiting on Applicant's decision to redesign or take to PC. Agendized for 4/3/2018 PC hearing. Request denied				kg
3	Davis	1149 West Street	3/13/18	A00-055	Request for Amendment to PC Resolution 5-16, Planning condition #19 - to allow a driveway gate	On the Agenda for Planning Commission April 3, 2018. PC denied request April 3, 2018				nh
5	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. Resubmitted revised plans 6-5-17. Project reviewed and discussed with Consultant. PC hearing date is 9-5-17. Conditionally approved via Favorable Recommendation to City Council for approval. Council reviewed on 10-10-17 and continued project to 11-14-17.. Resubmitted 2/5/18. Project to be agendized for 3/27/18 City Council review of Concept Plan CUP.		Conditionally approved 6/14/16		cj



AGENDA NO: B-1

MEETING DATE: April 17, 2018

Staff Report

TO: Planning Commissioners

DATE: April 11, 2018

FROM: Cindy Jacinth, Senior Planner

SUBJECT: 1001 Front Street; Amendment (#A00-054) to Conditional Use Permit (Precise Plan#UP0-284) to allow permanent use of a 48sf seasonal kiosk for Virg's Landing.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by adopting a motion including the following action(s):

Adopt Planning Commission Resolution 12-18 which includes the Findings and Conditions of Approval for the project depicted on site development plans date stamped April 2, 2018 (Exhibit C).

APPLICANT/AGENT: Denise DeCock/Virg's Landing, Applicant / Cathy Novak Consulting, Agent

LEGAL DESCRIPTION/APN: APN 066-033-004 (kiosk location)/ western property includes City lease site 102 / 102W

PROJECT SUMMARY: The Applicant is seeking approval for an amendment to the Precise Plan CUP #UP0-284 to allow permanent use of a 48 square foot seasonal kiosk for the Virg's Landing business on private property at 1001 Front Street. This project is located in the WF/PD/S.4 zoning district and in the Coastal Commission Original Jurisdiction.



Prepared By: __CJ__

Department Review: _____

PROJECT SETTING:

