



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, January 7, 2020
Veteran's Memorial Building – 6:00 P.M.
209 Surf Street, Morro Bay, CA**

Vice-Chairperson Michael Lucas
Commissioner Jesse Barron

Chairperson Gerald Luhr

Commissioner Joseph Ingraffia
Commissioner Susan Stewart

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 City business matters not on the agenda may do so at this time. For those desiring to speak on items on the agenda, but unable to stay for the item, may also address the Commission at this time.

Public comment is an opportunity for members of the public to provide input to the governing body. To increase the effectiveness of the Public Comment Period, the Commission respectfully requests the following guidelines and expectations be followed:

- When recognized by the Chair, please come forward to the podium to speak. Though not required, it is helpful if you state your name, city of residence and whether you represent a business or group. Unless otherwise established by the Chair, comments are to be limited to three minutes.
- All remarks should be addressed to Commission, as a whole, and not to any individual member thereof.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any 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 Planning Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Planning Commission meetings is welcome and your courtesy will be appreciated.
- The Commission in turn agrees to abide by its best practices of civility and civil discourse according to Resolution No. 07-19.

PRESENTATIONS

A. CONSENT CALENDAR

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

B. PUBLIC HEARINGS

- B-1 Case No.:** CUP19-15
Site Location: 1001 Front Street, Morro Bay, CA
Project Description: Special Use Permit for the annual Waterfront Market event between Giovanni's Fish Market and Stax Wine bar to take place fifteen days of the year, on specified weekends approved ahead of time. This permitting process will require a renewal each year, at which time the dates will be reviewed. The Waterfront Market will consist of 30-34 local vendors offering a mix of arts, crafts, information, food booths, and food trucks. The event will begin set-up no earlier than 7:00am on permitted days, and clean-up will be complete no later than 8:30pm on permitted days.
CEQA Determination: Categorically Exempt, Section 15304, Class 4e.
Staff Recommendation: Approve with Conditions
Staff Contact: Willow Urquidi, Assistant Planner (805) 772-6270

C. NEW BUSINESS

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

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 January 21, 2020 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 805-772-6264 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, 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.

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.

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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.

Agenda No: A-1
 Meeting Date January 7, 2020

Approved projects are deleted on next version of log.

#	Applicant/ Property Owner	Project Address	Application 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	Giovanni	1001 Front St	11/25/19	CUP19-15	Conditional Use Permit for Giovanni's Annual Waterfront Market	Application deemed complete. Scheduled for 1/7/20 PC Meeting.	Fire approved 11-26-19. mv	PN- Approved 11-26-2019		wu
2	Moss Lane Ventures, LLC	839 Morro Bay Blvd	5/6/19	CUP19-04/CDP 19-013	CDP and CUP for Demo existing carwash, construct new 600 sf single sided drive up coffee shop.	Application received 5-6-19 and is under review. Submittal deemed incomplete, letter sent 5-30-19. Resubmitted 6-13-19. Deemed incomplete 6-27-19. Resubmittal received October 22, 2019. Deemed incomplete 11-12-19. Deemed complete, scheduled for Planning Commission January 21, 2020		PN-Conditionally Approved 5/16/2019		nh
3	Angelucci	953 Pacific	8/20/19	CUP19-10	459 sf 2nd story addition, new 246 sf detached garage with auto lift, 167 sf 2nd story deck, and 87 sf 2nd story view deck off of garage.	Submittal under review. Correction letter sent 9/19/19. Resubmittal under review. Discussed issues with garage setback with Applicant. Letter from soils engineer under review. Resubmittal 12/5/19 under review. Deemed complete. Scheduled for 1/21/19 PC Meeting		PN- Conditionally Approved 9/10/2018		wu
30 -Day Review, Incomplete or Additional Submittal Review Projects:										
4	Borges	1930 Main Street	4/11/19	CDP19-009	Conditional Use Permit for new mobile home park with mixed vacation rentals and long term rentals, with managers dwelling unit (permanent construction)	Deemed incomplete 5/13/19. Resubmittal received 12/5/19, under reiew. Comment letter sent 12/13/19, resubmittal requested.				nh
5	Cleath	2490 Main Street	12/5/19	CUP19-17	New 8 unit hotel	Correction letter sent December 20, 2019				nh
6	Santojanni	675 Paula Street	12/19/19	CDP19-046	Demolition of an SFR	Under review				wu
7	Elster	530 Morro Avenue	12/4/19	MIN19-015	Minor modification to decks and rear wall	Under review				wu
8	Sadowski	490 Java	11/21/19	CDP19-042	Admin Coastal Development Permit	Under review.	Fire cond. Approved 11-26-19. mv			wu
9	Vistra	1290 Embarcadero	11/12/19	CDP19-041/CUP19-14	Coastal Development Permit and Conditional Use Permit for Battery Energy Storage System Project (BESS).	Under review. cj.				cj
10	Lawrence	2590 Hemlock Ave	10/25/19	CDP19-040	Admin CDP for Demo of existing residence, rebuild new with ADU.	Submittal under review. Correction letter sent 11/25/19.				wu