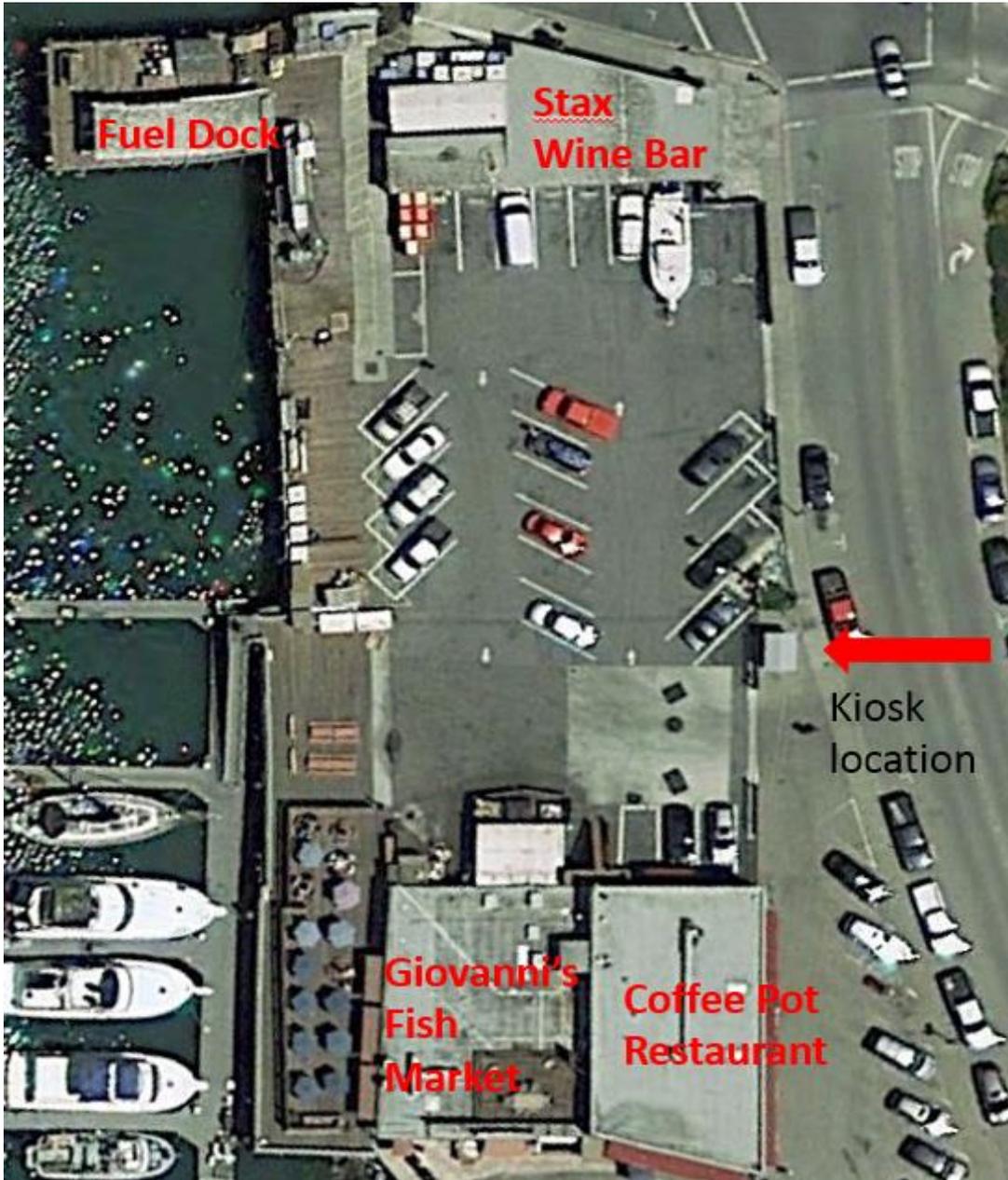
The location is 1001 Front Street which is occupied with multiple waterfront and visitor-serving commercial uses including Giovanni's Fish Market, the Coffee Pot restaurant, a shirt shop, Stax Wine Bar, commercial fishing wharf, fuel dock, finger slips, an on-site parking lot, as well as public lateral access that traverses along the west side of the property through the commercial fishing dock area and the outdoor patio seating area of Giovanni's Fish Market.

<u>Adjacent Zoning/Land Use</u>			
North:	Waterfront (WF/PD, S.4) / Commercial retail / City dock slips	South:	Waterfront (WF/PD, S.4) Commercial retail
East:	Commercial Visitor-Serving(C-VS, PD/S.4), Residences	West:	Harbor

<u>Site Characteristics</u>	
Overall Site Area	
Existing Use	Existing use is visitor-serving commercial, parking lot, and commercial dock. City lease boundaries is limited to west side of property. Actual City lease site 102/102W area is not a part of this project
Terrain	Land portion previously developed and paved surface
Vegetation/Wildlife	None
Access	Embarcadero
Archaeological Resources	No known resources.

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Waterfront Harbor
Base Zone District	WF, Waterfront Zoning district
Coastal Land Use Plan	Planning Area 6 - Bayfront
Zoning Overlay District	Planned Development / PD
Special Treatment Area	S.4
Combining District/ Spec. Plan	N/A

Coastal Zone	Coastal Commission original jurisdiction. Applicant required to obtain Coastal Development permit or waiver from Coastal Commission prior to issuance of any building permit.
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PROJECT BACKGROUND:

UP0-284:

On May 16, 2012, the Planning Commission approved a Precise Plan Conditional Use Permit which allows for approval of a new dock system, 4 finger docks, gangway, retractable awning system over existing public seating area, and after-the-fact permitting of an existing parking lot. In addition, relocation of Virg's sport fishing business to the docks and the public view area to the north of the existing public seating area to be expanded.

The Coastal Commission approved the associated coastal development permit for this project #CDP 3-11-031 on April 12, 2012. With the approval of the CDP, the project was also conditioned (Special condition 1a) to require the wharf area north of the patio windscreen section to be maintained as a public view deck and provide a minimum of 5 feet of bayside lateral access through the commercial fishing area on the north side of the site from Beach Street between the fuel dock and the Stax Wine Bar building south along the water and traversing west of the outdoor patio-covered dining area. This lateral access pathway is denoted on the approved Coastal Commission-stamped plans (Exhibit C, plan sheet 1.1).

A review of past permits showed no previous conditions of approval that would conflict with the proposed kiosk project.

Previous Kiosk temporary use permit approvals:

Pursuant to MBMC 17.30.050.A5, the Zoning code allows for temporary use permit approval up to six months by the Community Development Director. Accordingly, a temporary use permit was approved on June 2, 2016 for a period of six months in the same location between the parking lot and the public street. Because of difficulties renovating the proposed wheelhouse structure which was intended to be used as the kiosk, the temporary use permit was not inaugurated and the permit expired. Then on April 21, 2017, a second temporary use permit UP0-471 was approved for a period of 6 months. The approved kiosk structure was comprised of a 8 x 6 foot "Tough Shed" designed to provide a nautical themed appearance. The kiosk was removed after the TUP expired in late 2017 and the image of that booth is shown below on page 6.

PROJECT DESCRIPTION DETAILS:

The Applicant is proposing a kiosk which would be placed on private property between the edge of the Front Street parking lot and the public sidewalk. Its precise location is shown in street view images on page 6 and on project plans in Exhibit D. The kiosk would provide information and sell tickets for the Virg's sportfishing and whale watching fleet as well as provide special event information to tourists. The kiosk would be staffed

by an Virg’s employee to help with loading in the morning to the docks, direct customers to the tackle shop (located at 1169 Market Street) and sell tickets. Customer queuing is proposed on the south side of the kiosk to avoid blocking the public sidewalk and is conditioned accordingly (Planning conditions 3 and 4).

Hours of operation are included in the detailed project description included in Exhibit B and as restated below:

Month	Day	Hours
April – May	Weekends only & special events	10am – 2pm
June – September	Monday – Thursday Friday – Sunday	10am – 2pm 9am – 3pm
October - November	Weekends only & special events	10am – 2pm

As shown above, the kiosk would be placed on site 8 months per year and would be removed from the premises and stored off-site for the winter season.

Daily use of the kiosk would occur only during the 4 summer months, June through September, when the kiosk would be staffed at most from 9am – 3pm. During the spring and fall months, Virg’s staff would only be present during weekends and special events.

Although the project is consistent with the waterfront zoning district, due to the small nature of the kiosk building and the minimal number of hours of operation by a Virg’s employee, staff is concerned that the kiosk could effectively function as an off-premise sign for the Virg’s Landing business which is located on 1169 Market Street. Staff observation of the previous temporary use permit approved in 2017 noted that the kiosk was frequently empty. In addition, off-premise signs are prohibited by both the City’s current sign ordinance and the draft sign ordinance proposed as part of the General Plan/Local Coastal Program update. Therefore, in order to ensure compliance with the GP/LCP/ Zoning Ordinance, staff has added a condition of approval requiring a Virg’s employee be present at the kiosk during the proposed hours of operation noted in the table above (Planning condition 1).

Color Board and Sign

The Applicant has submitted a color board (Exhibit C) depicting the proposed blue and white kiosk with signage, menu/information board and Virg’s Landing sign and fish identification chart. The proposed signage is compliant with the maximum 16sf of

signage allowed per the sign ordinance. The kiosk proposed would be the same kiosk that was permitted under the temporary use permit UP0-471 and as shown below in Google Earth street view images from its operation in 2017:



ENVIRONMENTAL:

With the above review, the project based on size would be eligible for a categorical exemption under CEQA, Section 15311, Class 11c for accessory structures where placement of seasonal items such as a kiosk is allowed. Additionally, none of the Categorical Exemption exceptions, noted under section 15300.2, apply to the project.

PUBLIC NOTICE:

Notice of a public hearing on this item was posted at the site and published in the Tribune newspaper on April 6, 2018, and mailed directly to all property owners and occupants of record within 500 feet of the subject site. The notices invited the public to attend the hearing and express any concerns they may have regarding the proposed project.