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11	Gambriel	571 Embarcadero	10/14/19	MAJ19-006	Major Modification to CUP Amendment for proposed public access improvements, dock and gangway realignment, conversion of 2nd floor to hotel units and request for 1st floor ADA accessible hotel unit	CUP Amendment reviewed by PC on 12/18/18. Major Modification Request under review. Submitted correction response letter 11/13/19. cj		PN-Conditionally Approved 10/16/2019		cj
12	HASLO	405 Atascadero Road	9/24/19	CUP19-12/ PKG19-05/ CDP	Conceptual review of a proposed 35 unit affordable housing project, with community space	Scheduled for Planning Commission for conceptual review 11/5/19. PC provided input, waiting for resubmittal. MND update in process.		PN-Conditionally Approved 10/10/2019		NH
13	Rhine LP/Morro 94	3300 Panorama	8/20/19	MAJ 19-005	After the fact permit application for removal of 3 sheds and possible siding treatment for transformer building.	Submittal is under review. Deemed incomplete 8-29-19. Waiting for resubmittal				nh
14	Le Bris	516 Shasta Ave	8/15/19	CDP19-031	New ADU partially over existing garage, storage space below.	Submittal is under review. Deemed incomplete 8-29-19. Resubmittal received 12/30/19, under review.				nh
15	Boyko	2670 Laurel Ave	7/26/19	CDP19-027	CDP for New SFR - 2135 sf living, 505 sf garage, 160 sf lower balcony and 160 sf upper balcony	Submittal under review. Incomplete letter sent 8/19/19. Awaiting resubmittal. Second correction letter sent 10/24/19. Awaiting issue with driveway slope to be resolved with the Fire Department.				wu
16	Friesen	196 Panay St	7/23/19	LTM19-03	Addition to existing SFR requiring abandonment of existing easement.	Requires Conditional Use Permit. CUP submittal scheduled for PC 9/17/19. Approved at meeting. Lot merger under review. Correction letter sent 10/24/19. Resubmittal received 12/3/19 under review. Correction letter sent 12/20/19. Resubmittal received 12/30/19 under review.				wu
17	Morro Bay Recovery	2460 Main Street	5/28/2019 12/2/19	MUP19-04 - CDP19-043	Minor Use Permit for Change in use from hotel/motel to recovery center	Submittal is under review. Deemed incomplete 6-25-19. Resubmitted 12/9/19, under review. CDP submitted 12/2/19 for addition to lobby, under review.		PN-Disapproved 6/21/2019		nh
18	Cleary	1282 and 1290 Embarcadero Road	5/23/19	CDP19-016	CDP for removal of major vegetation.	Submittal is under review. Correction letter sent 6/10. Awaiting resubmittal.				wu
19	Eisemann	535 Atascadero Road	3/7/19	PAR19-01	Final Parcel map	Submittal is under review. Planning disapproved 3/14/19. Resubmittal disapproved on May 14, 2019. Resubmittal received , review comments provided 6-5-19. Disapproved 11-5-19. nh		PN- Disapproved 11-6-2019		nh
20	Najarian	1339 Berwick	11/30/18	CDP 18-014	Admin CDP for new construction of SFR and ADU with attached garage	Application deemed incomplete, comments sent to applicant on 12/27/18.				nh
21	Fields	731 Butte	6/14/18	CP0-582/UP0-534	CDP and CUP for Multi-Family residences. A 1,500 sq. ft. manufactured residence, a 448 sq. ft. studio unit above a 441 sq. ft. garage with an attached 220 sq. ft. carport	Under Initial Review. Correction letter sent 7/11/18. Resubmitted 10/22/18. Correction Letter sent 11/14				nh
22	Held	205-215 Harbor St	5/4/18	CP0-578/ UP0-527	Coastal Development Permit & Conditional Use Permit for New construction of new 30 unit hotel, Merge existing 6 lots	Under initial review. Incomplete letter sent 6/4/18. Resubmittal received 7/3/18. Additional comments sent to Applicant's Agent 8/3/18, and 8/22/18. Proposals received for environmental review. Reimbursement agreement sent to applicant for environmental review on 10/15/18. Resubmittal received 5-10-19 - comments returned 5-28-19		PN- Conditionally Approved 7/17/2018		cj

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23	T-Mobile	1478 Quintana	2/26/18	A00-056	Modification to UP0-052/CP0-073 for upgrade to existing wireless site	Under initial review. Correction Letter sent 3/30. Unauthorized work completed by owner. Spoke with the agent 11/5 about process moving forward. Spoke with agent again 2/7. Resubmittal 2/26. Correction letter sent 3/13. Awaiting resubmittal. Update: Project determined to only require building permit.		JW approved		wu
24	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. Project inactive as of 10/2018		PN-Conditionally approved 5/11/17		nh
Projects Appealed to Planning Commission or PC Continued projects:										
25	State Parks - Mike Walgren	11 State Park Road	8/20/18	CDP 18-004, CUP18-04	Coastal Development Permit & Conditional Use Permit to install modular building for office space, parking and landscape improvements at Morro Bay State Park	Submitted on 8-20-18. Deemed incomplete 9.10.18. Applicant to resubmit plans. Plans resubmitted with additional information on 10-26-18. Project deemed complete. Scheduled for PC on December 18, 2018. Continued to date uncertain by PC on 12/18/18. Applicant to provide additional information.		PN- Approved 9/4/2018		nh
26	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- 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		nh cj
Projects Appealed or Forwarded to City Council:										

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27	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										
28	Patel	233 Atascadero	6/13/18	CP0-581/UP0-533	CDP and CUP for New 83 room hotel on vacant 2 acre lot	Under Initial Review. Incomplete letter sent 7/13/18. Resubmitted 9/11/18. Comment letter sent 10/19/18. Environmental review required. Cj. Met with Applicant's Agents 11-8-18 to review flood plain and height requirements. Project currently overheight and does not meet parking requirements. Story poles erected on 1/3/19 and scheduled for Conceptual Review by PC to evaluate height, parking, and findings of significant public benefit as allowed under the Planned Development (PD) overlay zone. PC comments provided to Applicant after 1-15-19 meeting. Applicant considering project revisions. Environmental review in progress. Draft MND awaiting Applicant signature and circulation.				cj
29	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		cj
Final Map Under Review Projects										
Projects requiring coordination with another jurisdiction:										
30	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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31	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:										
32	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 2019. Public draft of combined General Plan/ LCP released May 2018 for review. Working with Coastal staff on CCC input.				
33	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.			
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:										

wm

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34	Verizon / Knight	484 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		cg
Grants											
35	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
36	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		cg
37	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.				cg
Projects in Building Plan Check:											
1	Coghlan	3009	Beachcomber	12/2/19	B19-0259	Remodel of existing 1 story, single family residence, adding 375 sf. And upgrades for code requirements.	Approved 12/6/19	Plancheck			nh
2	LaPlante	3093	Beachcomber	4/29/17	B-31487	New SFR: 3,495 sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	Approved 8-9-18. cg. Requested permit extension.	Ready to issue	PN - Approved 6/21/2018	Emailed comments on 10-20-17.	cg
3	Alieberbach	3200	Beachcomber	12/30/19	B19-0277	Convert 100 sf of enclosed sun-room area to living space and add 67 sq ft of new living area. Demo kitchens and add 3 beams, new windows, siding, update electrical, water heater and forced air unit, misc, clean up.		Plancheck			sg
4	Zine	1309	Berwick Dr	7/3/19	B19-0139	New SFR, 2871 sf living, 628 sf attached garage, & 189 sq deck.	Project on hold until planning permit obtained.	Bldg - Disapproved 7/29/19			wu
5	Jones	1362	Berwick Dr	8/5/19	B19-0169	Interior remodel, remove existing roof over existing garage and replace with 352 sf deck.	Disapproved 9/11/19. Awaiting resubmittal.	Bldg - Disapproved 9/4/19			wu
6	Meritt	500	Dowing	12/9/19	B19-0260	Foundation repair		Ready to issue			sg