CONCLUSION:

The proposed project seeks to amend Precise Plan #UP0-284 to allow permanent seasonal use of a kiosk for the Virg's Landing business to provide ticket sales, information, and dock loading assistance. The Waterfront Master Plan encourages waterfront dependent uses and the project as conditioned is consistent with the WMP in that it supports a recreational fishing use and provides visitor-serving information.

As conditioned, it is consistent with the City's General Plan and Local Coastal Program (LCP) and staff recommends approval.

EXHIBITS:

- Exhibit A – Planning Commission Resolution 12-18
- Exhibit B – Applicant's Project Description dated January 2018.
- Exhibit C – Color Board
- Exhibit D – Plans/ Reductions received April 2, 2018

RESOLUTION NO. PC 12-18

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVING A AMENDMENT (A00-054) TO PRECISE PLAN CONDITIONAL USE PERMIT (UP0-284) FOR PLACEMENT OF A SEASONAL KIOSK FOR THE VIRG'S LANDING BUSINESS AT 1001 FRONT STREET

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on April 17, 2018, for the purpose of considering approval of an amendment (#A00-054) to Precise Plan Conditional Use Permit #UP0-284; and

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

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

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

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

California Environmental Quality Act (CEQA)

A. That for purposes of the California Environmental Quality Act, Case No. A00-054 is exempt under Class 11, Section 15311 for accessory structures where seasonal or temporary placement of items such as a kiosk are allowed and will have no potentially significant environmental impacts. Furthermore, none of the exemptions to this Categorical Exemption set forth in CEQA Guidelines Section 15300.2 apply to this project.

Conditional Use Permit Findings

A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that signage is an allowed and appropriate use in the Waterfront zoning district.

B. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the proposed kiosk supports the waterfront commercial use which is consistent with the allowable uses on the waterfront.

Waterfront Master Plan Findings

- A. The proposed project makes a positive contribution to the visual and public accessibility to the bay while increasing and maintaining commercial fishing industry:
1. Meets the Waterfront plan height limit and maximum building coverage, bulk, and scale requirements in that the proposed project does not exceed development standards for the waterfront zoning district.
 2. The proposed project provides the amenities identified in the WF Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the information kiosk is small scaled and does not impede pedestrian access, and at 48 square feet in size does not impact views which provides for better bay views. It preserves and enhances the views as seen around the kiosk.
 3. The project does not worsen or block more views, it does not block view corridors or intrude into pedestrian access areas. It takes advantage of outward views and characteristics of the topography in that the project proposes a information/ticket sales kiosk that is small scaled and proposed at 7'6" in height.
 4. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project provides information for whale-watching, and includes a fish identification chart for general public information to the public..
 5. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new kiosk is designed to provide a nautical theme with articulation that is consistent with the character of the waterfront.
 6. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings on the property and is in keeping with the style, massing, materials, scale, and use of its surroundings.

Architectural Consideration

- A. As required by Ordinance Section 17.48.200 the Planning Commission finds that the architectural treatment and general appearance of the proposed kiosk structure is in keeping with the character of the surrounding areas, is compatible with any design

themes adopted by the city, and is not detrimental to the orderly and harmonious development; of the city or to the desirability of investment of occupation in the area.

Section 2. Action. The Planning Commission does hereby approve an Amendment (A00-054) to Precise Plan Conditional Use Permit (UP0-284) for property located at 1001 Front Street subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated April 11, 2018 for the Virg's Landing Kiosk at 1001 Front depicted on plans date stamped April 2, 2018, on file with the Community Development Department, as modified by these conditions of approval. The kiosk shall be located and designed substantially as shown on Planning Commission approved plans submitted for A00-054, 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 Director (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the 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 Applicant's failure to comply with conditions of approval. Applicant understands and acknowledges the City is under

no obligation to defend any legal actions challenging the City’s actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

- 6. Compliance with Conditions: The applicant’s establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.
- 7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

Fire Condition:

- 1. Three foot clearance shall be maintained around the circumference of all fire suppression appliances.

Planning Condition:

- 1. An employee or Virg’s Landing representative shall be present at the kiosk during the following hours of operation:

Month	Day	Hours
April – May	Weekends only & special events	10am – 2pm
June – September	Monday – Thursday Friday – Sunday	10am – 2pm 9am – 3pm
October - November	Weekends only & special events	10am – 2pm

- 2. The northeast corner of the information kiosk/booth shall be no closer than 3 feet to the back of the sidewalk.
- 3. The applicant shall maintain sidewalk clearance at all times for accessibility of pedestrians. Kiosk booth items shall not encroach on the sidewalk or public right of way. This permit only allows the kiosk to take place on the private property at 1001 Front Street.

EXHIBIT A

Planning Commission Resolution #12-18

A00-054 (Amend UP0-284)

Page 5

4. Queue: The window on the east side of the kiosk shall not be used for customer service. The line shall be formed westward and shall not encroach into the sidewalk, public right of way, or vehicular path of travel.
5. The approval for placement of the kiosk is allowed only between April 1 through November 30 annually. Kiosk shall be moved off-site on or before December 1 annually and placed no sooner than April 1 of each year.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on a motion by Commissioner _____ and seconded by Commissioner _____ this 17th day of April, 2018 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gerald Luhr, Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 17th day of April, 2018.

Exhibit B

Virg's Kiosk January 2018

RECEIVED

JAN 29 2018

City of Morro Bay
Community Development Dept.

Tough Shed
Sundance SR-600 –
6' wide by 8' long by 7' 6" high

Colors:

Building Siding Color: Seastone
Building Trim Color: Delicate White
Door Color: Seastone
Roof: Owens Corning 3-tab Composition Shingles
Color: Shasta White
8 LN FT Ridge Vent

East Side: 3' x 3' window.
West Side: No window
South Side: Door with small window and service counter
North Side: No window

Graphics & Designs for building: With plan set

Signs: Virg's sign mounted on east side of building at the eave edge. Other signs and decorative marine gear are shown on attached plans.

Project description:

The purpose of the kiosk is an information booth to provide information and sell tickets for the Virg's sportfishing and whale watching fleet and be used for special events to provide information to the tourists. The Virg's staff will be there early in the morning to assist any sportfishing passengers and direct them to the tackle shop, parking and to help with the boat loading. The Virg's staff will man the booth during the day time for information and ticket sales and be available in the afternoon for unloading. It is proposed that the kiosk will operate with the following hours depending upon the fishing season:

April to May: Weekends only & special events from 10 am to 2 pm

Exhibit B

June to September: Monday – Thursday from 10 am to 2 pm &

Friday – Sunday from 9 am to 3 pm

October to November: Weekends only & special events from 10 am to 2 pm

The kiosk will be a 6' wide by 8' long by 7' 6" high "Tough Shed". The kiosk will be decorated with fishing related items such as buoys and other fishing gear and would be visually attractive to the area. It will also have an educational component with examples of local rockfish with the fish's names so folks can see the type of fishes in the area.

It is planned to keep the kiosk on the waterfront from April to November then it will be removed for the winter months (by December 1) and stored at an off-site location. The kiosk is designed so that it can be picked up with a forklift and loaded on a trailer for transportation.

Exhibit C



PADDLES



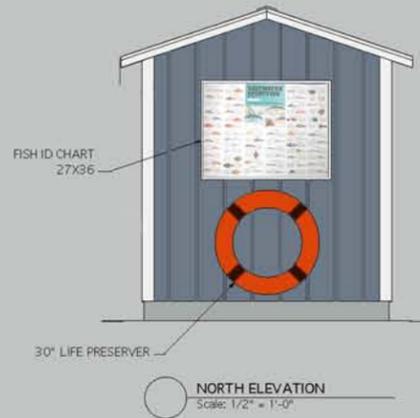
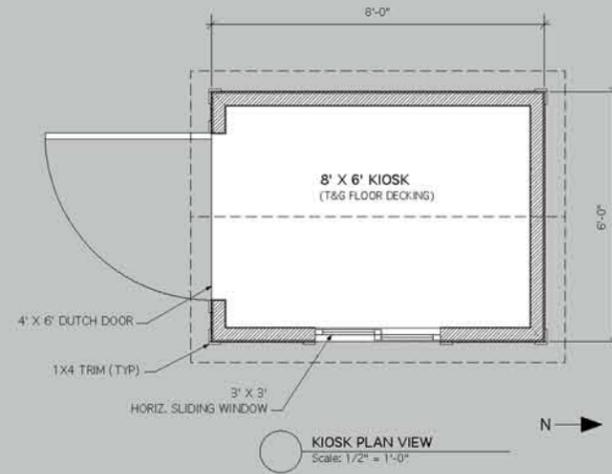
FISH ID CHART