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7	Brebes	495	Driftwood	12/20/19	B19-0269	New 3778 sf duplex homes including garages on lot with existing SFH	Pending approval of planning permits	Plancheck			nh
8	McClish	2465	Elm	12/20/19	B19-0273	New detached ADU with decks	Under review	Plancheck			wu
9	City of Morro Bay	595	Embaracadero	12/31/19	B19-0278	Commercial T.I. to former Aquarium building to meet accessibility requirements, remove asbestos from 1st floor, update electrical, mechanical and plumbing, new structural shear wall, repair concrete columns, new raised deck, stairs & railing for tasking room & brewery (Three stacks & A Rock Brewing Company).		Plancheck			sg
10	Van Beurden	945	Embaracadero	8/1/19	B19-0163	Remodel existing area of restaurant into dining space, add outside public seating (at west side of site), add 71sf trash enclosure to building footprint, modify wharf area to create accessible Harborwalk, repair pilings and gunny sack batter wall.	Approved.	Ready to issue	PN-Approved 11-8-2019		cj
11	John & Andrea Envigall	580	Harbor	10/24/19	B19-0236	Existing commercial building alteration of a 61 sq ft concrete accessible ramp to rear bldg entrance; including accessible parking striping and signage.	Approved 10-28-19. sg.	Bldg - Approved 12/9/19	PN- Disapproved 10-31-2019		sg
12	Sadowski	490	Java	11/14/19	B19-0252	Fire damage repair to existing SFR. Interior - new doors, windows, heating system, drywall, insulation, remodel 1st flr bath & laundry, relocate kitchen & create art studio, add kitchenette in garage for future ADU. Exterior - Hardie board siding, roofing, fascia, rafters & overhangs.	Disapproved 11-20-19. Needs CDP.	Plancheck			wu
13	Evans	444	Kings Ave.	12/16/19	B19-0265	Interior Remodel - Enlarge existing Master bath into Master bdrm and install shower, install sink in laundry, remove wall and reconfigure kitchen.	Under review.				wu
14	Linker	594	Kings Ave.	4/16/19	B19-0068	New two story SFR - 2996 sf living, 491 sf attached garage, 304 sf deck at front and 85 sf deck at rear.	Planning approved	Bldg - Ready to issue			nh
15	Richardson	441	LaJolla	3/8/19	B19-0040	Kitchen, bathroom and laundry room remodel in existing dwelling.	Submittal under review. Approved 3/19/19	Bldg - Disapproved 3/15/19			nh
16	Wood	361	Main St	12/30/19	B19-0276	395 sf 2nd floor addition to existing SFR, with 183 sf of 2nd floor deck	Under review	Plancheck			nh
17	Peter	890	Main St.	2/13/19	B19-0026	ADA and parking lot improvements. ADA stall to be relocated closer to street and make van accessible.	Approved on 3/1/19 - sg	Bldg - Approved 2/27/19 Fire - Approved 2/26/19	Disapproved on 3/14/19		sg

#	Applicant/ Property Owner	Project Address		Application 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	Sonic	1840	Main St.	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. Resubmittal received and unaddressed corrections sent back 7-19-18. Project required to underground utilities. Utility plan and coordination with public utilities in process. cj. Requested permit extension. Awaiting resubmittal. Requested Permit Extension.	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	cj
19	Shorey	1110	Marengo Dr	12/20/19	B19-0270	450 sq ft addition to guesthouse.		Plancheck			sg
20	Ladd	157	Mindoro	12/19/19	B19-0267	Convert existing garage space to a bedroom/bath for the main residence	Under review				wu
21	NHC-MB LLC.	495	Morro Bay Blvd	12/31/19	B19-0275	Commercial remodel for Medical Cannabis dispensary		Plancheck			sg
22	Elster	530	Morro Ave	7/9/19	B19-0142	New SFR (three levels), 2613 sf living, 734 sf attached garage, 639 sf basement & bath, 846 sf of open decks, and 318 sf covered decking. The lower level will be recessed into the existing grade to contain garage, parking areas, and basement storage spaces. See B19-0143 for attached ADU with garage.	Disapproved 7/22/19. Awaiting Minor Modification approval.	Bldg - Disapproved 8/5/19			wu
23	Elster	530-A	Morro Ave	7/9/19	B19-0143	New 636 sf attached Accessory Dwelling Unit (ADU) with 258 sf garage. See B19-0142 for SFR permit.	Disapproved 7/22/19. Awaiting Minor Modification approval.	Bldg - Disapproved 8/5/19			wu
24	Krupa	845	Morro Ave	7/23/19	B19-0157	Barrier removal, remodel & 147 sf office addition. New accessible parking, remove steps & improve path of travel. Barrier removal & remodel guest room bath, remodel lobby & office addition.	Planning disapproved pending modification of existing planning permits (see MIN19-014). Planning approved 10-29-19	Bldg - Approved 10/28/19			nh
25	Kennedy	500	Napa	11/25/19	B19-0257	Kitchen remodel and bathroom addition without adding any additional square footage. This remodel will consist of removal of two walls (interior) and installation of two interior walls to form the new bathroom.	Approved 11-26-19. sg.	Plancheck			sg
26	Erb	2630	Nutmeg Ave	2/14/19	B19-0029	Demo 195 sf third story deck at front of home and rebuild with 80 sf extension to allow for deck beam and column support. Remove 152 sf deck on south side of home, misc. construction to repair water damage.	Dissapproved 3/6/19. Disapproved 4/9. Variance application approved. Awaiting building permit resubmittal.	Bldg - Approved 3/27/19			wu
27	Ernsdorf	450-A	Oahu St	9/6/19	B19-0200	Convert portion of existing garage into new accessory dwelling unit (213 sq ft)	Planning permit appealed to PC 10/25/19. Submittal under review.	Bldg - Approved 9/18/19	PN-Approved 10-30-2019		wu

#	Applicant/ Property Owner	Project Address		Application 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
28	Freisen	196	Panay St.	3/15/19	B19-0045	Additional 1000 sf to SFR	Disapproved 4/3/19. CUP Approved by PC. Awaiting Lot Merger and Easement Abandonment.	Bldg - Disapproved 10-02-19			wu
29	Friesen	196-A	Panay St.	9/19/19	B19-0212	New 330 sq ft attached ADU	Disapproved 4/3/19. CUP Approved by PC. Awaiting Lot Merger and Easement Abandonment.	Bldg - Disapproved 10-02-19			wu
30	Sinclair	484	Piney	12/10/19	B19-0262	New construction of an SFR	Under review	Plancheck			wu
31	Tabrizi	1000	Quintana	12/29/20	B19-0274	Commercial remodel for cannabis dispensary to include new interior walls, doors, ceilings, casework, mechanical, electrical and plumbing.		Plancheck			sg
32	Giannini	750	Radcliff Ave.	7/22/19	B19-0156	Remove three existing panel antennas, three radio and replace with three radio intergrated antennas and assoicated cabling. Install equipment expansions to the top of existing cabinets (approx 1'2') with associated electrical wiring.	Disapproved 4/11/19. Awaiting resubmittal.	Ready to issue			cj
33	Kennedy	1130	Scott Street	12/20/19	B19-0271	New commercial project with residential security unit above	Under review	Plancheck			nh
34	Anouck Ce Bris	516	Shasta	12/9/19	B19-0261	520 sf st ADU with studio below; addition to SFR		Plancheck			sg
35	Stanton	351	Trinidad	3/26/19	B19-0054	Repairs to existing 200 sf rooftop deck. Replace all dry-rot structural members, install new waterproof membrane,, new copper drip edge flashing, replace plaster, replace guardrail if needed.	Disapproved 4/11/19. Awaiting resubmittal.	Bldg - Approved 3/27/19			wu
36	Henry	411	Trinidad	12/19/19	B19-0268	New 1512.5 sf SFH with attached 451.5 st garage and roof deck	Approved 12/31/19				nh
37	Davis	1149	West Ave	7/8/19	B19-0145	Construct lower level 360 sf enclosed patio (12' x 30') at rear of existing SFR.	Disapproved, proposed enclosed patio extended into the 25 foot bluff setback.	Bldg - Approved 7/10/19			nh
Planning Projects & Permits with Final Action:											
1	TLC Family Enterprises	833 Embarcadero		9/9/19	CUP19-11	Precise Plan CUP - Demo/reconstruct / Harborwalk Plaza multi-use redevelopment project including restaurant, retail, second floor hotel units, public access improvements.	Submittal under Review. Correction letter sent 10/9/19. Resubmittal received 10/23. Noticed for 11/5 PC meeting		PN-Conditionally Approved 9/25/2019		cj

#	Applicant/ Property Owner	Project Address	Application 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	Borges	1078 Monterey Street	8/15/19	CUP19-08/ CDP19-032	New managers dwelling unit over community shower/laundry storage facility	Submittal is under review. Deemed incomplete 8-29-19. Resubmittal received Oct 22, 2019. Deemed incomplete 11-8-19. Resubmitted 11-20-19, under review. Deemed complete, scheduled for Planning Commission 12/17/19. PC approved, permit issued.		PN-Conditionally approved 11/21/19		nh
3	Ernsdorf	450 Oahu	9/6/19	CDP19-035	Appeal of Admin CDP to convert portion of existing garage into new Accessory Dwelling Unit.	Permit issued 10/15/19. Appealed to PC 10/25/19. Noticing incomplete for 12/3 meeting. Recommended for continuation to 12/17.				wu
4	Zive	1309 Berwick	7/3/19	CDP19-024	CDP for New SFR - 2871 sf living, 628 sf attached garage, and 189 sf deck.	Deemed incomplete 7/17/19. Resubmittal 11/5/19 issues with building height. Awaiting resubmittal. Deemed complete 12/5/19. Noticing began 12/9/19. Administrative action occurring on or after 12/20/19.				wu



AGENDA NO: B-1

MEETING DATE: January 7, 2020

Staff Report

TO: Planning Commissioners **DATE:** December 20, 2019

FROM: Willow Urquidi, Assistant Planner

SUBJECT: **Special Use Permit (CUP19-15)** for the annual Waterfront Market event between Giovanni's Fish Market and Stax Wine bar to take place fifteen days of the year, on specified weekends approved ahead of time. This permitting process will require a renewal each year, at which time the dates will be reviewed. The Waterfront Market will consist of 30-34 local vendors offering a mix of arts, crafts, information, food booths, and food trucks. The event will begin set-up no earlier than 7:00am on permitted days, and clean-up will be complete no later than 8:30pm on permitted days.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by approving Planning Commission **Resolution 01-20** (Exhibit A) which includes the Findings and Conditions of Approval for the project depicted on site plan received November 25, 2019

APPLICANT:

Jolene Tench



ADDRESS/APN:

1001 Front Street / APN 066-033-004

PROJECT DESCRIPTION:

The Applicant is requesting approval to conduct a Waterfront Market event within the existing parking lot between Giovanni's Fish Market and Stax Wine bar to take place over seven weekends for a total of fifteen days of the year, on specified preapproved weekends.

Prepared By: WU

Department Review: SG

occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles; or the height of the structures on site.

Section 2. Action. The Planning Commission does hereby approve Special Use Permit (CUP15-19) for the Waterfront Market 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 December 20, 2019 for the Waterfront Market event at 1001 Front Street depicted on plans date stamped November 25, 2019, on file with the Community Development Department, as modified by these conditions of approval. The Waterfront Market event shall be located and designed substantially as shown on Planning Commission approved plans submitted for CUP19-15, 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.

Planning Conditions:

1. Duration: The Waterfront Market shall occur only on the following specified dates in 2020, weather permitting:

Proposed 2020 Event Dates		
May 23-24, 2020	10:00am – 5:00pm	(2 Day)
June 20-21, 2020	10:00am – 5:00pm	(2 Day)
July 3-5, 2020	10:00am – 5:00pm	(3 Day)
July 18-19, 2020	10:00am – 5:00pm	(2 Day)
September 5-6, 2020	10:00am – 5:00pm	(2 Day)
September 12-13, 2020	10:00am – 5:00pm	(2 Day)
October 3-4, 2020	10:00am – 6:00pm	(2 Day)
Total Days:		15

2. Weather Clause: The applicant shall have the ability to reschedule a Market event date, due to adverse weather, subject to review and approval by Community Development Director.

3. Event Dates for Future Years: The applicant shall submit the Waterfront Market event dates to the Community Development Director for review and approval on or before January 1 of the year in which the Market events are to take place. Event dates shall not exceed 15.