KIOSK SIGN
10" X 72"



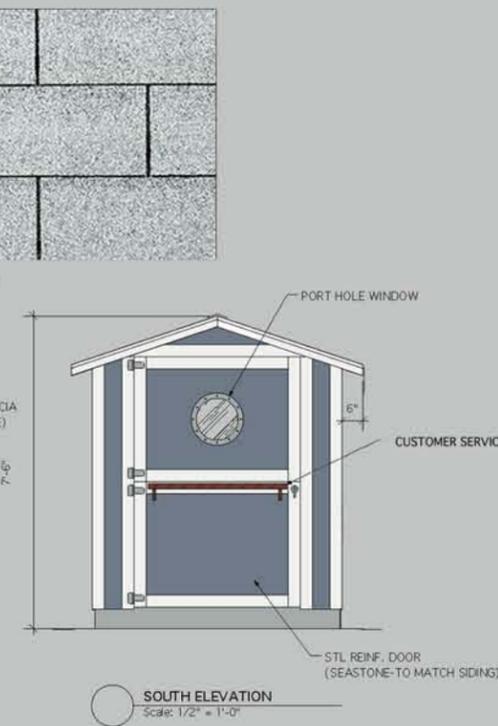
LIFE PRESERVER



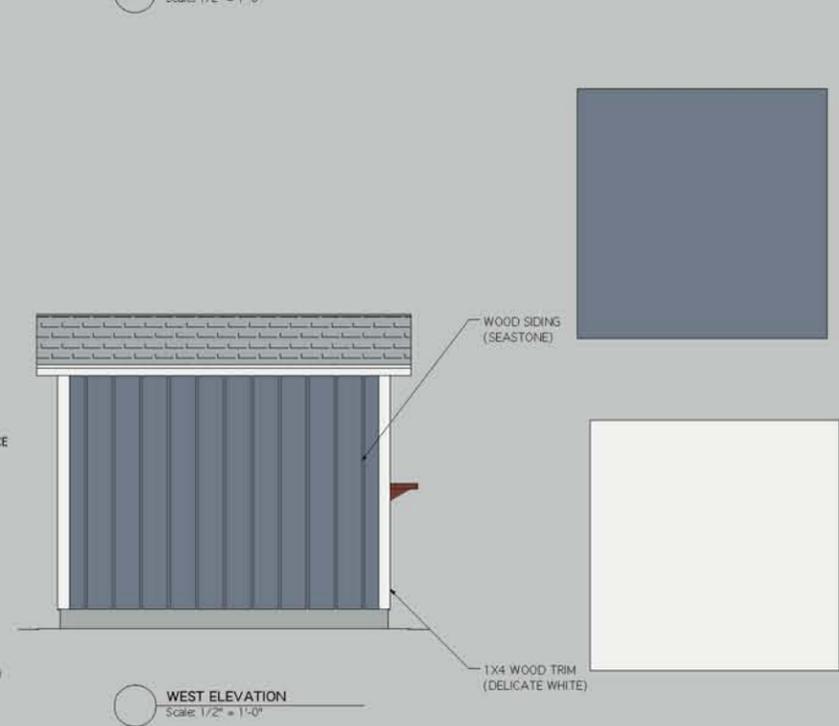
NORTH ELEVATION
Scale: 1/2" = 1'-0"



EAST ELEVATION
Scale: 1/2" = 1'-0"



SOUTH ELEVATION
Scale: 1/2" = 1'-0"



WEST ELEVATION
Scale: 1/2" = 1'-0"

THE ABOVE DRAWINGS AND SPECIFICATIONS AND IDEAS, DESIGNS AND ARRANGEMENTS REPRESENTED THEREBY ARE AND SHALL REMAIN THE PROPERTY OF THE DESIGNER. NO PART OF THIS WORK OR PROJECT OR CONNECTION WITH ANY OTHERS OR PROJECT FOR WHICH THEY HAVE BEEN PREPARED WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.

MSC DESIGNS, INC.
1595 17TH STREET LOS OSOS, CA. 93402

WATERFRONT KIOSK
VIRG'S SPORTFISHING
1001 FRONT STREET
MORRO BAY, CA.

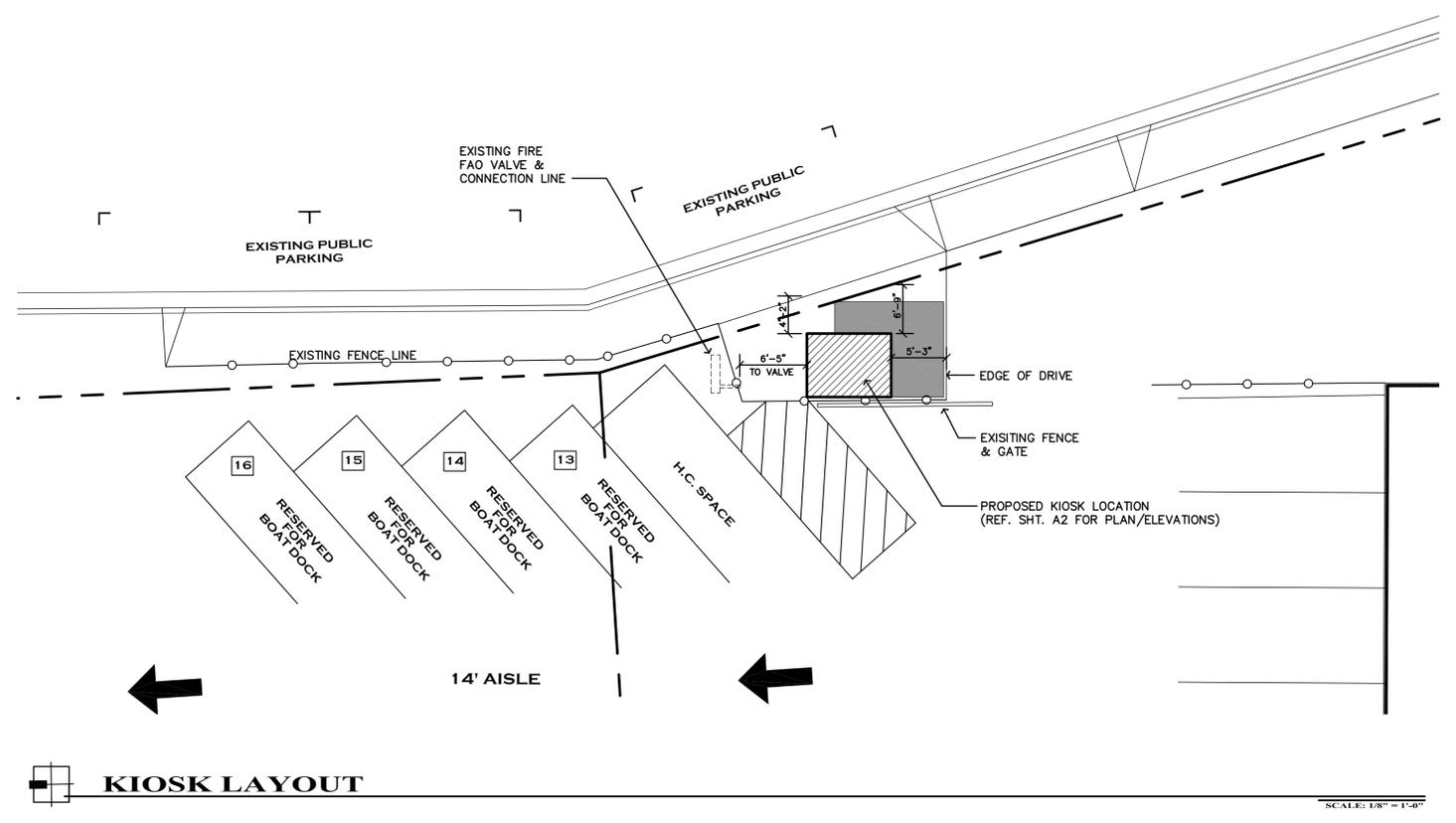
FLOOR PLAN
ELEVATIONS

Revision Dates

04/04/17
-02/24/17

Drawing No.