4. Clean-up: The site shall be restored to its original condition no later than 8:30pm on specified dates including, but not limited to: the removal of all signs, posters, and booths.
5. Trash. The site shall be kept free of trash and debris, and the provided trash cans and dumpsters on-site shall be emptied when full.
6. Sidewalk Clearance: The applicant shall maintain sidewalk clearance at all times for accessibility of pedestrians. Booths and queues shall not encroach on the sidewalk or public right of way. This permit allows the Waterfront Market to take place only on the private property located at 1001 Front Street.
7. Access to Adjacent Businesses: The temporary use shall not interfere with access to or conduct of any adjacent business.
8. Bayfront Lateral Access: All booth and Waterfront Market activity shall remain on the private parking lot, located outside the bayside lateral access area as specified in Exhibit D in the Staff Report dated December 20, 2019. Bayside lateral access shall remain open during the Waterfront Market.
9. Waterfront Market Annual Renewal: Applicant must submit proposed dates and times prior to January 1 of the year of which the Waterfront Market will occur. Written approval of those dates and times is required by the Community Development Director prior to event occurrence. Any proposed changes to the event may require modification of the original permit.
10. Permit Authority: Staff may modify or change this permit at any time to include other conditions deemed necessary.
11. Condition Compliance: Staff may suspend this permit if these conditions are not adhered to or if the City of Morro Bay finds the Waterfront Market to be detrimental to the health, safety or welfare of others.

Building Conditions:

1. Toilet Facilities: Applicant is required to provide toilet rooms available to the public and shall have at least one toilet and lavatory fixture that is accessible to people with disabilities. NOTE: Public accommodation in adjacent buildings or sites is acceptable. If this is the case, Applicant must provide directional signage to these facilities.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting
this 7th day of January, 2020 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Gerald Luhr, Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 7th day of January, 2020.

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. The proposed Waterfront Market will exist entirely within the private parking lot adjacent to Stax Wine Bar. The project is located within the Bayfront area, designated as Planning Area 6 in the Local Coastal Plan, it lies within the WF/PD/S.4 Waterfront/Planned Development/Special Treatment Overlay Zoning District and within the Coastal Commission original jurisdiction. The proposed site is located to the north of Embarcadero and south of Beach Street. The Waterfront Market cannot be seen from scenic Highway 1.



Adjacent Zoning/Land Use			
North:	CF/PD Commercial/Recreation Fishing/Planned Development	South:	WF/PD/S.4 Waterfront/Planned Development/Special Treatment Overlay
East:	C-VS/PD/SP Visitor Serving Commercial/Planned Development/Beach Street Specific Plan	West:	H Harbor

Site Characteristics	
Existing Site Use	Private parking lot
Terrain	Paved asphalt
Vegetation/Wildlife	N/A
Archaeological Resources	N/A
Access	Front Street



General Plan, Zoning Ordinance, & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Visitor Serving
Base Zone District	WF
Zoning Overlay District	PD
Special Treatment Area	S.4
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Located within the Coastal Commission Original Jurisdiction

PROJECT DISCUSSION:

UP0-284 and CDP 3-11-031

The proposed project will not conflict with the Findings and Conditions of approval for either the Precise Plan Conditional Use Permit (UP0-284) which was approved by Planning Commission on May 16, 2012 or the Coastal Development Permit (CDP 3-11-031) that was approved by the Coastal Commission on April 12, 2012. The CDP approval included improvements to docks, addition of an awning and expansion of a public seating area adjacent to Giovanni’s and approval for the existing parking lot. Special Condition 1a of the Coastal Development Permit requires 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 dining area. Project Resolution No. 01-20, includes Planning Condition 8, requiring all Waterfront Market activity to be located outside the required bayside lateral access area and requiring the bayside lateral access to remain open at all times during the Market. The approved bayside lateral access for this property is shown on Exhibit D as approved with CDP 3-11-031.

Previous Temporary Use Permit Approvals

Pursuant to MBMC 17.30.050.A5, a Temporary Use Permit (TUP) may be issued by the Community Development Director for up to six months. Accordingly, various temporary use permits have been approved over the years for similar market activities at the subject site. Staff specifically issued TUP’s for the Waterfront Market in each of the past two years. This year the applicant approached staff and requested an increase in the number of days for the Market from 10 to 15. Given the ongoing nature of the Market and the proposed expansion

of days, Staff felt it more appropriate to require Planning Commission approval of the proposed use through the City’s Special Use Permit Process.

Waterfront Market Event Details

The Waterfront Market is coordinated by Jolene Tench with the SLO Vendors Association and is managed by Casey Tench. According to the Applicant, “the purpose of this project is to open up a vending location to local businesses to grow and promote their legally established businesses in Morro Bay.” The event will be open to all ages and will be free to the public. The site will be limited to a maximum of 34 vendors providing a mix of arts, crafts, information, food booths, and food trucks. The event is limited to two vendors selling food, and all food booths will be designated to spots previously approved by the City. Setup for the event is to begin no earlier than 7:00am on permitted days, and event clean-up will be completed no later than 8:30pm on permitted days. All vendors will be required to have tents, tables, and weights to secure the tents. The objective of the booth layout is to maintain an organized and efficient market setup. The site plan for the event is provided in Exhibit B of this Staff Report.

Proposed 2020 Event Dates		
May 23-24, 2020	10:00am – 5:00pm	(2 Day)
June 20-21, 2020	10:00am – 5:00pm	(2 Day)
July 3-5, 2020	10:00am – 5:00pm	(3 Day)
July 18-19, 2020	10:00am – 5:00pm	(2 Day)
September 5-6, 2020	10:00am – 5:00pm	(2 Day)
September 12-13, 2020	10:00am – 5:00pm	(2 Day)
October 3-4, 2020	10:00am – 6:00pm	(2 Day)
Total Days:		15

This Special Use Permit will allow for the Market to occur annually, however, the event dates will be required to be submitted for review and approval by the Community Development Director prior to January 1 for subsequent years (See Planning Condition 3).



Weather Clause

The Applicant is requesting relief for the limitations on the proposed Waterfront Market event dates based on weather. In the event that weather prohibits the Waterfront Market from operating safely, the Applicant is requesting the ability to cancel and reschedule for the next available weekend weather permitting. Approval for cancelling and rescheduling the event must be approved ahead of time by the Community Development Director (See Planning Condition 2).

PUBLIC NOTICE:

Notice of this item was posted at the site on December 20, 2019 and published in the San Luis Obispo Tribune newspaper on December 27, 2019, 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 15304 Class 4(e) for minor temporary use of land having negligible or no permanent effects on the environment. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

CONCLUSION:

As conditioned, the project is consistent with the General Plan and Local Coastal Plan, and Zoning Ordinance.

RECOMMENDATION:

Staff recommends the Planning Commission approve the requested Special Use Permit (CUP19-15) for the Waterfront Market, as shown on plans submitted November 25, 2019 by adopting Planning Commission **Resolution 01-20** which includes the Findings and Conditions of Approval for the project.

EXHIBITS:

- Exhibit A – Planning Commission Resolution 01-20
- Exhibit B – Proposed Site Plan
- Exhibit C – Waterfront Market Narrative
- Exhibit D – Approved Bayside Lateral Access Plan

RESOLUTION NO. PC 01-20

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION SPECIAL USE
PERMIT CUP19-15 FOR THE WATERFRONT MARKET 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 January 7, 2019, for the purpose of considering approval of Conditional Use Permit CUP19-15; 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. CUP19-15 is exempt under Class 4(e), Section 15304 for minor temporary use of land having negligible or no permanent effects on the environment. 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 temporary events on private property is 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 Waterfront Market is consistent with the allowable uses on the waterfront.

C. The project will not be unreasonably incompatible with the uses permitted in surrounding areas and will not cause damage or nuisance from noise, smoke, odor, dust, or vibration; hazard or nuisance from explosion, contamination, or fire; hazard

occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles; or the height of the structures on site.

Section 2. Action. The Planning Commission does hereby approve Special Use Permit (CUP15-19) for the Waterfront Market 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 December 20, 2019 for the Waterfront Market event at 1001 Front Street depicted on plans date stamped November 25, 2019, on file with the Community Development Department, as modified by these conditions of approval. The Waterfront Market event shall be located and designed substantially as shown on Planning Commission approved plans submitted for CUP19-15, 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.

Planning Conditions:

1. Duration: The Waterfront Market shall occur only on the following specified dates in 2020, weather permitting:

Proposed 2020 Event Dates		
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September 12-13, 2020	10:00am – 5:00pm	(2 Day)
October 3-4, 2020	10:00am – 6:00pm	(2 Day)
Total Days:		15

2. Weather Clause: The applicant shall have the ability to reschedule a Market event date, due to adverse weather, subject to review and approval by Community Development Director.

3. Event Dates for Future Years: The applicant shall submit the Waterfront Market event dates to the Community Development Director for review and approval on or before January 1 of the year in which the Market events are to take place. Event dates shall not exceed 15.

4. Clean-up: The site shall be restored to its original condition no later than 8:30pm on specified dates including, but not limited to: the removal of all signs, posters, and booths.
5. Trash. The site shall be kept free of trash and debris, and the provided trash cans and dumpsters on-site shall be emptied when full.
6. Sidewalk Clearance: The applicant shall maintain sidewalk clearance at all times for accessibility of pedestrians. Booths and queues shall not encroach on the sidewalk or public right of way. This permit allows the Waterfront Market to take place only on the private property located at 1001 Front Street.
7. Access to Adjacent Businesses: The temporary use shall not interfere with access to or conduct of any adjacent business.
8. Bayfront Lateral Access: All booth and Waterfront Market activity shall remain on the private parking lot, located outside the bayside lateral access area as specified in Exhibit D in the Staff Report dated December 20, 2019. Bayside lateral access shall remain open during the Waterfront Market.
9. Waterfront Market Annual Renewal: Applicant must submit proposed dates and times prior to January 1 of the year of which the Waterfront Market will occur. Written approval of those dates and times is required by the Community Development Director prior to event occurrence. Any proposed changes to the event may require modification of the original permit.
10. Permit Authority: Staff may modify or change this permit at any time to include other conditions deemed necessary.
11. Condition Compliance: Staff may suspend this permit if these conditions are not adhered to or if the City of Morro Bay finds the Waterfront Market to be detrimental to the health, safety or welfare of others.

Building Conditions:

1. Toilet Facilities: Applicant is required to provide toilet rooms available to the public and shall have at least one toilet and lavatory fixture that is accessible to people with disabilities. NOTE: Public accommodation in adjacent buildings or sites is acceptable. If this is the case, Applicant must provide directional signage to these facilities.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting
this 7th day of January, 2020 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Gerald Luhr, Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 7th day of January, 2020.

RECEIVED

NOV 25 2019

City of Morro Bay

Community Development Dept.

- Waterfront Market -
1001 Front Street, Morro Bay, California
Special Minor Use Permit - Narrative

Giovanni's Fish Market would like to provide vendor spaces for rent to local business, product makers and entrepreneurs of San Luis Obispo County. This event project is to contribute towards the experience of both locals and visitors in the beautiful city of Morro Bay, California during for the following weekends to start.

Event Schedule : Dates & Times: (May thru October 2020)

*All dates are subject to Cancellation pending Weather Conditions

May 23-24, 2020 – Waterfront Market 10 AM – 5 PM (2 Day)
June 20-21, 2020 – Waterfront Market 10 AM – 5 PM (2 Day)
July 3-5, 2020 – Waterfront Market 10 AM – 5 PM (3 Day)
July 18-19, 2020 – Waterfront Market 10 AM – 5 PM (2 Day)
September 5-6, 2020 Waterfront Market 10 AM – 5 PM (2 Day)
September 12-13, 2020 – Waterfront Market 10 AM – 5 PM (2 Day)
October 3– 4, 2020. (Giovanni's Harbor Fest) 10 AM – 6 PM (2 Day)

Setup Time: 2.5 hours prior to event opening

Event Location & Information:

Who:

Volunteer Organization: SLO Vendors Association
Event Coordinator: Jolene Tench – 805-402-9437 – jojo@slovendorsassociation.com
Event Management : Casey Tench – 805-415-6059 – caseytench@mainstreetdesign.net
Event Staff: Local Volunteers (2-4)

Vendor Spaces:

All Art & Craft Booth Space(s) will be set at: 10ft x 10ft spacing
All Food Truck(s) will be spaced at 10ft x 30ft spacing (3 spaces)
All Catered Food Space(s) will be set at 10ft x 10ft with a 20 foot Spacing behind the booth. (Confined to booth spaces 1-8 on Layout Map (Attached))

Where:

The event will take place on private property located between 1001 Front Street and 1099 Embarcadero.
("Consent of land owner form" attached)

Why:

The purpose of this project is to open up a vending location to local businesses to grow and promote their legally establish businesses in Morro Bay. The vendors raise funding currently for all marketing projects that support in the overall marketing of both Morro Bay and the event itself. While working with Local Established Businesses to help support in there marketing as well.

The Event is kid & pet friendly and will be free to the public.

About Vendors:

The site will be limited to 30-34 vendors consisting of a mix of vendors such as art & crafts, Entrepreneurs, informational booths, limited to a maximum of (2) food trucks/food booths. All food booths will be placed along spaces 1-8 and food trucks will be in a designated spaces on approval by the city. Vendors spaces are 10 X 10 spaces with 14' isle ways. Every vendor has a different unique item they make themselves right here on the central coast and doing our best to keep it that way.

All Art & Craft vendors will have a transient vendor permit or Morro Bay Business License for working within the city. All food booths will have all Health Permits required by San Luis Obispo County on premise.

What We Learned:

Due to the popularity of our growing market over the last few years we are asking to do 5 more shows. This would allow us to run a total of 15 shows during 2020 (7 weekends). With the increased number of shows it would allow us to take advantage of 3 day holiday weekends and a few extra shows during the summer.

We learned a lot. We had some concern about the tightness of our market, as well as vendor participation on certain days of our market. We had a meeting with all of our vendors to express concern and listen to innovative ideas about how to make this market better. Here is what we have decided to do differently.

All vendors are required to have tents, tables and weights to secure their tents. Vendors are required to let us know if they are unable to make the event, giving me time to find someone to fill that spot or move the vendors around to make sure that we maintain a tight neat market. Due to lack of participation from vendors we have not ran any markets on Fridays or Mondays. However, going forward, if there is a holiday that is observed on a Friday or a Monday we are going to try and run the market and see how it goes. (see list of dates on page 1)

Weather Clause:

When planing these shows its really hard to predict what the weather will be from year to year. In our first year of running our event, we ran into some pretty nasty weather, from extremely high winds, (35-40 MPH with sustained gusts) to extreme heat (100+) and even rain. Everyone's safety is our biggest concern. This is why I am asking in the event of bad or extreme weather, or an Act of God, we would like the ability to cancel the market and reschedule it to the first available weekend with good weather. This will ensure the safety of our vendors and customers. We follow the weather closely with weather apps, local and national news channels. We would notify our vendors immediately of the cancellation of the market and will advise them once it has been rescheduled. We are asking for this to NOT count against the 5 additional shows we are asking for.

I know that going into this year there will be a clear understanding of what our market actually is. We started this Vendor Association to give the local art and craft vendors a place to vend, when they cannot get into other shows or markets. As part of our association, for people new to the vending world, we give them helpful hints as well as requirements before hand to ensure we are all clear what is to be expected of our vendors.

In Closing

We are very humble, loyal and dedicated to the overall success of the city. We are absolutely excited to work towards any and all requirements to make sure these events now and going forward are setup in the best possible configuration and with the highest priority being public safety.

Casey and Jolene "JoJo" Tench

Call anytime, if you have any questions, concerns or ideas to make this a great community event.

805-402-9437

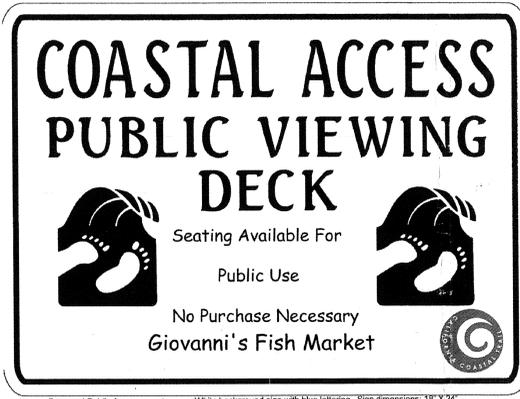
www.slovalencerasassociation.com

1202 15th Street

Los Osos, California 93402

approx. location of lateral access to extend beyond base line, north of Stax Wine & link up to existing sidewalk near intersection of Beach St. & Embarcadero

NEW COASTAL ACCESS SIGNAGE



Proposed Public Accessway signage. White background sign with blue lettering. Sign dimensions: 18" X 24"

PROJECT INFO.

AREAS:
 EXISTING DOCKS 1,664 SQ. FT.
 NEW DOCKS 358 SQ. FT.
 PUBLIC VIEW DECK: 1,181 SQ. FT.
 EXIST'G LAT. ACCESS AND PATIO AREA: 2,275 SQ. FT.
 NEW 5' ACCESSWAY: 770 SQ. FT.

DECK MATERIAL: LIGHT GRAY TREX DECKING

PARKING CALC'S:
 EXISTING SPACES 19 TOTAL (6 FOR DOCKS)
 PROPOSED SPACES 6 FOR DOCKS (1 PER 35 LIN. FT.)

ZONING: H ZONE

LEGEND:
 ○ EXISTING PILING
 ● NEW PILING

LIGHTING TO MEET COASTAL COMM. & CITY OF MORRO BAY CONDITIONS
 LIGHTING TO BE DOWNWARD FACING & FOCUSED TO THE DOCK AREA
 LIGHTING TO BE INSTALLED ON SWITCH SO AS TO NOT BE ON WHEN NOT IN USE
 SWITCH TO BE LOCATED NEAR TOP OF GANGWAY

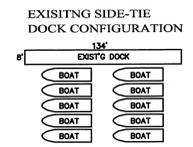
C. P. PARKER ARCHITECT

CHRISTOPHER P. PARKER ARCHITECT
 630 QUINTANA RD. #330
 MORRO BAY, CA 93442-1962
 (805) 772-8700

STAMPS

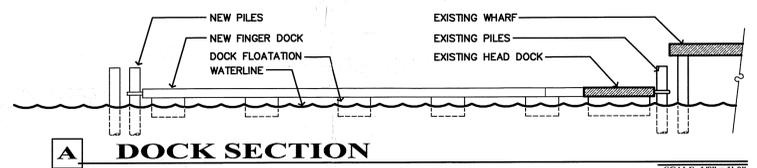


- POWER & LIGHT PEDISTAL (11 CANDLE FOOT AT FIXT.) w/ MOTION SENSOR & PHOTOCELL
- FF70/PC METAL HALIDE FLOOD LIGHT PHOTOCELL



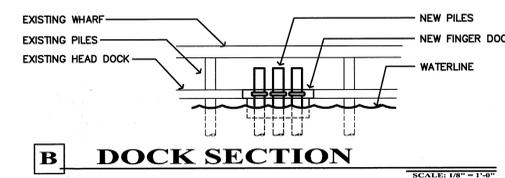
PUBLIC ACCESS NOTES:

ALL PUBLIC ACCESS AREAS AND AMENITIES SHALL BE AVAILABLE TO THE GENERAL PUBLIC FREE OF CHARGE DURING AT LEAST DAYLIGHT HOURS (I.E. ONE HOUR BEFORE SUNRISE TO ONE HOUR AFTER SUNSET), AND DURING AT LEAST ALL NON-DAYLIGHT HOURS WHEN THE RETAIL COMPONENTS OF THE APPROVED PROJECT ARE OPEN. THE ACCESS PLANS SHALL PROVIDE FOR 24-HOURS PER DAY ACCESS TO THE LATERAL AND VERTICAL ACCESS FEATURES ONCE CONNECTIVITY IS PROVIDED VIA THE LATERAL ACCESS BOARDWALK TO EITHER THE UP-COAST OR DOWN-COAST LATERAL ACCESS WAYS



A DOCK SECTION

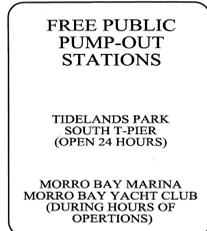
PILE HEIGHT: APPROX 10' TO 12' ABOVE WATER LINE AT AVG. TIDE LEVEL
 PILING SIZE: APPROX 12" DIA. x 3/8" WALL
 ENGINEER TO VERIFY PILING SPECIFICATIONS DURING BUILDING PERMIT PLAN SUBMITTAL



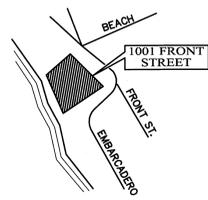
B DOCK SECTION

PUMP-OUT FACILITY SIGNAGE

WHITE BACKGROUND SIGN WITH BLACK LETTERING. SIGN DIMENSIONS MINIMUM 5"x7"



VICINITY MAP



PROJECT
NEW DOCK PLAN FOR DEGARIMORE FUEL & ICE

APN: 066-033-004

1001 FRONT STREET MORRO BAY, CALIF. 93442

DRAWING PHASE
CONDITIONAL USE & COASTAL DEV. PERMIT
 UPO-284
 PRECISE PLAN

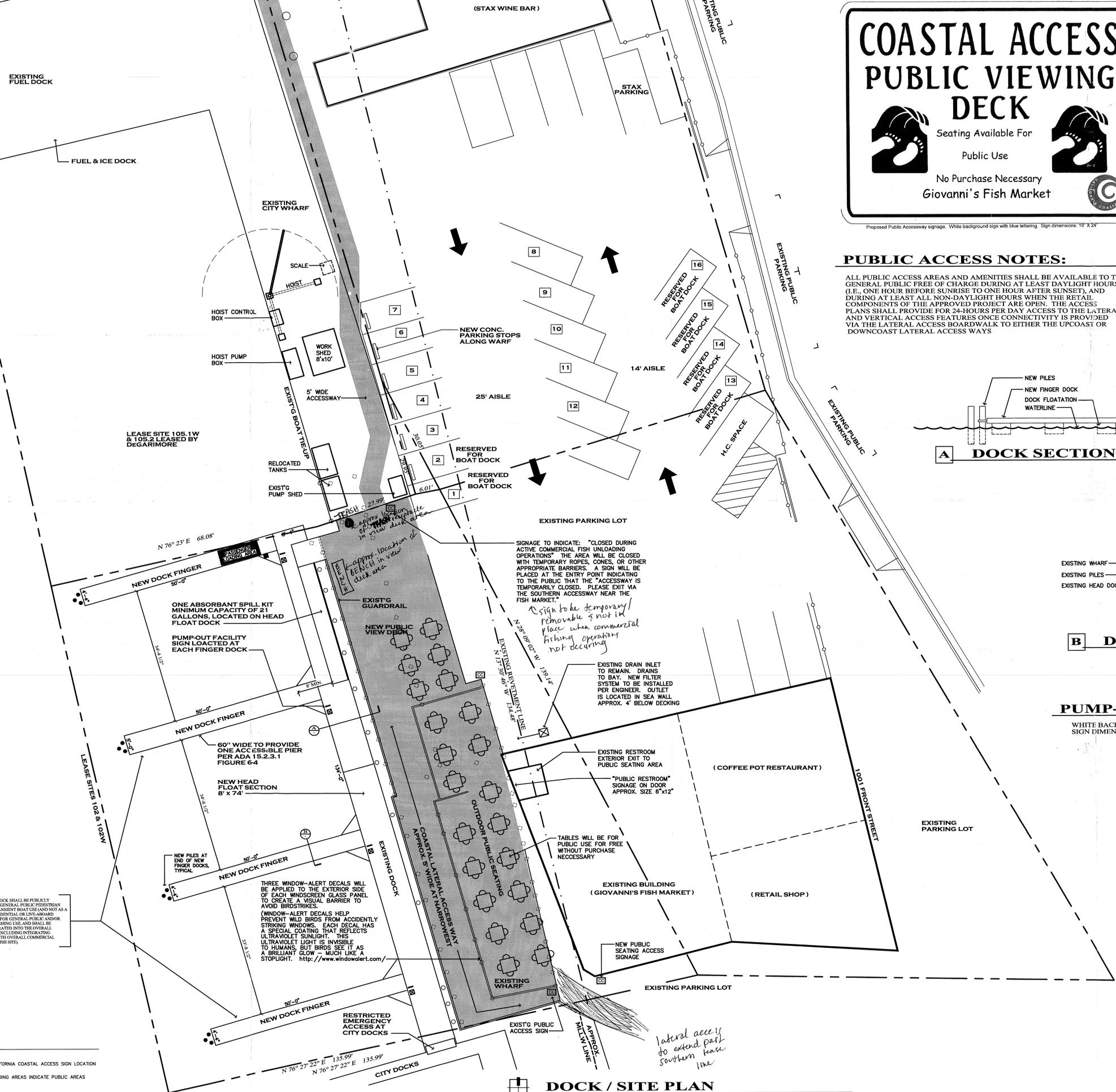
Project No.	10-103
Drawn By	CPP
Dwg. Date	04/04/11
Updated	06/28/12
Scale	AS NOTED

REVISIONS

SHEET TITLE
NEW DOCK PUBLIC ACCESS & SITE PLAN

SHEET NO.
1.1

LEGEND
 [Symbol] CALIFORNIA COASTAL ACCESS SIGN LOCATION
 [Shaded Area] SHADING AREAS INDICATE PUBLIC AREAS



DOCK / SITE PLAN

SCALE: 1" = 10'

APPROVED
 CALIFORNIA COASTAL COMMISSION
 CENTRAL COAST DISTRICT OFFICE
 725 FRONT ST., STE. 300
 SANTA CRUZ, CA 95060

SRE 12/12/12
approved a modification to lateral access extending north of lease line & linking up to existing sidewalk