A2b



KIOSK LAYOUT



SITE PHOTO

GENERAL NOTES

THE CONTACT INFORMATION SHALL BE POSTED ON SITE

CONTACT COORDINATOR SHALL BE VIRGS SPORTFISHING 805-772-1222

ALL BE COMPLETED IN A GOOD WORKMANSHIP MANNER ALL WORK SHALL COMPLY WITH CITY OF MORRO BAY, CODES AND REQUIREMENTS & CONDITIONS OF APPROVAL

VIRG'S KIOSK

The purpose of the kiosk is an information booth to provide information and sell tickets for the Virg's sportfishing and whale watching fleet and be used for special events to provide information to the tourists. The Virg's staff will be there early in the morning to assist any sportfishing passengers and direct them to the tackle shop, parking and to help with the boat loading. The Virg's staff will man the booth during the day time for information and ticket sales and be available in the afternoon for unloading. It is proposed that the kiosk will operate with the following hours depending upon the fishing season:
 April to May: Weekends only & special events from 10 am to 2 pm
 June to September: Monday - Thursday from 10 am to 2 pm & Friday - Sunday from 9 am to 3 pm
 October to November: Weekends only & special events from 10 am to 2 pm

GENERAL INFORMATION

A. 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.

B. 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 OFFICE LOCATED AT 955 SHASTA AVE. THE ENCROACHMENT PERMIT SHALL BE ISSUED CONCURRENTLY WITH THE BUILDING PERMIT.

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C. P. PARKER ARCHITECT

CHRISTOPHER P. PARKER ARCHITECT
 630 QUINTANA RD. #330
 MORRO BAY, CA. 93442 - 1962
 (805) 772 - 5700

STAMPS



CONSULTANTS

PROJECT

WATERFRONT KIOSK FOR VIRG'S SPORTFISHING

1001 FRONT STREET
 MORRO BAY, CA 93442

DRAWING PHASE

CONSTRUCTION DOCUMENTS

Project No.	10-103
Drawn By	CPP
Dwg. Date	03/29/18
Updated	-
Scale	AS NOTED

REVISIONS

SHEET TITLE

SITE PLANS GENERAL NOTES

SHEET NO.

A1



AGENDA NO: B-2

MEETING DATE: April 17, 2018

Staff Report

TO: Planning Commissioners **DATE:** April 11, 2018
FROM: Joan Gargiulo, Assistant Planner

SUBJECT: 235 Marina Street; Request for Continuance for Coastal Development Permit (CP0-555), Conditional Use Permit (UP0-495) The Applicant is requesting Conditional Use Permit and Coastal Development approval for the demolition of an existing 632 sq. ft. single-family residence (SFR) and a detached 280 sq. ft. garage. The Applicant proposes to construct a 1,828 sq. ft. two-story SFR with an attached 400 sq. ft. garage and a 57 sq. ft. deck on the 2,466 sq. ft. parcel located within the R-2/PD/S.4 zoning district and within the Coastal Commission Appeal Jurisdiction.

RECOMMENDATION:

Staff recommends the Planning Commission hear public testimony on the project and continue the public hearing to a date uncertain for full review at that time.

REASON FOR CONTINUANCE:

Land Use Policy LU-69 of the Morro Bay General Plan limits residential development in Mixed-Use Area A to 2,000 sq. ft. of total floor area for vacant lots. Because the Applicant proposes to demolish the existing structure and construct a new single-family residence with a total of 2,228 sq. ft., the development proposal is inconsistent with this policy. The Applicant was notified of the discrepancy and agreed to the continuance to allow for the time necessary to complete the necessary redesign. Upon resubmittal this project will be reagendaized for Planning Commission review.

Prepared By: WM

Department Review: