



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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*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, February 18, 2020  
Veteran's Memorial Building – 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Chairperson Gerald Luhr

Vice-Chairperson Jesse Barron  
Commissioner Michael Lucas

Commissioner Joseph Ingrassia  
Commissioner Susan Stewart

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

## PRESENTATIONS

- [Advisory Bodies Handbook and Bylaws Update](#)  
The City Councilmember, Marlys McPherson will be presenting the Planning Commission with an update on the recently adopted changes to the Advisory Bodies Handbook and Bylaws document. A link to the document is below:

[Advisory Bodies Handbook & By-laws](#)

## 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.
- A-2** Approval of minutes from the Planning Commission meeting of January 07, 2020.  
**Staff Recommendation:** Approve minutes as submitted.
- A-3** Approval of minutes from the Planning Commission meeting of January 21, 2020.  
**Staff Recommendation:** Approve minutes as submitted.

### B. PUBLIC HEARINGS - NONE

### C. NEW BUSINESS

- C-1 1001 Front St – Review of Conditional Use Permit #UP0-284.  
**Staff Recommendation:** Review staff report, and provide direction to staff and/or permittee/lease site holder as applicable

### 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 March 3, 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](http://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](http://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.

CITY OF MORRO BAY  
ADVISORY BODIES  
HANDBOOK  
AND  
BY-LAWS

Date: January 28, 2020

Approved by Resolution No. 28-18  
Revised by Resolution No. 60-18 on August 14, 2018  
Revised by Resolution No. 105-19 on December 10, 2019  
Revised by Resolution No. 07-20 on January 28, 2020

## *Mission Statement*

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

## **INTRODUCTION**

Welcome and thank you for your interest in serving on one of the City's Advisory Bodies. By serving on one of Morro Bay's Advisory Bodies, you can help plan and guide the City's future. It is important that members of the Advisory Bodies understand the functions and responsibilities of being a member. We hope you find serving on the City's advisory body personally satisfying, and in the process gain invaluable knowledge and experience.

The Morro Bay Municipal Code empowers the City Council to form boards and commissions to assist the City Council in legislating and managing the affairs of the City. From time to time citizen advisory committees are appointed to meet a specific topic, project, or need. Their varied roles provide significant opportunities for formulating City policy and for creating public forums for meaningful community participation.

Consistent with the City's Mission Statement, advisory bodies can help the City achieve its mission and purpose, which is to preserve and enhance the citizens of Morro Bay's quality of life. This Handbook shall serve as a guide to assist you in the sometimes-complex, but often rewarding, process of serving on one of the City's Advisory Bodies. These advisory bodies assist the City Council in making better-informed decisions by formulating new ideas, gathering information, receiving public testimony and comments, analyzing complex issues, and making recommendations on specific projects and broad policy.

Advisory Bodies advise the City Council and the City Manager on matters within their area of responsibility and interest; help focus attention on specific issues and problems within their scope of responsibilities, and recommend action and alternatives for Council consideration; act as channels of communication among City government, the general public, and interest groups; and balance community wants with municipal responsibility and resources.

At times, your role may be challenging and complex. Public opinion can be sharply divided, questions may overlap, and sometimes the province of one body may also be the territory of another. Therefore, we have created this handbook to assist you with some of the fundamental aspects of your new responsibility.

Much of the information in this handbook comes from City policy, such as the Morro Bay Municipal Code and the City Council Policies and Procedures Manual. In addition, State Law governs certain responsibilities of advisory body members. The material presented is intended to: (1) Give interested persons an understanding of why the City's advisory bodies have been established and how they function within the overall governmental framework and, (2) Summarize the roles, relationships and responsibilities of each advisory body member.

Each Advisory Body within the City has its own By-Laws, which are included in this Handbook for your ease of reference. The sections of the Handbook are divided as follows:

1. General Information on Advisory Bodies
2. How Our City Government Works
3. How Advisory Bodies Work
4. The Brown Act
5. Political Reform Act of 1974 (Conflict of Interest)
6. Advisory Body By-Laws

We hope this Handbook will answer many of your questions, get you off to a good start, and contribute to your satisfaction in serving the citizens of the City of Morro Bay.

# 1. General Information on Advisory Bodies

## A. Background

Advisory bodies are authorized by both the Morro Bay Municipal Code and the City Council. They provide an opportunity for interested residents to participate in the governing of their community under guidelines and procedures established by the Council. Advisory bodies can improve the quality of City government by providing the Council with resources to make better-informed decisions. They can serve as the “eyes and ears” of the Council for issues and matters that otherwise might not receive attention. Other benefits include improvement in the lines of communication between the public and the Council, greater opportunities for discussion of public issues, and more citizen involvement in City government. There is considerable variety in the purpose or responsibility of these bodies. Advisory bodies have been created by the City Council to serve the City of Morro Bay’s unique needs.

The authority of an advisory body will depend upon its specific purpose. Each has a specific focus and will make recommendations to the Council on issues related to that specific field. Decisions made by an advisory body may be appealed to the Council. The Council may not always accept the recommendation of an advisory body because of additional information available or a need to balance the recommendation with policy or community priorities.

Generally, advisory bodies are empowered only to make recommendations to the Council or to the City staff, unless specifically authorized by law or Council to do otherwise. There should be two-way communication so that advisory bodies are aware of the long-term goals Council has adopted, and the advisory body is able to present new ideas to the Council. Advisory body members are encouraged to attend and/or watch Council meetings.

Members of the advisory bodies are volunteers who are appointed by the City Council and serve at the pleasure of the City Council. There is no compensation or benefits for members, except for Planning Commission, whose responsibilities are greater and meetings more frequent. All members are expected to attend scheduled advisory body meetings and all meetings shall be conducted in accordance with Robert’s Rules of Order, City Council Policies and Procedures Manual and State Law.

Currently, the City of Morro Bay has six advisory bodies:

- Harbor Advisory Board
- Public Works Advisory Board
- Recreation and Parks Commission
- Tourism Business Improvement District Board
- Planning Commission
- Citizens Oversight Committee/Finance Committee

From time to time, a special advisory body may be created by the Council to provide input on a specific issue or project. The City Council shall establish a mission statement and goals for the specific advisory body. These bodies meet for a limited duration and only meet when specific actions need to be taken in support of the Council adopted purpose. They are terminated by the Council once the work of the special advisory body is completed or the issue is resolved.

## B. Application/Selection Process and Membership Qualifications

The City of Morro Bay encourages participation of a wide variety of its citizens through service on an advisory body. Applicants will be sought from all segments of the community, representing various interests and groups.

### 1) The Application/Selection Process

- All recruitment for advisory body members is open and published in a local newspaper.
- The City accepts applications from interested persons throughout the year.
- Each application is carefully reviewed by the City Council.
- Appointment of qualified applicants is made by the City Council in a special, publicly held meeting. If there are multiple openings for a specific advisory body, the specific term for the specific openings will be communicated to applicants.
- In the event the City Council determines some or all of the applicants are not qualified to serve on the advisory body for which they are applying, the City Council may elect not to make an appointment and extend the recruitment period.
- In the event there are more qualified applicants than openings for an advisory body, the City Council at its sole discretion may appoint qualified applicant(s) on an alternate or standby status for an interim 3-6-month period. Any such applicant designated as an alternative advisory body member would not participate in advisory body meetings, but could subsequently be appointed as a regular advisory body member if a vacancy occurs within the stated 3-6-month period.
- Members serve at the pleasure of the City Council.
- Incumbents are considered for reappointment at the conclusion of their terms.
- Terms are four years, commencing on February 1<sup>st</sup>, and the terms are staggered.
- Applications may be obtained from the City Clerk's office at City Hall. Information on vacancies and/or specific recruitment periods may be requested by phoning the City Clerk. An official application form must be completed for each position.
- Fill out a separate form for each advisory body in which you are interested. It is to your advantage to tailor each application to the specific board or commission for which you are applying. Emphasize different aspects of your background to match those needed for a particular advisory body.
- Emphasize your talents. Clearly indicate how your particular talents, skills, training, or experience will benefit the advisory body for which you wish to be considered.

- Become familiar with the appropriate advisory body. Attend meetings, talk with advisory body members, or read documents they have developed to acquaint yourself with their work. Talk with the department head responsible for staffing the specific advisory body in which you are interested.

## 2) Qualifications for Service

Advisory body members may be required to wear "different hats" at different times. The ability to suitably perform the varied roles requires specialized skills and knowledge. Qualification for service can be divided into four general areas:

### ◆ **LONG-RANGE INTEREST IN THE COMMUNITY**

The ability to conceive and be concerned with the impact of current decisions on future citizens is paramount. Advisory body members are required to analyze issues, to listen to public comment through formal hearings or informal discussion, to interpret and apply mandates of the General Plan, and to analyze all the pertinent data before arriving at objective decisions which will be in the best interest of the community as a whole.

### ◆ **FAIRNESS, COMMON SENSE, HONESTY AND GOOD CHARACTER**

Keeping the public interest in mind, an advisory body member will be called upon to use every day good sense in balancing the need of public and private groups. Controversial issues do arise, and the ability to make decisions based on merit rather than personalities is a must. Other traits include imagination, flexibility and the ability to act in a judicial vs. legislative capacity.

### ◆ **KNOWLEDGE OF THE COMMUNITY MARKETPLACE, PROCESS, OBJECTIVES, AND LAWS**

A first-hand knowledge of economic systems, the general operation of government, and a basic understanding of the legal process is important. This knowledge will be of tremendous value, especially on the Planning Commission where members are required to conduct public hearings, analyze and receive testimony and make meaningful decisions.

### ◆ **TIME TO SERVE IN APPOINTED CAPACITY**

The amount of time an advisory body member devotes to his/her duties varies with each advisory group. Before making a personal commitment, a prospective applicant should honestly evaluate whether he/she has adequate free time to attend the meetings, to review and be familiar with

meeting materials, and to communicate with the public as well as with department staff.

### 3) Other Requirements

Members of all advisory bodies are required to file the State of California Statements of Economic Interest (Form 700). Additionally, advisory body members are required to refrain from participation in matters where they have the potential for conflict of interest. (See Section 5 for the City's policy on Conflict of Interest)

Advisory body members are also required to attend periodic trainings, including Ethics Training and Sexual Harassment Training as well as others which may be mandated.

## 2. How Our City Government Works

The City of Morro Bay is a general law city and became incorporated in 1964; it operates under the laws of the State of California.

The City Council, City Manager, City Clerk and City Attorney are integral to the day-to-day operations of the City. As such, we have included a summary of the City government's main function for your information and reference.

### A. City Council

The City Council is elected by a majority vote by the citizens of Morro Bay. The City Council is the governing body of the City and is made up of the Mayor and four council members. The Mayor is elected for a two-year term and the Council Members are elected for staggered four-year terms. Mayoral and City Council elections are held in November of even-numbered years. Regular Council meetings are held according to the established calendar in the Council Chamber at the Vet's Hall. In addition, special meetings and study sessions are held from time to time. The Mayor is the official spokesperson for the Council. The City Council is accountable to the citizens of Morro Bay. The decisions of the City Council are reached by a majority vote.

The City Council formulates policy, approves programs, appropriates funds and establishes local taxes and assessments. The City Council enacts local laws (ordinances) and regulations for governing of the City. The local ordinances adopted by the City Council are compiled in the City's Municipal Code.

## B. City Manager

The City Manager is the administrative head of the government of the City. The City Manager is appointed by the City Council, and serves at its pleasure. The City Manager's duties include implementation of policies and procedures initiated by the City Council. The City Manager also is responsible for all City personnel, except as to the City Attorney, and serves as a liaison to each advisory body, unless otherwise noted in the Advisory Body By-Laws. The following positions report to the City Manager: City Clerk, Treasurer/Finance Director, Chief of Police, Fire Chief, Community Development Director, Public Works Director, Harbor Director, Recreation and Parks Manager, and Tourism Manager.

## C. City Clerk/Risk Manager

The City Clerk's duties include, but are not limited to: recording, writing and maintaining Council proceedings, conducting municipal elections, publishing ordinances and resolutions and other official City documents, storing and indexing official documents and City records for retrieval, administering Conflict of Interest disclosures, and serving as the custodian of the seal of the City. The City Clerk also serves as the City's Risk Manager, coordinating activities related to coverage documents; processing all claims related to the City's property, liability and workers' compensation insurance; and implementing policies and programs to reduce the City's exposure to risk.

## D. City Attorney

The City Attorney is appointed by the City Council. The City Attorney is the legal counsel for the City and advises the City Council and City officials, officers and employees (in their official capacity) in legal matters, attends all Council meetings and some board meetings, represents the City in legal actions and proceedings, and retains, supervises and monitors outside legal counsel. The City Attorney also approves all bonds and contracts made by the City, prepares ordinances and resolutions as required by the Council and prosecutes violations of the Morro Bay Municipal Codes and ordinances.

# 3. How Advisory Bodies Work

## A. Understanding Your Role and Scope of Responsibility

After appointment by the Council and being sworn in as a City officer, the City Clerk will provide new advisory body members with useful information about the City, including this handbook. In addition, the City staff member who supports your advisory body will schedule an orientation appointment with you. That will be your opportunity to learn more about the scope of responsibility of the advisory body to which you have been appointed. Additional trainings may be held periodically.

### 1) Council Liaison Member(s)

Each year the Council selects two of its members (one regular and one alternative) to be “Liaison Members” to each advisory body. The Council Liaison can be called upon to facilitate the flow of information between the Council and that advisory body. The Liaison Member may also attend advisory body meetings.

### 2) Preparing for Your Role

It will be helpful to review the City’s Mission Statement, the City’s website, and your advisory body’s by-laws. Meeting with your advisory body chair and getting to know fellow advisory body members, staff and the Council Liaison will also help you to learn more about your role and to understand expectations. Ask about upcoming issues. Also attend training programs and workshops offered to you by the City.

### 3) Advisory Body Work Plans

To ensure advisory bodies are assisting the Council on key issues of community concern, the Council and each advisory body establish a work plan. The work plan is derived from the goals and action items approved by the Council. The City Council will ask each advisory body for input into the work plan as part of the two-year City Goal and Action Item plan process. Once the Action Item plan is adopted by the Council, the advisory body will be informed of the specific topics and issues that the advisory body will be addressing. Other issues may arise during the year that the Council may ask an advisory body to consider and on which to make recommendations. If the advisory board desires to add an item to its work plan during the year, it must first seek City Council approval. Likewise, if it desires to change its meeting times, dates, or location, it must also seek prior approval from the Council.

### 4) Advisory Body Sub-Committees

From time to time it may be desirable for the majority of an advisory body to appoint a sub-committee to address a particular issue. That is especially the case if the issue requires additional work or research. Establishing a sub-committee requires the body to define purpose, parameters and duration of the subcommittee. The number of sub-committee members depends on the size of the advisory body. Per the Brown Act, sub-committees must consist of less than a quorum of the body. Therefore, for a five-member body, sub-committees may consist of two members. Seven-member bodies may have sub-committees composed of two or three members. Sub-committees report back to the full body for discussion before any formal action can be taken on the issue. Staff should be consulted before considering the creation of a sub-committee to determine the impact on staff time.

### 5) Advisory Body/Staff Relationship

The proper channel to contact City staff on items of consideration is through the designated City staff person providing support to your advisory body. Staff support and

assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council. The advisory body members are responsible for the functions of the advisory body and the Chair is responsible for committee compliance with the policies outlined in this Handbook.

Staff support includes preparation of a summary agenda and preparation of agenda reports providing a brief background of the issue, a list of alternatives, recommendations and appropriate backup materials, as necessary. When possible, advisory body member questions for staff regarding agenda items should be made in advance of the meeting. Advisory body members should be mindful of staff's time in making requests for information. The request should be channeled through the advisory body's chairperson, be specific and be limited in scope so staff can respond without altering other priorities and with minimal delay to other assignments. The request should only impose a "one-time" work requirement and should not require a significant allocation of staff resources (generally defined as consisting of more than one staff person working on the issue in excess of 1-2 hours).

#### 6) Advisory Body/City Council Relationship

Advisory bodies are occasionally requested to make special reports or recommendations to the Council on specific subjects. Any recommendations or reports from an advisory body should be in written form.

An advisory body does not have authority to speak for the City. If the body wishes to recommend a statement be made, then it shall be submitted to and receive approval of the Council. An advisory body shall not sponsor or co-sponsor a public forum, meeting or survey without the prior approval of the Council. Individual advisory body members should avoid making public comments on Council actions or public policies that might appear to represent the official position of their advisory body. When an advisory body wants to make a specific recommendation to the City Council, the formal process of making a motion, seconding the motion, discussing it and a vote by each advisory body member present should occur. Advisory body actions are then conveyed to the Council in the form of official advisory body minutes, by e-mail to the full Council or by the Council Liaison. The Chair of an advisory body is the spokesperson for the group. A summary of advisory body discussions pertinent to issues before the City Council shall be incorporated into staff reports.

If a member of an advisory body appears before the Council (or another advisory body) in a capacity other than as representative of his/her body, then it should be explained in advance that any statements made are not to be construed as representing the opinions or recommendations of the advisory body. The member should state that he/she is speaking as a member of the public. That member must take care not to make comments at a Council (or other advisory body) meeting about a matter within that member's advisory body's subject matter jurisdiction if a majority of that advisory body are present at that meeting.

## 7) Resignation

If an advisory body member finds it necessary to resign, then a letter of resignation stating the effective date of the resignation shall be directed to the Council through the City Clerk, with a copy forwarded to the Chair of the advisory body.

## 8) Removal from Office

As noted, advisory body members serve at the pleasure of the Council and may be removed without cause by Council action in an open public meeting. Violation of City policies or the policies contained in this Advisory Bodies Handbook will result in a warning, reprimand, or removal.

# B. Advisory Body Meeting Procedures and Conduct

## 1) Parliamentary Procedures

All advisory body meetings shall be conducted in accordance with City practices and policies. Robert's Rules of Order, Newly Revised, shall also be used as a guide in conducting meetings. Questions should be directed to the appropriate City staff. A quorum shall be stated in individually adopted advisory body bylaws or procedures.

The order of business of advisory body meetings follows the City Council's procedures:

- a) Establish Quorum and Call to Order
- b) Moment of Silence
- c) Pledge of Allegiance
- d) Committee Members Announcements and Presentations
- e) Public Comment Period – Members of the audience wishing to address the committee on items not on the agenda or items on the agenda if they are unable to stay for the entire meeting
- f) Consent Calendar
- g) Public Hearing (for Planning Commission)
- h) Business Items
- i) Future Agenda Items
- j) Notification of Next Meeting and Adjournment

For discussion of items on the agenda, the following order is followed:

- A. Presentation of the Staff Report
- B. Advisory Member Questions
- C. Public Comments
- D. Advisory Member Discussion
- E. Recommendation(s) as Needed

Consistent with City Council practice for receiving public comments on agenda items, advisory bodies are encouraged to limit public comments to three minutes per speaker to ensure that everyone who wishes to be heard has the opportunity to do so. The Chair, with the consensus of the advisory body, may allow additional brief testimony from speakers who have already commented on the same agenda item; however, speakers should not be allowed to yield their time to another speaker.

## 2) Behavior and Civil Discourse Policy

The City of Morro Bay encourages the willingness to speak up and to listen within a framework of respect and understanding. Toward that end, the Council has adopted Resolution No. 27-18, a Resolution of the City Council of the City of Morro Bay, California, Pledging to Follow Best Practices of Civility and Civil Discourse in All of Its Meetings (see following page). That resolution was crafted by the League of Women Voters of San Luis Obispo County.

RESOLUTION NO. 27-18

RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA,  
PLEDGING TO FOLLOW BEST PRACTICES OF CIVILITY AND CIVIL DISCOURSE  
IN ALL OF ITS MEETINGS

THE CITY COUNCIL  
City of Morro Bay, California

**WHEREAS**, on November 10, 2015, the City Council adopted Resolution No. 70-15 pledging to follow best practices of civility and civil discourse in all of its meetings, principals developed by the League of Women Voters; and

**WHEREAS**, a healthy democracy respects the people's right to debate issues with passion; and not only tolerates disagreement but welcomes it; and

**WHEREAS**, Honest debate helps refine ideas and create policies that benefit the greater good;

**WHEREAS**, we, the Mayor, City Council Members, Commissioners, Appointees, and Staff of the City of Morro Bay, in order to ensure **civility** and **civil discourse** in all of our meetings, reaffirm and pledge our commitment to the following **best practices of civility and civil discourse**; and,

**WHEREAS**, we pledge our commitment to **listen first**, making an honest effort to understand views and reasoning of others by listening to understand, not listening to find fault, allowing thoughtful discussion to lead to the best possible outcomes; and

**WHEREAS**, we pledge our commitment to **respect different opinions**, by inviting and considering different perspectives, allowing space for ideas to be expressed, opposed and clarified in a constructive manner; and

**WHEREAS**, we pledge our commitment to **show courtesy**, by treating all colleagues, staff and members of the public in a professional and courteous manner whether in person, online, or in written communication, especially when we disagree; and

**WHEREAS**, we pledge our commitment to **avoid rhetoric intended to humiliate, malign, or question the motivation** of those whose opinions are different from ours in all our meetings; and

**WHEREAS**, we pledge our commitment to **speak truthfully** without accusation, and avoid distortion in all our meetings; and

**WHEREAS**, we pledge our commitment to **debate the policy not the person**, focusing on the issue, and not personalizing the debate or using other tactics that divert attention from the issue; and

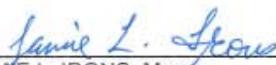
**WHEREAS**, we pledge our commitment **against violence and incivility** in all their forms whenever and wherever they occur in all our meetings; and

**WHEREAS**, we commit ourselves to build a civil political community in which each person is respected and spirited public and political debate is aimed at the betterment of the City of Morro Bay and its people and not the disparagement of those with whom we disagree.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council, City of Morro Bay, California, that the Mayor, City Council Members, Commissioners, Appointees, and Staff of the City of Morro Bay shall promote the use of and adherence to the principles of **civility** and **civil discourse** in conducting business with appointed and elected officials, staff, and citizens.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 8th day of May 2018 on the following vote:

AYES: Irons, Davis, Headding, Makowetski, McPherson  
NOES: None  
ABSENT: None

  
\_\_\_\_\_  
JAMIE L. IRONS, Mayor

ATTEST:  
  
\_\_\_\_\_  
DANA SWANSON, City Clerk

The Chair (or presiding officer in the event the Chair is absent) of each advisory body is responsible for ensuring that all of its members as well as members of the general public adhere to these practices. The presiding officer strives to preserve appropriate order and decorum during all meetings. Speakers should be encouraged to address the advisory body and not the audience and discouraged from clapping, shouting or booing.

Persons demonstrating rude, boisterous, or profane behavior will be called to order by the presiding officer (chairperson or vice chairperson). If such conduct continues, then the presiding officer may call a recess, request the removal of such person(s) from the meeting, adjourn the meeting, or take such other appropriate action permitted by the Brown Act.

### 3) Quorum Requirements

A quorum constitutes the majority or more than half of the total established members of the advisory body. A quorum must be in attendance for any discussion or action to take place. The quorum must be present for the entire meeting and if a member leaves during the meeting that results in the absence of a quorum, the meeting must be adjourned.

If vacancies exist on an advisory body, then those positions still count when determining a quorum. For example, if two positions are vacant on a seven-member body, and two members are absent there is not a quorum and no meeting can be held.

### 4) Meeting Absences

Because of quorum requirements, when an absence is anticipated, the individual advisory body member is responsible for notifying the Chair and the staff responsible in advance and the absence shall be counted in that member's attendance record. Approval for excused absences shall be the responsibility of the advisory body. Said excuses should be submitted in advance and formally approved at a regular meeting of the advisory body. Attendance requirements are contained in each advisory body's by-laws, but generally speaking missing three consecutive regular meetings or 25% of the regular meetings during any calendar year period, without formal consent of the City Council, shall constitute the resignation of the absent member. The assigned staff person responsible for taking the minutes will be responsible for monitoring advisory board members' attendance and conveying pertinent information to the City Clerk/Deputy City Clerk. City Council shall be notified when a member is determined to have not met the attendance requirements of the advisory body.

### 5) Chair Responsibilities

The Chair's main role is to provide the advisory body with direction and to set the tone for meetings. The job involves balancing the need to keep the meeting moving while also ensuring all members of the advisory body and the public are involved in the meeting. The Chair is responsible for ensuring the meeting follows parliamentary procedures, as described above.

## 6) Reconsideration of Issues

City Council Policies & Procedures discourage reconsideration of issues once a decision has been made. Decisions can be revisited if a majority of Council Members chooses to do so. For advisory bodies, once the City Council has made a decision on an issue an advisory board should not attempt to reconsider that issue or make an alternative recommendation to Council.

## 4. The Brown Act

This is a brief review of the Brown Act, also known as the “open meeting law.” A more detailed Brown Act and Political Reform Act Booklet is available to the advisory body through the City Attorney’s office.

### A. Purpose

The general purpose of the Brown Act is to aid in the conduct of the people’s business. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not for the people to know. Therefore, it is the intent of the Brown Act the actions and deliberations of all local agencies be taken openly, including deliberations and collective discussion involving the examination, weighing and reflection on the reasons for or against a choice. It also includes the exchange of facts preliminary to the ultimate decision.

Generally, all meetings of City boards, commissions, committees and groups are to be open and public and all persons are to be permitted to attend any meeting. Under certain *strict* circumstances, closed session meetings are permitted.

A “meeting” is defined as a gathering of a majority (quorum) of the advisory body to discuss items within the body’s subject matter jurisdiction or to conduct other business of the body. It should be noted the Brown Act generally prohibits any action or discussion of items not on the posted agenda. The Brown Act also requires regular meeting agendas allow for two types of public comment: general public comment where the public can comment on any item that is within the subject matter jurisdiction of the body that is not listed on the agenda and public comment that is specific to items on the advisory body’s agenda. In Morro Bay, separate public comment is allowed on each item on the posted agenda prior to deliberation.

Keeping in mind all discussion of issues by an advisory body must be made in a public meeting, one of the most common violations of the Brown Act involves serial meetings. This occurs when any communication among a majority of the members occurs outside of a meeting. A common example of a serial meeting is when one member calls a second member who then calls a third member, and so on to share ideas among a majority of the advisory body. Another common occurrence involves e-mails. For example, a staff member sends out via e-mail a

document, and one member recommends a revision and copies fellow advisory body members. It is good practice to send e-mail responses to the sender only.

Brown Act compliance is absolutely required. We encourage you to carefully review the Brown Act Booklet which is available through the City Attorney's Office which describes in detail the Brown Act.

## B. Electronic Mail (e-mail), the Public Records Act and the Brown Act

You will be issued a City e-mail once you are appointed to an advisory body. City e-mail is no less a part of "official City business" than any other written correspondence; and there is no expectation of privacy for City email messages. Good judgment and common sense should, therefore, prevail at all times regarding its appropriate use. City e-mail is subject to the requirements of the Brown Act and is subject to disclosure under the Public Records Act.

The Brown Act does not prohibit the use of e-mail to make individual contacts between members of an advisory body, the City Council, or the public or staff. However, great care should be taken to avoid the use of e-mail to contact a majority of the Council or your advisory body, either individually or serially, "in a connected plan to engage in collective deliberation on public business."

City e-mails are generally intended to fulfill the same general function as ordinary daily verbal communications among advisory body members, City Council and City staff and are generally considered "transitory" documents (work-in-progress), and, therefore, are generally not subject to records retention requirements. For file management and storage purposes, City e-mail messages should only be retained for as long as needed. In most instances this means deleting messages as you have read them, and shortly after you have sent them.

Some email messages, including any attachments thereto, can be considered official city records, because the content relates in a substantive way to the conduct of the public's business. Emails that qualify as public records need to be retained by the City. However, they are not retained through the City e-mail system. Those e-mail public records should be printed as a hard copy or saved electronically in a folder outside the e-mail system, in accordance with the City's records retention policy. Generally, the sender of the e-mail should be the person responsible for printing and filing it accordingly, but persons responsible for a particular program or project file shall be responsible for retaining all e-mail they send or receive related to that program or project.

It is the responsibility of individual advisory body members to determine if e-mail is an official City-record that must be retained in accordance with the City's record retention policy. The City Attorney will assist in making such a determination. Preliminary drafts, notes or interagency or intra-agency memoranda that are not retained by the City in the ordinary course of business are generally not considered to be official City records subject to disclosure. Advisory body members are encouraged to delete documents that are not otherwise required to be kept by

law or whose preservation is not necessary or convenient to the discharge of your duties or the conduct of the City's business.

Periodically, the City receives requests for inspection or production of documents pursuant to the Public Records Act, as well as demands by subpoena or court order for such documents. In the event such a request or demand is made for e-mail, advisory body members have control over such e-mail, once they become aware of the request or demand, shall use their best efforts, by any reasonable means available, to temporarily preserve any e-mail that is in existence until it is determined whether such e-mail is subject to preservation, public inspection or disclosure. The City Clerk shall be contacted regarding any such emails within the advisory body member's control.

Advisory board members will typically be assigned a City electronic messaging account, such as an email account. To the extent feasible, City issued accounts shall be used to conduct City business. Limited use of a private device for public business is permissible, but not encouraged.

Electronic communications regarding City business may be subject to the City's official records retention policies and the Public Records Act, even if those electronic communications are or were created, sent, received or stored on an advisory board member's personal electronic messaging account or device. To the extent an advisory board member uses private, non-City electronic messaging accounts or devices, in compliance with State law they will be asked to locate any such electronic communications on those non-City accounts or devices and provide the communications to the City Clerk in the event a Public Records Act request is made seeking the communication(s).

If an advisory board member receives an electronic message regarding City business on his/her personal electronic messaging account or device, or circumstances require such person to conduct City business on a personal account or device, then the advisory board member is strongly encouraged to either: (a) copy ("cc") any communication from the advisory board member's personal electronic messaging account or device to his/her City electronic messaging account; or (b) forward the electronic communication to his/her City account as soon as feasible after the original creation or transmission of the electronic communication. That practice facilitates efficient and prompt responses to Public Record Act.

## 5. Political Reform Act (Conflicts of Interest)

### A. Background

The Political Reform Act (Government Code sections 81000, et seq.) was approved by the voters of the State of California and is intended to prevent conflicts of interest by requiring public officials to disclose certain personal financial interests which could foreseeably cause conflicts. In addition, a public official may be required to disqualify himself/herself from making, participating in, or attempting to influence any government decision which will affect any of his/her financial interests, not just those that are required to be disclosed. The City's

Brown Act and Political Reform Act Booklet explains in more detail what a conflict of interest is, and when the law requires disqualification. In addition, the Fair Political Practices Commission is available for advice.

Under the Political Reform Act, no public official may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision if he or she knows or has reason to know that he or she has a financial interest. (Government Code Section 87100). A public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on one or more of his or her economic interests. (Government Code Section 87103; 2 Cal. Code of Regs. Section 18700 (a)).

The term “financial interest” denotes a conclusion that a public official has a financial interest in a decision if it is concluded that it is reasonably foreseeable that the decision will have a material financial effect on his or her economic stake greater than that of other citizens. The term “economic interest” is a label applied to the particular types of stakes recognized by the Act as potential sources of a conflict of interest. There are specific types of economic interest recognized by the Act, as such, we direct you to carefully review the Brown Act and Political Reform Act Booklet which is available from the City Attorney’s Office and/or visit the Fair Political Practices Commission Web page for more detailed information.

## B. City Policy Regarding Conflicts of Interest

Because the City of Morro Bay is a small, closely knit community it is imperative the citizens have trust and confidence in City government. Therefore, the City has adopted this public policy to prevent any possibility of conflict that may arise.

Generally stated, any elected or appointed official has a conflict of interest if he or she has a financial interest in a project before the City and/or when compensation is received from anyone seeking approvals from the City. There are some exceptions but, generally, elected or appointed officials are prohibited from voting on projects where a conflict exists. A conflict of interest also occurs when officials live within a certain distance from a project (usually 500 feet). Even if a legal conflict does not exist, it may be inappropriate to participate in a decision for personal reasons to avoid even the appearance of a conflict of interest. As an example, there could be a conflict if your good friend has a matter before your board, and you do not feel it would be appropriate for you to voice an opinion in your "City" capacity. While the latter case is not defined by the Fair Political Practices Commission as a conflict, it could be perceived as a conflict, and then stepping down is appropriate.

It is the policy of the City, in addition to strictly adhering to the Fair Political Practices Commission rules, all elected and appointed officials conduct themselves in a manner that does not raise a reasonable perception or belief that there is a conflict of interest or an abuse of your position. All advisory body members should avoid the appearance of conflict at all costs.

If you step down from the dais and refrain from voting on an issue, then you are not precluded from speaking as an individual. Your presentation, however, must be made from the

floor, at the microphone with the rest of the public. You should state for the record you are speaking as an *individual*. Many times in the past, Council Members and advisory body members have stepped down from their official position at the dais when projects are presented in which there may be the potential for conflict of interest. That provides the opportunity to present your views as an *individual* on any matter before any City body.

## 6. ADVISORY BODY BY-LAWS

The City Council has approved the rules and regulations (referred to herein as By-Laws) to set forth their purpose, procedures, and specific issues such as their functions, meeting dates, officers, vacancies and budgets.

All advisory body meetings will be conducted in strict compliance with the City Council Policy and Procedures and State Law and with guidance from Robert's Rules of Order, all as described in this Handbook.

Attached hereto are the applicable By-Laws for all of the City of Morro Bay's Advisory Bodies.

# **CITY OF MORRO BAY HARBOR ADVISORY BOARD BY-LAWS**

## **PURPOSE AND AUTHORITY**

The Harbor Advisory Board is established to review, advise, and recommend to the City Council on items pertaining to the City Harbor. These include, but are not limited to:

- A. Use, control, promotion and operation of vessels and watercraft within the harbor, docks, piers, slips, utilities and publicly-owned facilities as a part of the City's Harbor, and water commerce, navigation, or fishery in the Harbor.
- B. Review and recommend rules and regulations pertaining to any of the matters listed in subsection A of this section.
- C. Review and recommend rates, tolls, fees, rents, charges or other payments to be made for use or operation of the Harbor.
- D. The Board shall make reports and recommendations to the various city boards, commissions or the City Council on matters relating to activities within the harbor. When requested to do so, the Board will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.
- E. Provide a channel of communication from the individuals, businesses, and groups who live or have businesses on the harbor to the City Council.

## **APPOINTMENT**

The Harbor Advisory Board shall be comprised of seven voting members, four of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Harbor Advisory Board members shall serve at the pleasure of the City Council. The City Council will attempt to select members from the following categories:

- Morro Bay Commercial Fishermen's Association
- Waterfront Leaseholders
- Marine Oriented Business
- Recreational Boating
- Representative of South Bay/Los Osos
- Two Members at Large

However, the City Council and Harbor Advisory Board recognize the importance of the Morro Bay Commercial Fisherman's Association (MBCFO) seat, and acknowledge that it is often difficult for commercial fishermen serving on the HAB to meet the attendance requirements due to the nature of their business. As such, up to two (2) Alternate MBCFO members to the Primary member may be appointed by the City Council in the same manner and fashion as regular appointments in order to stand-in for the Primary member in the event of the Primary member's absence.

## **TERMS OF OFFICE**

Members shall serve, without compensation, for a period of four (4) years commencing February 1<sup>st</sup> in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

Four of the seven members must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

Because of quorum requirements, when an absence is anticipated, the individual advisory body member is responsible for notifying the Chair and the staff responsible in advance and the absence shall be counted in that member's attendance record. Approval for excused absences shall be the responsibility of the advisory body. Said excuses should be submitted in advance and formally approved at a regular meeting of the advisory body. Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any calendar year period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. The assigned staff person responsible for taking the minutes will be responsible for monitoring advisory board members' attendance and conveying pertinent information to the City Clerk/Deputy City Clerk. City Council shall be notified when a member is determined to have not met the attendance requirements of the advisory body.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chair and Vice-Chair who shall hold office for a period of one year. The Chair shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chair, duties of the office shall be performed by the Vice-Chair. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one

member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Harbor Advisory Board.

## **PROCEDURE**

Regular meetings shall be held monthly on a regular schedule, except in the months of January, July and December. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. If the Board desires to change its meeting times, dates, or location, it must also seek prior approval from the Council.

The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended. In instances where there is no business coming before the Board in a given month, the Chair and assigned staff person may agree to cancel the meeting. Cancellation shall occur at least 120 hours or five days before the scheduled meeting and all members and the public shall be duly notified.

These advisory board meetings will be conducted in strict compliance with the policies and procedures outlined in this Handbook. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Harbor Advisory Board shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Staff support includes preparation of a summary agenda and preparation of agenda reports providing a brief background of the issue, a list of alternatives, recommendations and appropriate backup materials, as necessary. When possible, advisory body member questions for staff regarding agenda items should be made in advance of the meeting. Advisory body members should be mindful of staff's time in making requests for information. The request should be channeled through the advisory body's chairperson, be specific and be limited in scope so staff can respond without altering other priorities and with minimal delay to other assignments. The request should only impose a "one-time" work requirement and should not require a significant allocation of staff resources (generally defined as consisting of more than one staff person working on the issue in excess of 1-2 hours).

Communication between the Harbor Advisory Board Members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Harbor Advisory Board business and shall attend the Harbor Advisory Board meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

# **CITY OF MORRO BAY PUBLIC WORKS ADVISORY BOARD BY-LAWS**

## **PURPOSE AND AUTHORITY**

The Public Works Advisory Board is established to review, advise and recommend to the City Council on items pertaining to Water, Wastewater, Streets, Recycling, and Solid Waste, Cable Television, Telecommunications, Trees, Transportation and other issues related to Public Services Department responsibilities.

The Board shall make reports and recommendations to the various city boards, commissions or the City Council on the above matters. When requested to do so, it will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.

## **APPOINTMENT**

The Public Works Advisory Board shall be comprised of seven voting members, all of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. The Public Works Advisory Board members shall serve at the pleasure of the City Council.

## **TERMS OF OFFICE**

Members shall serve, without compensation, for a period of four years commencing February 1<sup>st</sup> in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

A member must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

Because of quorum requirements, when an absence is anticipated, the individual advisory body member is responsible for notifying the Chair and the staff responsible in advance and the absence shall be counted in that member's attendance record. Approval for excused absences shall be the responsibility of the advisory body. Said excuses should be submitted in advance and formally approved at a regular meeting of the advisory body. Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any calendar year period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. The assigned staff person responsible for taking the minutes will be responsible for monitoring advisory board members' attendance and conveying pertinent information to the City Clerk/Deputy City Clerk. City Council shall be notified when a member is determined to have not met the attendance requirements of the advisory body.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chair shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chair, duties of the office shall be performed by the Vice-Chair. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Advisory Board.

## **PROCEDURE**

Regular meetings shall be held every month on a regular schedule, except in the months of July, November and December. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. If the Board desires to change its meeting times, dates, or location, it must also seek prior approval from the Council.

The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended. In instances where there is no business coming before the Board in a given month, the Chair and assigned staff person may agree to cancel the meeting. Cancellation shall occur at least 120 hours or five days before the scheduled meeting and all members and the public shall be duly notified.

These advisory board meetings will be conducted in strict compliance with the policies and procedures outlined in this Handbook. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Public Works Advisory Board shall be invalidated or

the legality thereof otherwise affected by the failure or omission to observe or follow “Robert’s Rules of Order.”

Staff support includes preparation of a summary agenda and preparation of agenda reports providing a brief background of the issue, a list of alternatives, recommendations and appropriate backup materials, as necessary. When possible, advisory body member questions for staff regarding agenda items should be made in advance of the meeting. Advisory body members should be mindful of staff’s time in making requests for information. The request should be channeled through the advisory body’s chairperson, be specific and be limited in scope so staff can respond without altering other priorities and with minimal delay to other assignments. The request should only impose a “one-time” work requirement and should not require a significant allocation of staff resources (generally defined as consisting of more than one staff person working on the issue in excess of 1-2 hours).

Communication between the Public Works Advisory Board members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to the Public Works Advisory Board business and shall attend the Public Works Advisory Board meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.



**CITY OF MORRO BAY  
RECREATION AND PARKS COMMISSION  
BY-LAWS**

**PURPOSE AND AUTHORITY**

The Recreation and Parks Commission is established to provide the following:

- A. Act in an advisory capacity to the City Council in all matters pertaining to parks and public recreation and to cooperate with other governmental agencies and civic groups in the advancement of sound recreation and parks planning and programming. The Board shall make reports and recommendations to the various city boards, commissions or the City Council on the above matters. When requested to do so, will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.
- B. Formulate policies on recreation services, parks and open space for approval by the City Council.
- C. Recommend to the City Council the development of recreational areas, parks, facilities, open spaces, programs, and improved recreation services.
- D. Recommend to the City Council the adoption of rules, regulations and standards concerning recreation and parks in respect to organization, personnel, areas and facilities, program and financial support.
- F. Advise the Recreation and Parks Manager in the preparation of the annual parks maintenance, park improvement and recreation budgets and long-range recreation and parks facilities improvements.
- F. Hold public hearings and meetings to conduct investigations and surveys for the purpose of securing facts and data concerning parks and public recreation.

**APPOINTMENT**

The Recreation and Parks Commission shall be comprised of five voting members, four of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Commissioners shall serve at the pleasure of the City Council.

## **TERMS OF OFFICE**

Members shall serve, without compensation, for a period of four (4) years commencing February 1<sup>st</sup> in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

Four of the five members must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements. Unless otherwise approved in accordance with Council Policies and Procedures, section 6.6.1, each member must (i) be at least 18 years of age at the time of appointment and (ii) not be an Elected Official, Officer, or Employee of the City of Morro Bay. (See Council Policies and Procedures, Section 6.6.1.)

## **ABSENCE FROM MEETINGS**

Because of quorum requirements, when an absence is anticipated, the individual advisory body member is responsible for notifying the Chair and the staff responsible in advance and the absence shall be counted in that member's attendance record. Approval for excused absences shall be the responsibility of the advisory body. Said excuses should be submitted in advance and formally approved at a regular meeting of the advisory body. Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any calendar year period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. The assigned staff person responsible for taking the minutes will be responsible for monitoring advisory board members' attendance and conveying pertinent information to the City Clerk/Deputy City Clerk. City Council shall be notified when a member is determined to have not met the attendance requirements of the advisory body.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chair who shall hold office for a period of one year. The Chair shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chair, duties of the office shall be performed by the Vice-Chair. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Commission.

## **PROCEDURE**

Regular meetings shall be held every other month on odd numbered months on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. If the Commission desires to change its meeting times, dates, or location, it must also seek prior approval from the Council.

The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended. In instances where there is no business coming before the Board in a given month, the Chair and assigned staff person may agree to cancel the meeting. Cancellation shall occur at least 120 hours or five days before the scheduled meeting and all members and the public shall be duly notified.

All Commission meetings will be conducted in strict compliance with the policies and procedures outlined in this Handbook. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Commission shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow “Robert’s Rules of Order.”

Staff support includes preparation of a summary agenda and preparation of agenda reports providing a brief background of the issue, a list of alternatives, recommendations and appropriate backup materials, as necessary. When possible, advisory body member questions for staff regarding agenda items should be made in advance of the meeting. Advisory body members should be mindful of staff’s time in making requests for information. The request should be channeled through the advisory body’s chairperson, be specific and be limited in scope so staff can respond without altering other priorities and with minimal delay to other assignments. The request should only impose a “one-time” work requirement and should not require a significant allocation of staff resources (generally defined as consisting of more than one staff person working on the issue in excess of 1-2 hours).

Communication between the Commission members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Commission business and shall attend the Commission meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

# **CITY OF MORRO BAY TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD BY-LAWS**

## **PURPOSE AND AUTHORITY**

The Morro Bay Tourism Business Improvement District (MTBID) Advisory Board (the “Board”) advises the City Council on the administration and use of the MTBID assessment funds. The Board recommends projects to the City of Morro Bay to promote tourism to directly benefit the City’s lodging industry.

The primary purpose of the MTBID is to increase occupancy and room nights across all lodging types (motels, hotels, bed and breakfasts, and short-term vacation rentals) that pay the business improvement assessment, along with transient occupancy tax (TOT) within the City while placing particular emphasis on marketing that positively impacts the lodging.

## **APPOINTMENT**

The Board shall be comprised of seven voting members. Appointments and the filling of vacancies shall be made by the City Council. The Board members shall serve at the pleasure of the City Council. Because of the diversity among assessment district members represented by the Board including local, regional and national lodging industry interests, it is neither practical nor advisable to limit Board membership to City residents. Accordingly, membership on the Board shall be exempt from residency requirements otherwise applicable to other City advisory boards. In addition, a member of the Board may not sit on any other City advisory board.

## **TERMS OF OFFICE**

Members of the Board shall serve, without compensation, for a period of four years. Appointments shall be made in such a manner such that no more than three members’ terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only. If a vacancy is within the last 6 months of a term, then it will be held over to the normal interview process.

## **QUALIFICATIONS**

Effective February 1, 2020, the Board shall consist of five members from the Morro Bay lodging industry, one vacation rental representative and two members from the community at large. On January 31, 2023, or when a community member-at-large seat becomes available, whichever

occurs first, the number of community at large seats will be reduced to one and the total number of board members will return to seven.

The five members from the lodging industry shall consist of three members representing hotels “at large” (no specific number of rooms), and two other positions shall give preference to a member representing lodging rooms of less than 22 rooms and one member representing 50 or less rooms (single hotel or cumulative representation), respectively. If no preferential applicant from a small or large hotel – as defined above – applies, then the seat shall be made available to applicants on an “at large” hotelier representative basis.

The vacation rental representative shall either own or manage a permitted vacation rental property within the City.

The community “at large” member(s) shall be residents and registered voters of the City during the term of appointment.

Each member must be at least 18 years of age at the time of appointment and may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **FUNCTIONS AND DUTIES**

The functions and duties of the Board shall include, but not be limited to, the following:

1. Plan a comprehensive program to promote tourism to the City of Morro Bay and prepare an annual marketing program consistent with industry goals and objectives.
2. Develop advertising and promotional programs and projects to benefit the lodging industry in Morro Bay
3. Present an annual assessment report to the City Council regarding the implemented promotional programs and projects.
4. Perform any other lawful tasks as directed by the Council.

## **ABSENCE FROM MEETINGS**

Because of quorum requirements, when an absence is anticipated, the individual advisory body member is responsible for notifying the Chair and the staff responsible in advance and the absence shall be counted in that member’s attendance record. Approval for excused absences shall be the responsibility of the advisory body. Said excuses should be submitted in advance and formally approved at a regular meeting of the advisory body. Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any calendar year period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. The assigned staff person responsible for taking the minutes will be responsible for monitoring advisory board

members' attendance and conveying pertinent information to the City Clerk/Deputy City Clerk. City Council shall be notified when a member is determined to have not met the attendance requirements of the advisory body.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chair and Vice-Chair who shall hold office for a period of one year. The Chair and Vice-Chair of the Board as well as any presiding officers shall be hoteliers. The Chair shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chair, the Vice-Chair shall perform duties of the office. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Board.

## **PROCEDURE**

Regular meetings shall be held monthly on a regular schedule, except in the months of July, November and December. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. If the Board desires to change its meeting times, dates, or location, it must also seek prior approval from the Council.

The Chair may close meetings to public comment, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended. In instances where there is no business coming before the Board in a given month, the Chair and assigned staff person may agree to cancel the meeting. Cancellation shall occur at least 120 hours or five days before the scheduled meeting and all members and the public shall be duly notified.

These advisory board meetings will be conducted in strict compliance with the policies and procedures contained in this Handbook. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the advisory board shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Staff support includes preparation of a summary agenda and preparation of agenda reports providing a brief background of the issue, a list of alternatives, recommendations and appropriate backup materials, as necessary. When possible, advisory body member questions for staff regarding agenda items should be made in advance of the meeting. Advisory body members should be mindful of staff's time in making requests for information. The request should be channeled through the advisory body's chairperson, be specific and be limited in scope so staff can respond without altering other priorities and with minimal delay to other assignments. The

request should only impose a “one-time” work requirement and should not require a significant allocation of staff resources (generally defined as consisting of more than one staff person working on the issue in excess of 1-2 hours).

Communication between the Board members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to the Board business and shall attend the Board meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

# **CITY OF MORRO BAY PLANNING COMMISSION BY-LAWS**

## **PURPOSE AND AUTHORITY**

The Planning Commission is established in accordance with the provisions of Government Code Sections 65100, *et seq.* The functions of the Planning Commission shall be as follows:

- A. To develop and periodically review, a general plan and recommend its adoption or any revisions to the City Council;
- B. To maintain and implement the general plan after its adoption by the City Council;
- C. To develop specific plans as may be necessary to implement the general plan;
- D. To periodically review the capital improvement program of the City for its consistency with the general plan, and forward recommendations to the City Council;
- E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
- F. Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it;
- G. To perform such other functions as the City Council may direct.

The Planning Commission shall:

- A. In addition to the duties and responsibilities set forth by state laws and local ordinances, the Planning Commission shall act in the public interest and serve in an advisory capacity to the City Council on all matters pertaining to the planning function;
- B. Cooperate with other City boards, committees and commissions, governmental agencies and civic groups in the advancement of sound planning, both within and without the City;
- C. Formulate policies on planning services for recommendation to the City Council;
- D. Upon request of the City Council, a joint meeting with the Planning Commission and the City Council may be held to discuss matters requiring joint deliberation.
- E. Recommend to the City Council the adoption of standards with respect to organization, personnel, facilities, programs and financial support of the planning commission;
- F. Disseminate to the public information concerning the policies and functions of the Planning Commission.

## **APPOINTMENT**

The Planning Commission shall consist of five voting members and they shall be qualified electors and residents of the City. Appointments and the filling of vacancies shall be made by the City Council. Commissioners shall serve at the pleasure of the City Council.

## **TERMS OF OFFICE**

Terms shall be for a period of four years; vacancies shall be filled for the unexpired term only. Two-year short terms may be established to stagger terms. Expiration dates of specific terms shall be established by resolution of the City Council.

## **QUALIFICATIONS**

A member must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

Because of quorum requirements, when an absence is anticipated, the individual advisory body member is responsible for notifying the Chair and the staff responsible in advance and the absence shall be counted in that member's attendance record. Approval for excused absences shall be the responsibility of the advisory body. Said excuses should be submitted in advance and formally approved at a regular meeting of the advisory body. Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any calendar year period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. The assigned staff person responsible for taking the minutes will be responsible for monitoring advisory board members' attendance and conveying pertinent information to the City Clerk/Deputy City Clerk. City Council shall be notified when a member is determined to have not met the attendance requirements of the advisory body.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chair and Vice-Chair who shall hold office for a period of one year. The Chair shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chair, duties of the office shall be performed by the Vice-Chair. If both the Chair and Vice-Chair are absent, then the remaining quorum shall appoint one

member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Commission.

## **PROCEDURE**

Regular meetings shall be held twice a monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. If the Commission desires to change its meeting times, dates, or location, it must also seek prior approval from the Council.

The Chair may close meetings to public comment, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended. In instances where there is no business coming before the Board in a given month, the Chair and assigned staff person may agree to cancel the meeting. Cancellation shall occur at least 120 hours or five days before the scheduled meeting and all members and the public shall be duly notified.

All Commission meetings will be conducted in strict compliance with the policies and procedures contained in this Handbook. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Commission shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow “Robert’s Rules of Order.”

Staff support includes preparation of a summary agenda and preparation of agenda reports providing a brief background of the issue, a list of alternatives, recommendations and appropriate backup materials, as necessary. When possible, advisory body member questions for staff regarding agendized items should be made in advance of the meeting. Advisory body members should be mindful of staff’s time in making requests for information. The request should be channeled through the advisory body’s chairperson, be specific and be limited in scope so staff can respond without altering other priorities and with minimal delay to other assignments. The request should only impose a “one-time” work requirement and should not require a significant allocation of staff resources (generally defined as consisting of more than one staff person working on the issue in excess of 1-2 hours).

Communication between the Commission Members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Commission business and shall attend the Commission meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

**CITY OF MORRO BAY  
CITIZENS OVERSIGHT COMMITTEE  
ACTING IN THE CAPACITY OF A CITIZENS FINANCE  
ADVISORY COMMITTEE**

**PURPOSE AND AUTHORITY**

The Citizens Oversight Committee was established in accordance with the provisions of Morro Bay Municipal Code Section 3.22.120 as a result of Measure Q. The functions of the Citizens Oversight Committee shall be to semi-annually review revenues and expenditures from the tax proceeds collected as a result of Measure Q and present its findings and conclusions to the City Council no later than the last day of the sixth month following the end of each City fiscal year.

When the committee is acting in the capacity of a Citizens Finance Advisory Committee, its purpose is to provide citizen input to the City Council and staff regarding financial policy or process issues, including audits, financial budgets, contract expenditures and financial reports. In addition, the Committee's role is to help promote citizen participation with, and understanding of, governmental financial information and processes, such as the financial documents, audits, and budgets, as well as the financial condition of the City.

The Citizens Finance Advisory Committee shall perform the following duties:

1. Annual review of independent financial audit, with recommendations, as appropriate.
2. Review the 10-Year Financial Forecast document to determine long-term financial sustainability, and make recommendations, as appropriate.
3. Review the annual budget and the mid-year budget report prior to presentation to the City Council (time permitting), and make recommendations, as appropriate.
4. Review and provide comments on routine quarterly financial reports (when possible) prior to presentation to the City Council.
5. Undertake special financial projects, as directed by the City Council, City Manager or City Treasurer.
6. Acting as the Citizens Oversight Committee it shall review a semi-annual expense report of the City relative to activities funded with the ½ cent Measure Q additional general purpose local sales tax monies and present its findings and conclusions to the City Council for its review no later than December 31<sup>st</sup> each year.

**APPOINTMENT AND TERMS OF OFFICE**

The Committee shall have seven citizen-members appointed by the City Council for staggered four-year terms. Appointees shall be residents of the City; however, no member of the Committee shall be an elected official. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

All Committee Members must be residents and registered voters of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

Because of quorum requirements, when an absence is anticipated, the individual advisory body member is responsible for notifying the Chair and the staff responsible in advance and the absence shall be counted in that member's attendance record. Approval for excused absences shall be the responsibility of the advisory body. Said excuses should be submitted in advance and formally approved at a regular meeting of the advisory body. Absence from three consecutive regular meetings or twenty-five (25) percent of the regular meetings during any calendar year period, without the formal consent of the City Council, shall constitute the resignation of such absent member and the position will be declared vacant. The assigned staff person responsible for taking the minutes will be responsible for monitoring advisory board members' attendance and conveying pertinent information to the City Clerk/Deputy City Clerk. City Council shall be notified when a member is determined to have not met the attendance requirements of the advisory body.

## **ORGANIZATION**

At the first regular meeting every two years wherein newly appointed members are seated, the members shall elect a Chair and Vice-Chair who shall hold office for a period of two years. The Chair shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chair, the Vice-Chair shall perform duties of the office. If both the Chair and Vice-Chair are absent, then the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

## **PROCEDURE**

Regular meetings shall be held monthly on a regular schedule during the months of January, February, April, May, July, October and December. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. If the Committee desires to change its meeting times, dates, or location, it must also seek prior approval from the Council.

The Chair may close meetings to public comment, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended. In instances where there is no business coming before the Board in a given month, the Chair and assigned staff person may agree to cancel the meeting. Cancellation shall occur at least 120 hours or five days before the scheduled meeting and all members and the public shall be duly notified.

All Committee meetings will be conducted in strict compliance with the policies and procedures contained in this Handbook. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow “Robert’s Rules of Order.”

Staff support includes preparation of a summary agenda and preparation of agenda reports providing a brief background of the issue, a list of alternatives, recommendations and appropriate backup materials, as necessary. When possible, advisory body member questions for staff regarding agenda items should be made in advance of the meeting. Advisory body members should be mindful of staff’s time in making requests for information. The request should be channeled through the advisory body’s chairperson, be specific and be limited in scope so staff can respond without altering other priorities and with minimal delay to other assignments. The request should only impose a “one-time” work requirement and should not require a significant allocation of staff resources (generally defined as consisting of more than one staff person working on the issue in excess of 1-2 hours).

Communication between the Committee Members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Finance Director/Treasurer shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.



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 February 18, 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
<b>Hearing or Action Ready Projects:</b>										
1	Patel	295 Atascadero	6/13/18	CP0-581/UP0-533	<b>CDP and CUP for New 83 room hotel on vacant 2 acre lot</b>	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. MND routed to State Clearinghouse 12/23/19. PC reviewed 2/4/20 and forwarded favorable recommendation to City Council. Council will review on 3/10/2020.				cj
2	Angelucci	953 Pacific	8/20/19	CUP19-10	<b>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.</b>	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. Project requires additional environmental review. Scheduled for continuation at 1/21/19 PC Meeting. Pending Historical Evaluation, will be brought to a future meeting.		PN- Conditionally Approved 9/10/2018		wu
3	Sadowski	490 Java	11/21/19	CDP19-042	<b>Admin Coastal Development Permit</b>	Under review. Action taken 2/4/20. Appeal period ends 2/15/20.	Fire cond. Approved 11-26-19. mv			wu
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>										
4	Borges	1930 Main Street	4/11/19	CDP19-009	<b>Conditional Use Permit for new mobile home park with mixed vacation rentals and long term rentals, with managers dwelling unit (permanent construction)</b>	Deemed incomplete 5/13/19. Resubmittal received 12/5/19, under reiew. Comment letter sent 12/13/19, resubmittal requested.				nh
5	Morro Bay Recovery	2460 Main Street	12/2/19	CDP19-043	<b>Small addition to lobby, ADA improvements</b>	Deemed incomplete 12/21/19. Resubmittal received 1/9/20		PN-Disapproved 6/21/2019		nh
6	Shorey	1110 Marengo	12/20/19	CDP19-048	<b>Coastal Development Permit for a new 2-story home behind an existing home which will be expanded by 450 sf.</b>	Project deemed incomplete, comment letter sent January 7, 2020				nh
7	Bean	Unaddressed Main Street (AKA 199 Sandpiper Court)	12/19/19	CUP19-20, CDP19-047	<b>CUP/CDP for new home on triangular small parcel on the bluff. Proposed home is 526 sf 2-stories with access easement to Main Street</b>	Project deemed incomplete, comment letter sent January 7, 2020				nh

#	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
8	Cleath	2790 Main Street	12/5/19	CUP19-17 / CDP19-044	<b>CDP and CUP for New 8 unit hotel</b>	Correction letter sent December 20, 2019. Resubmittal received January 9 2020, under review.				nh
9	Novick	2820 Greenwood	12/31/19	CUP19-21	<b>Enclosing access to upstairs on 2nd floor</b>	Under review.				wu
10	Santojanni	675 Paula Street	12/19/19	CDP19-046	<b>CDP for Demolition of an SFR</b>	Under review. Correction letter sent 1/15/20.				wu
11	Santojanni	675 Paula Street/2560 Ironwood	1/22/20	PAR20-01	<b>Tentative Parcel Map for splitting one 14,820 sf lot into one 8,008 sf lot and one 6,812 sf lot</b>	Under review. Correction letter sent 2/11/20				wu
12	Vistra	1290 Embarcadero	11/12/19	CDP19-041/CUP19-14	<b>Coastal Development Permit and Conditional Use Permit for Battery Energy Storage System Project (BESS).</b>	Under review. Incomplete Letter sent 12/11/19.				cj
13	Lawrence	2590 Hemlock Ave	10/25/19	CDP19-040	<b>Admin CDP for Demo of existing residence, rebuild new with ADU.</b>	Submittal under review. Correction letter sent 11/25/19.				wu
14	Gambriel	571 Embarcadero	10/14/19	MAJ19-006	<b>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</b>	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
15	HASLO	405 Atascadero Road	9/24/19	CUP19-12/ PKG19-05/ CDP	<b>Conceptual review of a proposed 35 unit affordable housing project, with community space</b>	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
16	Rhine LP/Morro 94	3300 Panorama	8/20/19	MAJ 19-005	<b>After the fact permit application for removal of 3 sheds and possible siding treatment for transformer building.</b>	Submittal is under review. Deemed incomplete 8-29-19. Waiting for resubmittal				nh
17	Boyko	2670 Laurel Ave	7/26/19	CDP19-027	<b>CDP for New SFR - 2135 sf living, 505 sf garage, 160 sf lower balcony and 160 sf upper balcony</b>	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. Awaiting resubmittal.				wu
18	Morro Bay Recovery	2460 Main Street	5/28/19	MUP19-04	<b>Minor Use Permit for Change in use from hotel/motel to recovery center</b>	Submittal is under review. Deemed incomplete 6-25-19. Resubmitted 12/9/19, under review. Deemed complete on 1/2/20, noticing scheduled for 1/9/20. Noticing cancelled - <b>Effective January 9, 2020, Applicant has withdrawn this application.</b>		PN-Disapproved 6/21/2019		nh
19	Cleary	1282 and 1290 Embarcadero Road	5/23/19	CDP19-016	<b>CDP for removal of major vegetation.</b>	Submittal is under review. Correction letter sent 6/10. Awaiting resubmittal.				wu
20	Eisemann	535 Atascadero Road	3/7/19	PAR19-01	<b>Final Parcel map</b>	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
21	Najarian	1339 Berwick	11/30/18	CDP 18-014	<b>Admin CDP for new construction of SFR and ADU with attached garage</b>	Application deemed incomplete, comments sent to applicant on 12/27/18.				nh

#	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
22	Fields	731 Butte	6/14/18	CP0-582/UP0-534	<b>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</b>	Under Initial Review. Correction letter sent 7/11/18. Resubmitted 10/22/18. Correction Letter sent 11/14				nh
<b>Projects Appealed to Planning Commission or PC Continued projects:</b>										
23	State Parks - Mike Walgren	11 State Park Road	8/20/18	CDP 18-004, CUP18-04	<b>Coastal Development Permit &amp; Conditional Use Permit to install modular building for office space, parking and landscape improvements at Morro Bay State Park</b>	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
24	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	<b>Environmental documents for Nutmeg Tanks.</b> 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		cj
<b>Projects Appealed or Forwarded to City Council:</b>										
25	City of Morro Bay	Citywide	6/19/13	A00-015	<b>Sign Ordinance Update.</b> 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

#	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
<b>Environmental Review</b>										
26	City of Morro Bay	N/A		UP0-423	<b>MND for Chorro Creek Stream Gauges</b>	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
<b>Final Map Under Review Projects</b>										
<b>Projects requiring coordination with another jurisdiction:</b>										
27	City of Morro Bay	Outfall			<b>Original jurisdiction CDP for the outfall and for the associated wells</b>	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		
28	City of Morro Bay Desal Plant	170 Atascadero			<b>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.</b>	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.		

#	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
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:</b>										
29	City of Morro Bay	Citywide			<b>Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project</b>	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 <a href="http://www.morrobayca.gov/planmb">www.morrobayca.gov/planmb</a> . 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.				
30	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	<b>Zoning Text Amendment - Second Unit</b>	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. <b>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.</b>	No review performed.			wm
<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:</b>										
31	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	<b>Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.</b>	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		ig
<b>Grants</b>										
32	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		<b>\$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.</b>	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

#	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
33	City of Morro Bay	City-wide				<b>Community Development Block Grant/HOME Program - Urban County Consortium</b>	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
34	City of Morro Bay	City-wide				<b>Climate Action Plan - Implementation</b>	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	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	Ready to issue			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. cj. Requested permit extension.	Ready to issue	PN - Approved 6/21/2018	Emailed comments on 10-20-17.	cj
3	Auerbach	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.	Disapproved Jan 14, 2020, pending redesign or submittal of a CDP for an addition between 10 and 25% of existing home.	Bldg - Disapproved 1/31/20			nh
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 - Approved 12/16/19			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	Talley	572	Dawson	1/13/20	B20-0009	Repair entry deck joist. Repair driveway ramp to garage. Replace lower deck joist and decking w/Trex. Remove staircase on lower deck. adding on exterior door on existing landing for egress.	Under review.	Bldg - Approved 1/14/20			wu
7	Diaz	365	Driftwood	1/6/20	B19-0280	328 sq ft addition to master bedroom and bath on second flr. Convert covered patio to living space 50 sq ft enclosed covered porch 30 sq ft interior	Under review.	Bldg - Disapproved 1/15/20			wu
8	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
9	McClish	2465	Elm	12/20/19	B19-0273	New detached ADU with decks	Under review	Bldg - Disapproved 1/14/20			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
10	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.	Approved. Cj.	Bldg - Disapproved 1/29/20			sg
11	Monie	2577	Greenwood	1/7/20	B20-0002	109 sq ft deck replacment and deck expansion on 34 sq ft. Total new deck size shall be 149 sq ft. The project shall include a 49 sq ft staircase off the deck.		Bldg - Disapproved 1/31/20			sg
12	John & Andrea Evgall	580	Harbor	10/24/19	B19-0236	Existing commerical 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
13	Hanigan	2809	Ironwood	2/6/20	B20-0027	Remodel existing master bath. Remove tub/shower & replace w/new shower in same location. Upgrade lighting, exhaust, and fixtures to present code requirement.	Under review.	Bldg - Plancheck			wu
14	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. Pending CDP approval.	Bldg - Approved 1/2/20			wu
15	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
16	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
17	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	Bldg - Disapproved 1/29/20			nh
18	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
19	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
20	Shorey	1110	Marengo Dr	12/20/19	B19-0270	450 sq ft addition to guesthouse.	Disapproved pending approval of CDP19-048	Bldg - Disapproved 1/14/20			nh

#	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
21	Ladd	157	Mindoro	12/19/19	B19-0267	Convert existing garage space to a bedroom/bath for the main residence	Planning disapproved pending modification of existing planning permits (see MIN19-016).	Bldg - Conditional 12-23-19			nh
22	LifePoint Church	615	Monterey	1/6/20	B19-0279	Remodel/upgrade current building	Under review.	Bldg - Disapproved 1/30/20			wu
23	Davis	780	Monterey	1/9/20	B20-0004	Tenant improvement, adding walls and re configuring lighting. Add 4 Solar tubes, paint, flooring, and insulation.		Bldg - Disapproved 1/31/20			sg
24	Hale	959	Monterey Ave.	2/6/20	B20-0026	Interior remodel of existing single family dwelling.	Under review.	Bldg - Plancheck			wu
25	NHC-MB LLC.	495	Morro Bay Blvd	12/31/19	B19-0275	Commercial remodel for Medical Cannabis dispensary		Bldg - Disapproved 1/27/20			sg
26	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 - Approved 12/16/19			wu
27	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 - Approved 12/16/19			wu
28	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
29	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.	Ready to issue			wu
30	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.	Ready to issue			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
31	Sinclair	484	Piney	12/10/19	B19-0262	New construction of an SFR	Under review	Bldg - Disapproved 1/7/20			wu
32	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.		Bldg - Disapproved 1/24/20			sg
33	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.	Approved 9/26/19.	Ready to issue			cj
34	Kennedy	1130	Scott Street	12/20/19	B19-0271	New commercial project with residential security unit above	Conditionally approved 1/3/20	Bldg - Disapproved 1/7/20			nh
35	Anouck Ce Bris	516-A	Shasta	12/9/19	B19-0261	520 sf st ADU with studio below; addition to SFR	Planning disapproved pending approval of CDP19-031	Bldg - Disapproved 12/26/19			nh
36	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
37	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	Bldg - Disapproved 12/31/19			nh
38	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
39	Weaver	448	Yerba Buena	1/10/20	B20-0007	Rebuild existing deck & add 48 sq ft existing deck-85 sq ft. New deck 48 sq ft. Total 133 sq ft.		Bldg - Disapproved 2/3/20			sg
<b>Planning Projects &amp; Permits with Final Action:</b>											
1	Moss Lane Ventures, LLC	839 Morro Bay Blvd		5/6/19	CUP19-04/CDP 19-013	<b>CDP and CUP for Demo existing carwash, construct new 600 sf single sided drive up coffee shop.</b>	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 incompelte 11-12-19. Deemed complete, scheduled for Planning Commission January 21, 2020. PC approved 1/21/2020		PN-Conditionally Approved 5/16/2019		nh
2	Ladd	157 Mindoro Street		12/19/19	MIN19-016	<b>Minor modification to existing CUP/CDP to allow a JADU in a portion of the existing garage. Property already has an ADU</b>	Deemed complete January 2, 2020. Public noticing from January 9-20, 2020. Permit issued 1/21/2020.				nh

#	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
3	Le Bris	516 Shasta Ave	8/15/19	CDP19-031	<b>New ADU partially over existing garage, storage space below.</b>	Submittal is under review. Deemed incomplete 8-29-19. Resubmittal received 12/30/19, deemed complete. Public notice being prepared. Permit issued 1/27/2020				nh
4	Friesen	196 Panay St	7/23/19	LTM19-03	<b>Addition to existing SFR requiring abandonment of existing easement.</b>	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. Certificate of Lot Merger recorded with the County, and Conformed Copy received.				wu
5	Elster	530 Morro Avenue	12/4/19	MIN19-015	<b>Minor modification to decks and rear wall</b>	Under review. Deemed complete. Noticing began 1/13/20. Action date 1/24/20.				wu

**Staff Directory:**  
Scot Graham - sg  
Cindy Jacinth - cj  
Willow Urquidi - wu  
Nancy Hubbard - nh  
Chad Ouimet - co  
Pam Newman - pn  
Herb Edwards - he

AGENDA ITEM: <u>    A-2    </u>
DATE: <u>    FEBRUARY 18, 2020    </u>
ACTION: <u>    DRAFT    </u>

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – JANUARY 7, 2020  
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Gerald Luhr Michael Lucas Susan Stewart Joe Ingraffia Jesse Barron	Chairperson Vice-Chairperson Commissioner Commissioner Commissioner
STAFF:	Scot Graham Willow Urquidi	Community Development Director Assistant Planner

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS – NONE

PUBLIC COMMENT PERIOD -  
<https://youtu.be/a2quf9cfAZ4?t=2m20s>

Sean Green, Morro Bay resident, thanked the Commission for their service. Green suggested the Planning Commission agenda reflect periodic reviews of the capital improvement program of the City per recommendations to City Council.

Chairperson Luhr closed the Public Comment period.  
<https://youtu.be/a2quf9cfAZ4?t=5m37s>

Graham commented on the Public Comment.

PRESENTATIONS – NONE

A. CONSENT CALENDAR  
<https://youtu.be/a2quf9cfAZ4?t=7m47s>

Commissioner Stewart pulled item #4, 1930 Main Street, for discussion regarding new mobile home park with mixed vacation rentals and long term rentals.

Commissioner Stewart also asked staff about item #17, 2460 Main Street regarding the hotel/recovery center.

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

**MOTION:** Commissioner Stewart moved to approve the Consent Calendar. Commissioner Barron seconded, and the motion passes 5-0.

## 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.:** 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

<https://youtu.be/a2quf9cfAZ4?t=12m22s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Urquidi presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/a2quf9cfAZ4?t=22m30s>

Jolene Tench, applicant provided the Commissioners with details of the Waterfront Market event.

Sean Green spoke about the waterfront access. Green stated visitors were unable to access areas which possibly could bring more business

The Commissioners presented their questions to the applicant.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/a2quf9cfAZ4?t=39m9s>

Comments from Chairperson Luhr.

Discussion between the Commissioners and staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/a2quf9cfAZ4?t=1h25s>

The applicant addressed the Commissioners concerns.

Discussion between the Commissioners and staff.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/a2quf9cfAZ4?t=1h2m11s>

**MOTION:** Commissioner Barron moved to approve CUP19-15, Special Use permit for the Annual Waterfront Market event between Giovanni's Fish Market and Stax Wine Bar with the amended conditions that the vendors be asked to park in a convenient location, and let it be included in the materials the applicant gives to the vendors. And for the applicant present their findings to the Commission after the conclusion of the last event of the year. Commissioner Stewart seconded, and the motion passes 5-0.

<https://youtu.be/a2quf9cfAZ4?t=1h6m54s>

***Conditions shown below in bold and italics were added by the Planning Commission.***

12. ***Vendor Parking: Applicant, in association with each event, shall provide informational materials to the vendors directing them to park in the triangular lot on Embarcadero.***
13. ***Waterfront Market Analysis Report: The applicant shall schedule with staff a follow up meeting with the Planning Commission, prior to the end of 2020, where detailed information will be presented to the Planning Commission related to how the market functioned, including vendor lists for each event.***

C. NEW BUSINESS

Luhr asked staff for a discussion regarding the coastal access and harbor lease to be agendized.

**MOTION:** Commissioner Barron moved to bring the Conditional Use permit between Giovanni's and Stax Wine Bar back to the Commission for the second meeting in February, to review the Coastal Access and Harbor lease. Commissioner Stewart seconded, and the motion passes 5-0.

<https://youtu.be/a2quf9cfAZ4?t=1h12m3s>

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

<https://youtu.be/a2quf9cfAZ4?t=1h13m4s>

Vice-Chairperson Lucas notified the Commission and staff he would be unable to attend the next meeting due to an academic change in his teaching assignment. Lucas also commented about the City's coastal access

Commissioner Barron commented about the struggles municipalities face regarding accessory dwelling units (ADU's) and the constant changes regulations the State issues.

Commissioner Barron suggested to staff the Commission have a discussion with Fire Chief Knuckles regarding fire sprinklers for accessory dwelling units (ADU's).

Chairperson Luhr asked staff about the status on the Electric Vehicle (EV) charging stations.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENT

<https://youtu.be/a2quf9cfAZ4?t=1h22m3s>

Graham reminded the Commissioners about the Planning Commission Academy March.

G. ADJOURNMENT

The meeting adjourned at 7:22 p.m. to the next scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on January 21, 2020 at 6:00 p.m.

\_\_\_\_\_  
Gerald Luhr, Chairperson

ATTEST:

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

AGENDA ITEM:     A-3    

DATE:     FEBRUARY 18, 2020    

ACTION:     DRAFT    

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – JANUARY 21, 2020  
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Gerald Luhr Susan Stewart Joe Ingraffia Jesse Barron	Chairperson Commissioner Commissioner Commissioner
ABSENT:	Michael Lucas	Vice-Chairperson
STAFF:	Scot Graham Nancy Hubbard	Community Development Director Contract Planner

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS  
<https://youtu.be/0E1nkuZ8wfk?t=1m18s>

Chairperson Luhr announced the Morro Bay Estuary will be holding a meeting regarding eelgrass. He believes it will be tomorrow but is not sure. He advised everyone to visit their website to get more information on it.

PUBLIC COMMENT PERIOD \_ NONE

PRESENTATIONS – NONE

A. CONSENT CALENDAR

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

**MOTION:** Commissioner Stewart moved to approve the Consent Calendar.  
Commissioner Ingraffia seconded, and the motion passes 4-0.

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.:** CUP19-04

**Site Location:** 839 Morro Bay Blvd, Morro Bay, CA

**Project Description:** Coastal Development Permit (CDP19-013) and a Conditional Use Permit (CUP19-04) to allow demolition of an existing drive through self-service car wash at 839 Morro Bay Blvd across the street from Morro Bay Police Station to be replaced with a new 600 square foot drive-up coffee shop. The proposed project will have two drive-thru order lanes that merge into one pick-up lane. The parking required is 2 spaces, one of which is required to be van accessible. There is also a walk-up window at the north side of the building. The project is in the C-1/S.4 zoning district and is not located in the Coastal Commission Appeals Jurisdiction

**CEQA Determination:** Categorically Exempt, Section 15303, Class 3c.

**Staff Recommendation:** Approve with Conditions

**Staff Contact:** Nancy Hubbard, Contract Planner, (805) 772-6211

<https://youtu.be/0E1nkuZ8wfk?t=3m17s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Hubbard presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/0E1nkuZ8wfk?t=18m39s>

Pamela Jardini, agent for the applicant answered questions from the Commissioners.

Betty Winholtz, Morro Bay resident, presented her questions to the Commission.

Jardini answered questions from the Public Comment.

The Commissioners presented their questions to the applicant.

Pat Mitchell, Moss Lane Ventures LLC, answered questions from the Commission.

Larry Gabriel, architect, answered questions from the Commissioners.

The Commissioners continued presenting questions to the applicant.

Discussion between the Commissioners and staff.

The applicant answered the Commissioners questions.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/0E1nkuZ8wfk?t=1h1m23s>

Discussion between the Commissioners and staff.

**MOTION:** Commissioner Ingraffia moved to approve Conditional Use Permit CUP19-04 and Coastal Development Permit CDP19-013 with the following conditions: use of colored concrete on the drive-through lanes, a prohibition against internally lit signage, other than menu signs which will be reviewed to insure minimal light spillage, additional "Directional" signage, design change to re-route pedestrian access and have the City Engineer review the existing driveway design and updated traffic letter specifically addressing study with respect to the left turn lane for the eastbound traffic. Commissioner Barron seconded, and the motion passes 4-0.  
<https://youtu.be/0E1nkuZ8wfk?t=1h21m28s>

Commissioner Stewart suggested using positive types of signage.

**Conditions added by Planning Commission.**

3. ***Traffic Study: A supplemental traffic letter, prepared by the traffic engineer, specifically addressing the left-turn movements entering and existing from the project drive-thru shall be provided for review and approval by the City Engineer. The letter shall specifically address the need and feasibility for an eastbound left turn pocket. Condition added by the Planning Commission January 21, 2020.***
4. ***Driveway Design/Materials: The drive-through paving material shall be revised to stamped/colored concrete or alternate material approved by the Community Development Director. The drive through radius and eastern driveway apron shall be designed such that vehicles exiting the site can align perpendicular to the apron prior to entering Morro Bay Boulevard. Driveway apron design to be reviewed by the City Engineer to insure safe exiting conditions. Condition added by Planning Commission January 21, 2020.***
5. ***Pedestrian Access Route: At building permit submittal, the plans shall show a revised pedestrian access route from the public sidewalk to the north side pedestrian walk-up order window. Design to be approved by the Community Development Director. Condition added by Planning Commission January 21, 2020.***
6. ***Specific Signage Requirements: The following signage requires modifications and/or lighting specifications to be submitted and approved by the Community Development Director prior to issuance of final building permits. All signage must meet the requirements of MBMC 17.68, with exception to the approved signage program allowance of 110 square feet of total site signage.***
  - a. ***Wall signs, monument sign and directional signage shall not be internally lit but may be back lit or externally lighted.***

- b. **Menu signage may be internally lit but must submit lighting calculations showing compliance with the glare and lighting requirements of the Signage Ordinance 17.68.050 G & I. Additionally, all lit signs shall be designed for a downward lighting cast to minimize sky glow.**
- c. **The following additional signage is suggested to ensure public safety in and around the drive-thru lanes: 'Exit Only' sign and a 'Do not block sidewalk'**

**B-2 Case No.:** CUP19-10

**Site Location:** 953 Pacific, Morro Bay, CA

**Proposal:** Application for a Conditional Use Permit (CUP19-10) for a second story 459 sf addition to an existing 968 sf non-conforming single family home, demolition of an existing detached shed structure and construction of a detached two-car garage with a car lift and 238 sf of unconditioned workshop space above. The site is a single-family residential property located at 953 Pacific in an R-1 zone. The project is outside the Coastal Commission appeal jurisdiction.

**CEQA Determination:** Categorically Exempt, Section 15301 Class 1(e) and Class 1(l), and Section 15303 Class 3(e)

**Staff Recommendation:** Conditionally Approve

**Staff Contact:** Willow Urquidi, Assistant Planner, (805) 772-6270

<https://youtu.be/0E1nkuZ8wfk?t=1h24m43s>

Commissioner Barron recused himself due to having a personal connection with the applicant.

Graham presented the staff report.

Chairperson Luhr opened the Public Comment period and seeing none, close the Public Comment period.

<https://youtu.be/0E1nkuZ8wfk?t=1h26m30s>

**MOTION:** Commissioner Ingraffia moved the request for the Conditional Use Permit CUP19-10 be continued to a date uncertain, to allow time for the applicant to comply with the California Environmental Quality Act. Chairperson Luhr seconded, and the motion passes 3-0.

<https://youtu.be/0E1nkuZ8wfk?t=1h27m3s>

- C. NEW BUSINESS
- D. UNFINISHED BUSINESS
- E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS  
<https://youtu.be/0E1nkuZ8wfk?t=1h28m21s>

Commissioner Stewart commented on the Historical Society & how they're working on the historical preservation ordinance. The Society is hoping the ordinance will go on the City Council's next goal and objectives.

Commissioner Barron asked for staff for status on the Quonset hut project.

Commissioner Ingraffia asked staff for status on the Harbor walk.

F. **COMMUNITY DEVELOPMENT DIRECTOR COMMENTS**  
<https://youtu.be/0E1nkuZ8wfk?t=1h34m55s>

Graham reminded the Commissioners about the upcoming Planning Commissioners Academy in Sacramento.

Graham notified the Commissioners at the next meeting they will be doing a seating for a new Chairperson and Vice-Chairperson. Graham also notified the Commission that Commissioner Ingraffia has signed up to be on the Planning Commission for another four (4) years.

Graham explained to the Commission where the Commercial Design Guidelines are in the queue for the Commission.

G. **ADJOURNMENT**

The meeting adjourned at 7:38 p.m. to the next scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on February 4, 2020 at 6:00 p.m.

\_\_\_\_\_  
Gerald Luhr, Chairperson

ATTEST:

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



AGENDA NO: C-1

MEETING DATE: February 18, 2020

## Staff Report

**TO:** Planning Commissioners **DATE:** February 7, 2020

**FROM:** Cindy Jacinth, Senior Planner

**SUBJECT:** 1001 Front St / Conditional Use Permit Review (#UP0-284)

**RECOMMENDATION:**

*Review staff report and provide direction to staff and/ or Property Owner/ Lease-site holder as applicable*

**PERMITTEE/AGENT:** Giovanni DeGarimore / Cathy Novak Consulting

**LEGAL DESCRIPTION/APN:** City lease sites 105.1W and 105.2W / 066-352-054

**INTRODUCTION:**

At the January 21, 2020 Planning Commission meeting, the PC requested staff to bring back to Planning Commission a review of the conditional use permit for 1001 Front. The purpose of the request was to discuss concerns regarding public access and compliance with the conditions of approval for the current conditional use permit. After the PC meeting, staff met with Mr. Giovanni DeGarimore, the property owner/master lease holder and Ms. Cathy Novak, project representative. In response to the Planning Commission's request to review the Conditional Use Permit, Mr. DeGarimore submitted a letter dated January 16, 2020 (Exhibit A) detailing his business concerns related to public safety and lateral access on both north and south sides of the property. His letter provides justification to the City for the recent closure of the accessway which was done with notice to City staff for purposes of fuel line repairs and includes pictures of the repair work.

**PERMIT BACKGROUND:**

A portion of this property is private property and a portion is City lease site (105.1W and 105.2W). A figure has been prepared which shows all approved uses on site below at the end of the staff report as well as a depiction of the boundary line between private property and City lease site property (Figure 2, page 10).

The City Council approved the CUP Concept Plan in April 2011. Planning

Commission approved the CUP Precise Plan in May 2012. The project description included:

*“Precise Plan approval for new dock system consisting of 134 foot head float and 4 finger docks, gangway and landing installation for access from the existing wharf, retractable awning system over the existing public seating area, and permitting of an existing parking lot. In addition, Virg’s sport fishing business will be relocated to the docks and the public view area to the north of the existing public seating area will be expanded.”*

The associated Coastal Development Permit (#3-11-031) was approved and issued on December 12, 2012 (Exhibit D). Neither the Concept Plan CUP approved by City Council nor the Precise Plan CUP approved by PC (Exhibit B) include any conditions related to lateral access or coastal access signage.

An amendment to the Precise Plan CUP which was approved on appeal by City Council on June 24, 2018 for the Virg’s Kiosk information booth does include PC condition #7 which requires that the Beach Street public access gate be open from 730am to dusk, but may be closed during active fish unloading activities that render public lateral access dangerous consistent with Coastal Development Permit (CDP) #3-11-031 (Exhibit D) .

The Coastal Commission issued CDP specifies several public access conditions including requirement for clear depiction of public access areas and amenities, lateral access, floating dock access, amenities, public access signs/materials, no public access disruption, and public access use hours of dawn to dusk.

These public lateral access conditions are paraphrased below:

1. Condition 1a: Lateral Access and View Deck shall be maintained through the site. Access on the northern half of the site shall be a minimum of 5 feet wide and located as close to bayfront as possible. An alternative public access-way required that avoids the commercial fishing area and is a minimum of five feet wide for use when lateral access is closed due to commercial fishing operations.
2. Condition 2b: Lateral access shall be open as much as possible. Public access closures allowed during active fish unloading must include signs informing the public of expected duration of closure and directing public to alternative public access through or around the site. (See picture below). Sign is required to be temporary/removable and not in place when commercial fishing operations are not occurring.



3. Lateral public access way shall remain free of unnecessary materials and structures, including portable storage structures and garbage bins not intended for use by the public, etc.
4. Condition 2c: Floating docks shall be publicly available for general public pedestrian access
5. Condition 2e: Directional signs shall be at both ends of lateral access, patio entrance, and view deck area and at either end of the commercial fishing wharf. Public view deck and public restroom shall be conspicuously signed and available for public use, and tables on the public view deck and within public seating patio shall have signs informing public no purchase is required to use tables.

City permit history for this property is extensive including uses that pre-date City incorporation. Staff reviewed the property history and has included permit history relevant to the current CUP's review as noted in the table below:

**PARTIAL PERMIT HISTORY:**

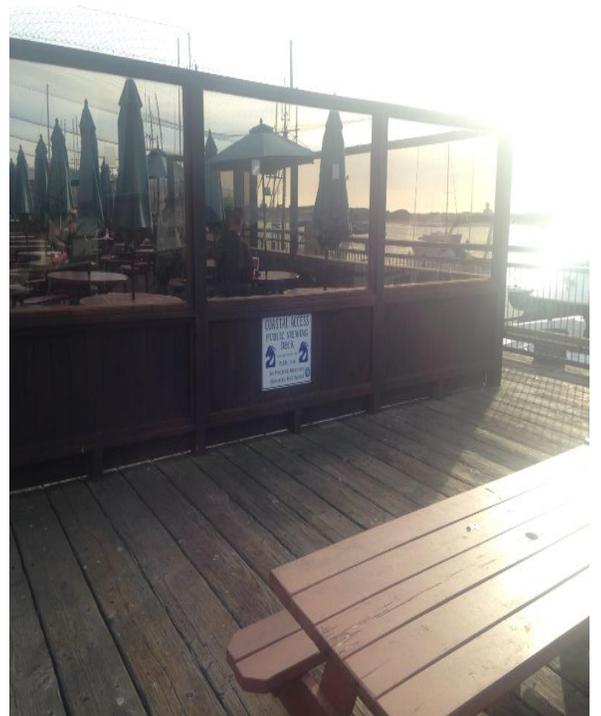
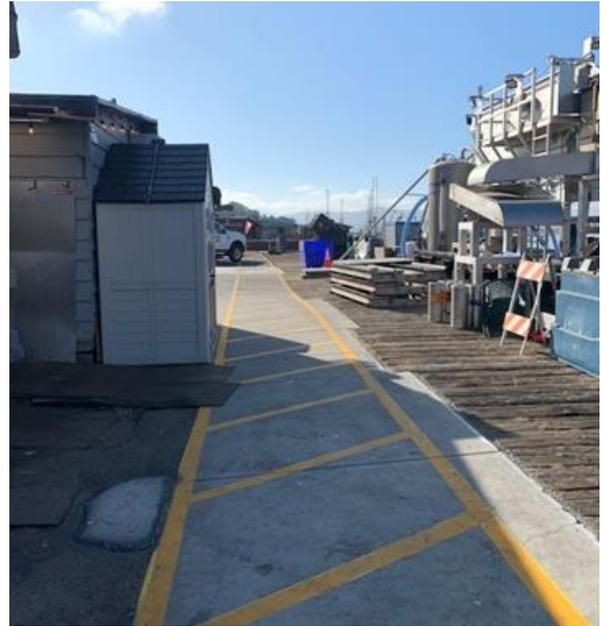
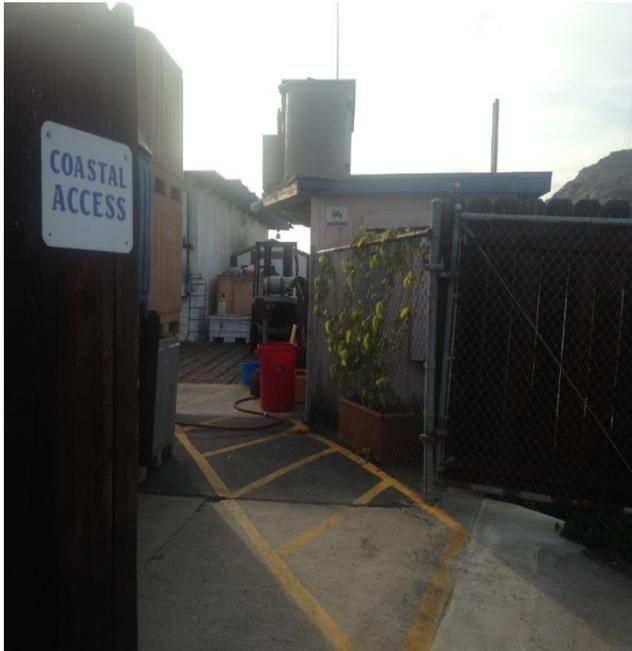
Permit Case #	Description of Approval
#CUP19-15 approved 1/7/2020	Waterfront Market vendors, recurring, max 15 weekends per year
CUP Amendment # A00-054 approved by City Council on appeal 6/26/2018	Installation and operation of information/ticket sales kiosk for Virg's Landing.
CUP Admin. Amendment	Administrative CUP amendment to remove

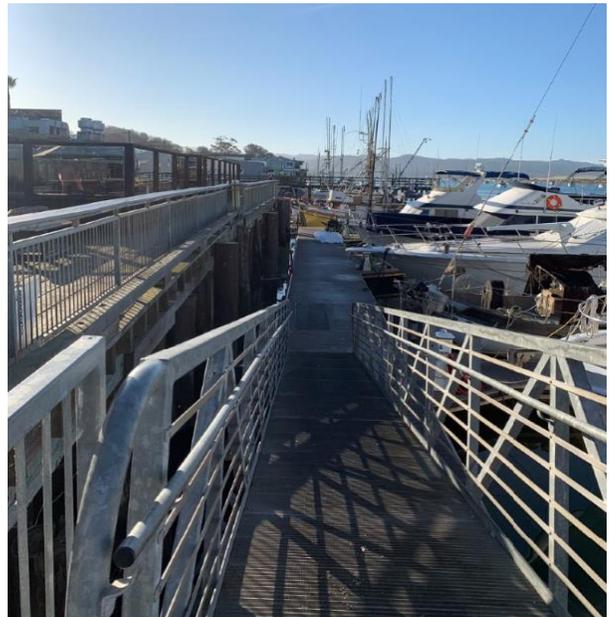
#A00-026 approved 4/27/2018	awning from outdoor dining area.
Various TUPs	Harbor Festival annual temporary use permits 2001-2016 for weekend parking lot vendor use
MUP #04-02 approved 5/23/2002	Approval to increase use of Shirt Shop by 125 sf of outdoor sales area for rolling sales racks.
<b>Coastal Permits</b>	
CDP 3-11-031 approved 12-12-2012	Dock expansion, seating area improvements, parking lot improvements and relocation of a sportfishing business. <i>Corresponds to #UP0-284</i>
3-06-013-W approved 2006 as CDP waiver	Coastal waiver to add 350sf to the fish market building, as well as add the restaurant takeout window and public seating patio enclosed by a windscreen – Corresponding CUP not found. Building permit # 28517 issue 7/19/2007

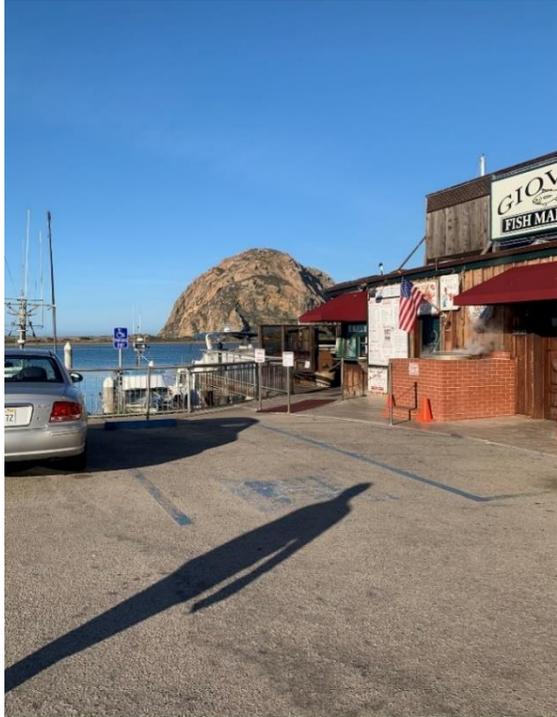
### **Public Access**

Coastal Commission approved the Coastal Development Permit for this site in 2012 and specified conditions for the approved bayside lateral access which runs through the site as shown on the approved site plan (Exhibit E).

The lateral access, or Harborwalk, is shown in yellow striping (pictures below) starting at the northwest corner of the property at the wood gate on Beach St. Heading south from the gate, the lateral access extends through the commercial fishing operations, continues south across the west side of the parking lot and wraps around the outdoor patio before exiting south of the Fish Market walk-up window.







The Fish Market walk-up window is adjacent to the public sidewalk and parking lot on the south side of the property. As a result, access is narrow here for pedestrian as shown in the picture below. The metal chain divider delineates public access to the left and customer order line to the right. The CUP Precise Plan amendment for Virg's Kiosk included condition #8 to require applicant to demonstrate compliance with Coastal condition 1a related to the southern public access area in order to delineate public access from the customer order line.

Staff conducted a site visit in January and follow up in February, 2020 to note condition compliance. Given the number of specific public access conditions, there are several areas observed where the project is not currently in compliance with project approvals as staff has summarized below:

1. **Beach Street gate** – Staff has frequently observed the gate to not be open in the morning by the required time. Mr. DeGarimore's letter states his understanding was that the gate was required to be open at 8am. He has reviewed his CUP permit conditions which requires it be open at 730am and requests resolution by maintaining a daily log with re-review by PC in 6 months.
2. **Lateral access visibility** – The CDP requires a minimum 5-foot wide lateral access pathway which has faded considerably over time. The heavy equipment operations in this area cause the painted pathway to fade frequently Staff recommends that this be repainted to increase visibility and recommends a regular repainting schedule to ensure continuous visibility
3. **Coastal access signs** – Some of the original required coastal access signs on the wharf and around the patio area are missing or not visible. Staff recommends that signs be replaced to be consistent with project approvals. This includes increasing the size of the coastal access sign on the Beach Street gate, adding the public dock access sign to the top of the gangway, adding required coastal access signs near the outdoor patio dining's south entrance, and adding a coastal access sign to the south of the walk up window line to ensure sign visibility even when a long customer line is present. In addition, adding signs to the public view deck tables informing the public no purchase is required to use the tables.
4. **Southern walk-up window access:** The sidewalk in this area is narrow and to relocate the customer walk up window could create safety concerns by directing customers to stand in the parking lot area. Staff would also recommend that the bollard sign at the southern walk up order window be replaced to state "coastal access/order line" instead of "patio entrance/order line"
5. **Virg's Kiosk Information Booth** – The Virg's Kiosk was approved to be present seasonally. The 2018 CUP amendment condition #9 requires the permit to be reviewed for compliance within one year of kiosk installation which was approx. June 2019. The item has been scheduled for PC review in May 2020.
6. **Business signs** – Although not part of the CUP approvals, staff has observed that there are an abundance of business signs on the property in large part due to the number of businesses. When the Virg's Kiosk business was permitted in 2018, staff

recommended that a sign program be pursued to address all signage on-site, but this was declined. In reviewing the permit history, staff did not readily find sign permit approval for all signs on site. Staff would recommend again that a master sign program for the entirety of the site be pursued.

**CONCLUSION:**

Mr. DeGarimore has expressed valid concerns regarding business liabilities by having public access intersect with his commercial fishing business. However, under the Coastal Act the right of coastal public access prevails. To seek resolution, Mr. DeGarimore is proposing in his letter, an additional PC review of the CUP within six months with a report back by staff on condition compliance. This includes a daily log noting all gate closures, other than normal overnight hours, and additional or replaced coastal access signs as required by the CDP with greater visibility. Onsite signage should also be addressed through a master sign program.

The Giovanni's Fish Market property has had multiple marine-related and visitor-serving uses for many years. Those uses included commercial fishing boat tie up, fish unloading, sport fishing (passengers for hire or charter fishing boats), fuel dock, restaurant, and retail. Many of these uses pre-date the City's incorporation. Because of the multiple onsite uses, both visitor-serving and commercial fishing related, as well as requirements for coastal access to be maintained in perpetuity, staff is committed to working with the property owner to ensure condition compliance and maintenance of public access.

**EXHIBITS:**

Exhibit A – Letter from Mr. Giovanni DeGarimore dated 1/16/2020

Exhibit B – CUP Precise Plan #UP0-284 approved 5/16/2012

Exhibit C – CUP Amendment #A00-045 approved 6/26/2018

Exhibit D – Coastal Development Permit 3-11-031, approved 12/12/2012

Exhibit E – Approved Site Plan

Figures 1 and 2 on following pages

Figure 1 – Site Plan with Approved Uses and Outline of Coastal Access

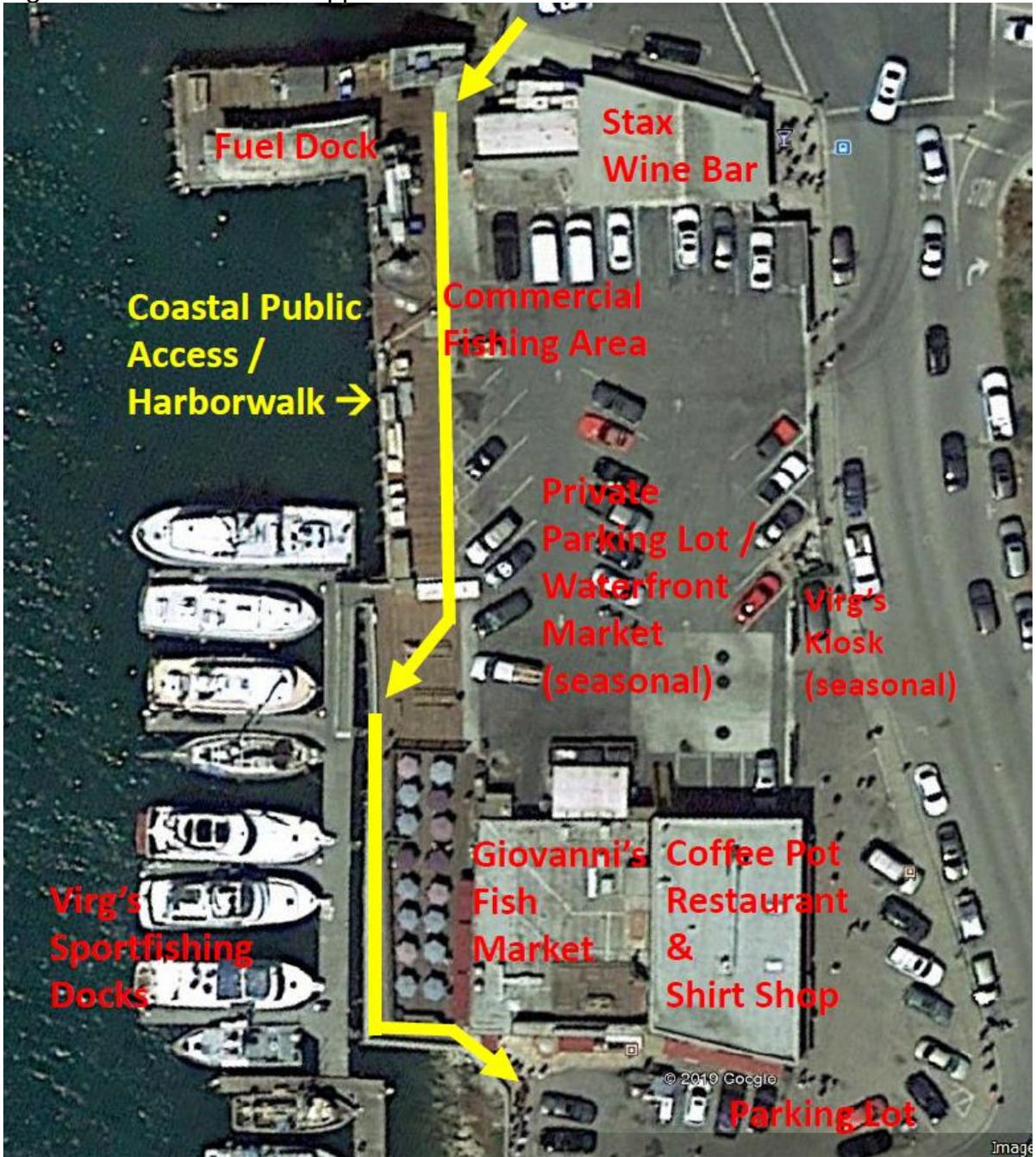
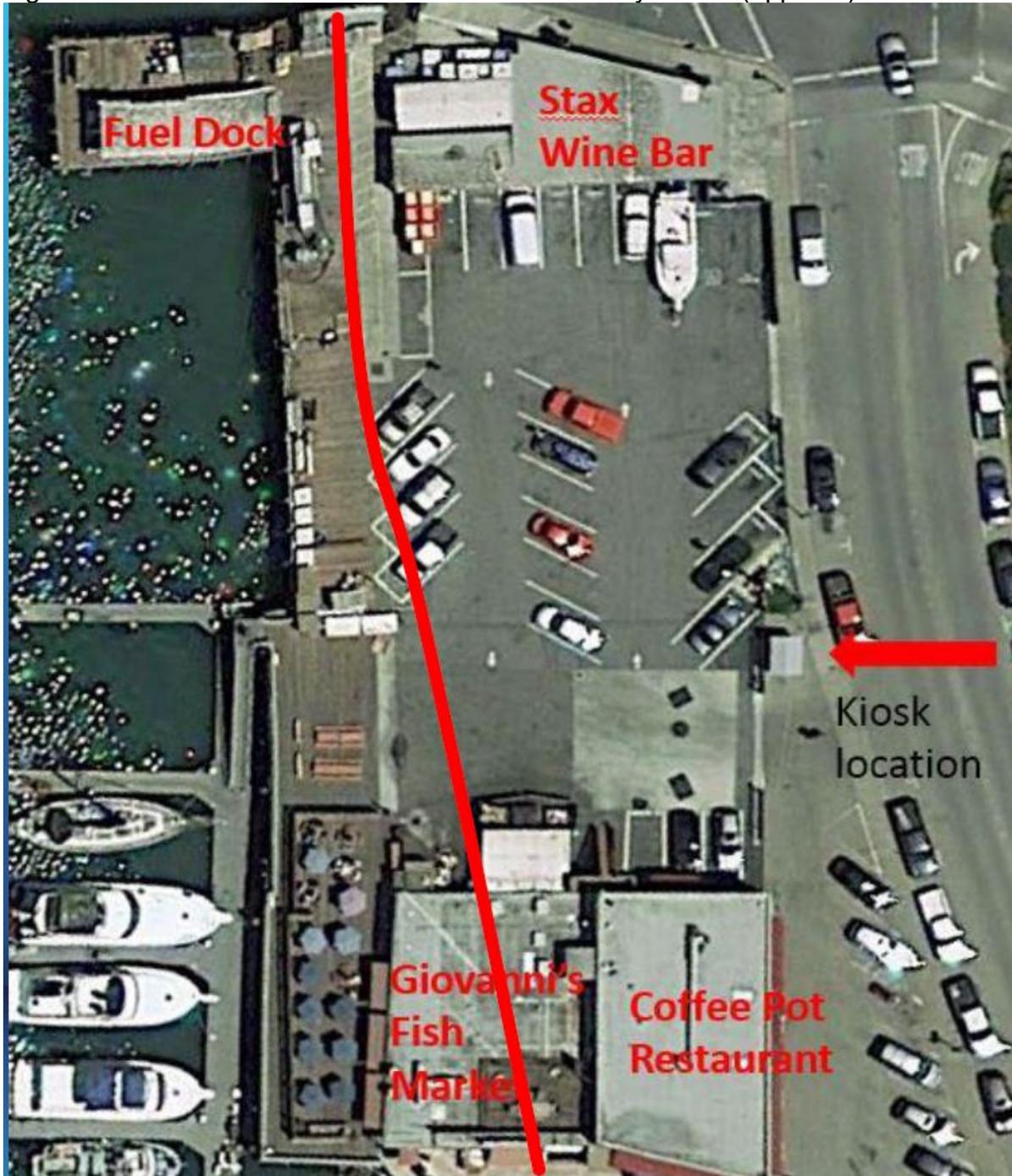


Figure 2 – Aerial View of Site with lease line boundary shown (approx..)





RECEIVED

JAN 17 2020

City of Morro Bay  
Community Development Dept.

January 16, 2020

Mr. Scot Graham  
City of Morro Bay Community Development Department  
955 Shasta Street  
Morro Bay, CA 93442

RE: Lateral access at Giovanni's

Dear Scot,

Thank you for taking the time to meet with us regarding the issues that have come up recently on the lateral access at Giovanni's and I wanted to follow up on a few items that we discussed.

First, as I mentioned, I want to offer my apologies for the misunderstanding I had regarding the opening time for the north gate. As I explained, the fuel dock opens at 8 a.m. and I just had it in my mind that the gate would open at the same time. I had instructed my fuel dock worker to open the gate first thing when he got to work at 8 a.m. I know there has been a couple of times that he was late to work and the gate was opened shortly thereafter. I was quite surprised when I reviewed the permit again last week and saw that the time was 7:30 a.m. instead. So it was an honest mistake on my part and no intent to purposefully keep it closed longer than it should have or closed outside of the allowed time for commercial fishing activities. In addition I have heard criticisms that the two Embarcadero side gates are open in to the late evening while the accessway gate is closed. The sole reason the two Embarcadero side gates are left open is because of Stax. Stax closes at 10 p.m. and since we have designated parking for Stax, the gates are left open until the business closes and the patrons leave. Any evening that the business is closed earlier, those gates are closed as well.

Second, I would ask and encourage the City to let me know if they see any future problems and give me the opportunity to rectify this before it becomes a bigger issue.

Third, I wanted to give you the details on the most recent closure of the accessway. I discovered that the fuel line running from the underground tanks located near Giovanni's Fish Market building to the fuel dock was at risk of failure. Rather than taking the chance that the line could break and spill fuel into the bay, I decided that I should fix it right of way. I started this repair on December 16 and the contractor estimated the work would be done by December 26. I have had the gate and access closed during this time for safety reasons. As you

can see in the attached photos, there was a very large hole in the parking area as well as the accessway. I cordoned the area off around the tractors, other construction equipment and the portable fuel tank to prevent anyone from inadvertently falling or harming themselves as it was just flat out dangerous. The portable fuel tank has now been removed however let me just say that I need this so that I could provide fuel for the Coast Guard. County Environmental Health required that I place the tank on solid ground and not over the water so I was limited in the location I could stage the tank and still have it close enough to service the boats. The project ended up taking longer than expected because Environmental Health required modifications to the original plans and therefore I had to act accordingly. As of now, I am waiting for the final inspection so that I can complete this project and then return everything to a normal condition. I had sent the city a note on December 19 so that you could be advised this repair was underway.

Fourth, the parking lot and accessway are due for general maintenance and I had originally planned to get those done in November however the paving contractor pushed the schedule back due to weather. Shortly thereafter I became aware of the fuel line problem and have held up the maintenance work until after the fuel line repairs are done. I will be working with the paving contractor to schedule the slurry seal and re-striping of the area as soon as the repairs are done and the weather is cooperative.

Fifth, I also wanted to express my concern for public safety in this area. I frequently have members of the public walking around the closed areas, through the loading areas, under the hoist and other areas that cause me grave concern for their safety. I know these folks are fascinated at boats, fish unloading and general goings-on but frankly common sense gets lost and they just don't seem to be aware of the dangers from the fork lifts with heavy pallets, swing hoist and fish unloading equipment. I understand the importance of creating and maintaining this public accessway along the waterfront but by the same token I am just asking for the City and public to understand that the accessway is closed to protect them and not to prevent them from this access. I do not mind if folks want to stand by and watch or for photographs as we work as long as they stay a safe distance and ask us for closer opportunities when it is OK.

The City has expressed many times over the years that they want to maintain Morro Bay as a "working waterfront" and I certainly agree. I believe that we need to work together to preserve this and find the delicate balance between the commercial fishing, fuel dock operations and the general public's access to the coastline. I believe that allowing us to close the accessway temporarily is essential to public safety and to the commercial fishing industry to have dockside access so that the two can try and coexist.

Last, I understand that the Planning Commission commented on the southern side coastal access point and the line area for my food take out window. The original permit for the docks, public seating area and parking lot included the requirement for coastal access signs and a way to delineate the food service line and path to the seating area and accessway. I installed the signs and bollards as per the comments and permit requirements from the City and Coastal Commission. These signs and bollards have remained in place and I have attached photos taken after our meeting so you can see what is there. The placement of the bollards was done

as is to prevent folks from blocking the ADA and other parking spaces as they wait in line or stroll down the accessway.

In order to bring resolution to all of these issues and allow us to move forward, I would like to offer the following:

- Please accept my apology for the misunderstanding of the time.
- The gate will be opened at 7:30 a.m. and I will have my staff come in early to do this.
- I will keep a log of the gate closures, other than normal hours, and provide to the City if necessary.
- Please understand that this a working waterfront so there will be equipment, totes and other related items stored on the dock and vicinity.
- There are numerous times that there are on-going commercial fishing activities and note that there will be times that the crew needs to set up in advance of boats coming in to unload so totes and other equipment may be there in advance of a boat at the dock.
- Recognize there are safety concerns with the public wandering around outside the accessway and this has caused issues.
- I can replace the sign mounted on the food service line and include the text "coastal access" to make it clearer.
- I can relocate the "coastal access" sign on the windscreen from the lower edge to the upper edge to make it more visible.
- I can plan to come back to the PC with a report in six months to show that I am in compliance.

In conclusion I just would like to say that I am not trying to offend the city in anyway but I am trying to strike a balance with the needs of the business and community. I have tried to be a good community member and provide benefits to all. I also have folks that use my parking lot, designated for my businesses, but I never asked them to leave nor have I ever had a car towed away. I believe that we are working diligently to protect many important aspects of this waterfront and intend to keep it that way.

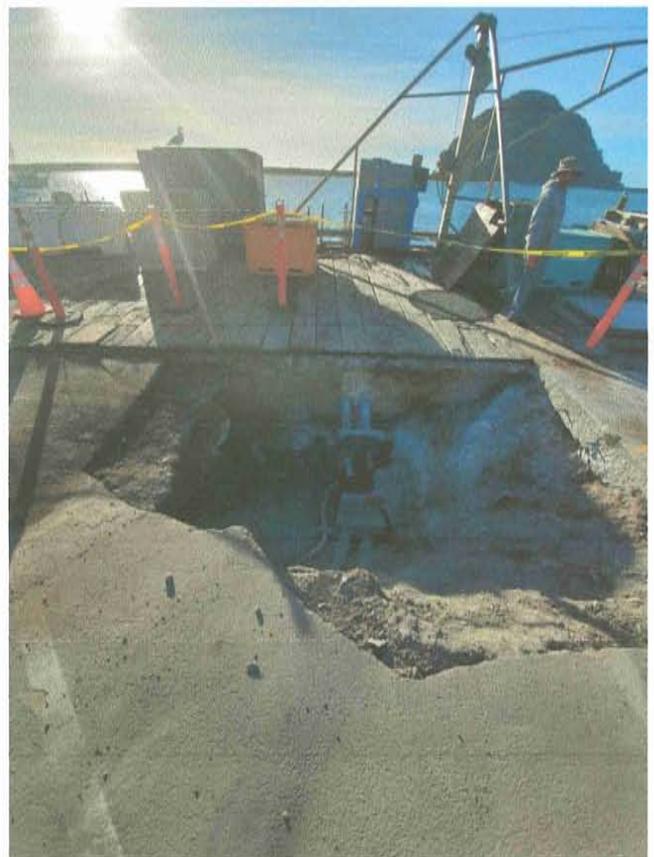
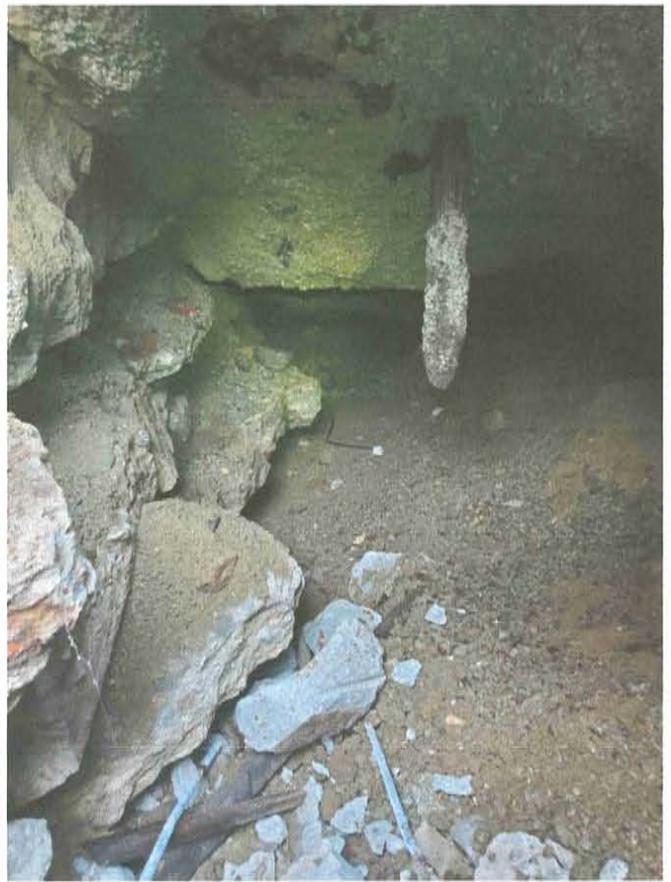
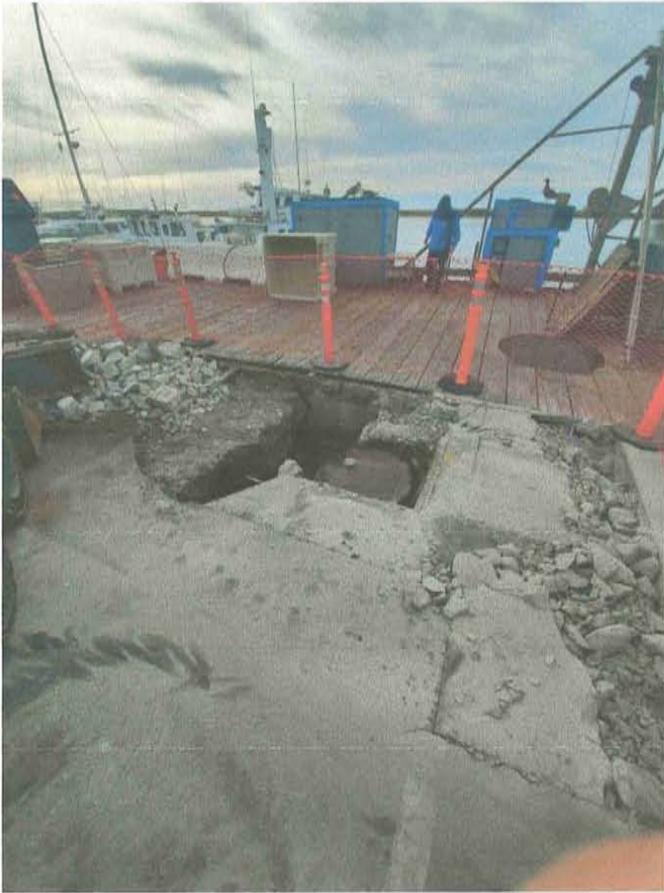
Thank you for your understanding of this situation. Please don't hesitate to contact me if you need further details on any of the items I have mentioned in this letter. I will look forward to the upcoming Planning Commission meeting so I can ask any questions they may have as well.

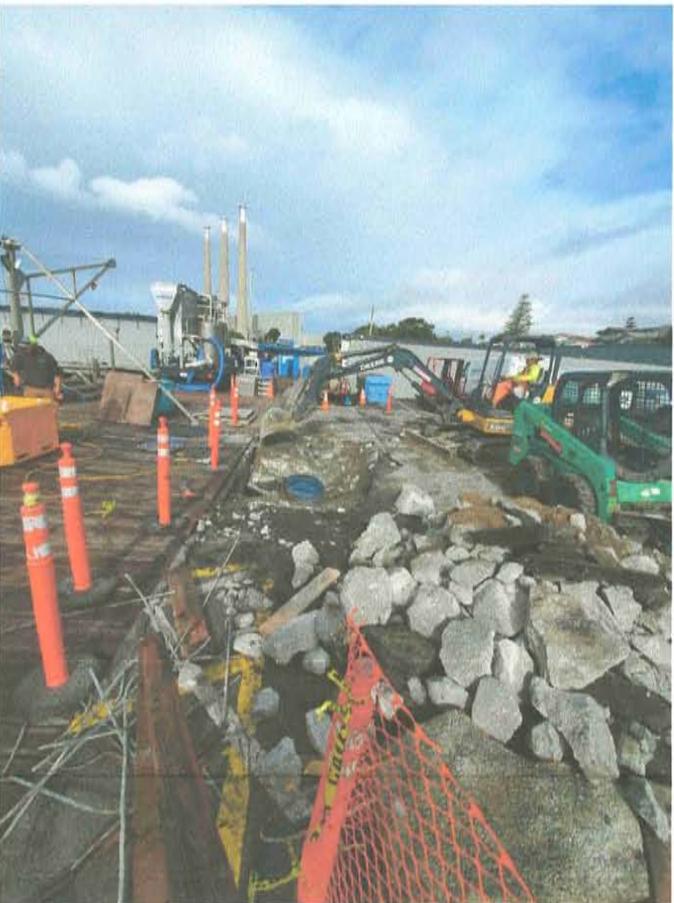
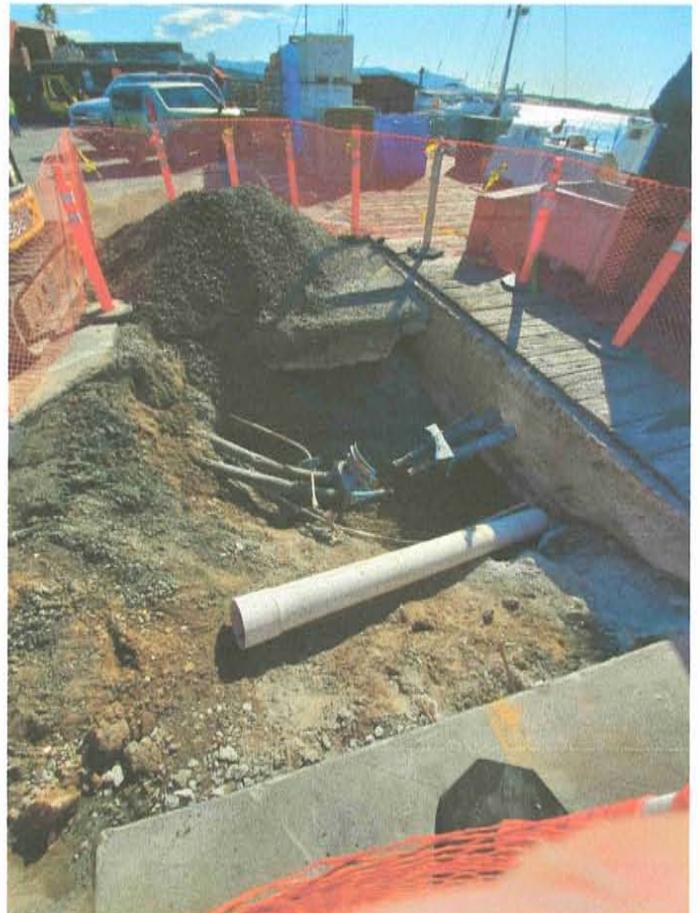
Sincerely,



Giovanni DeGarimore

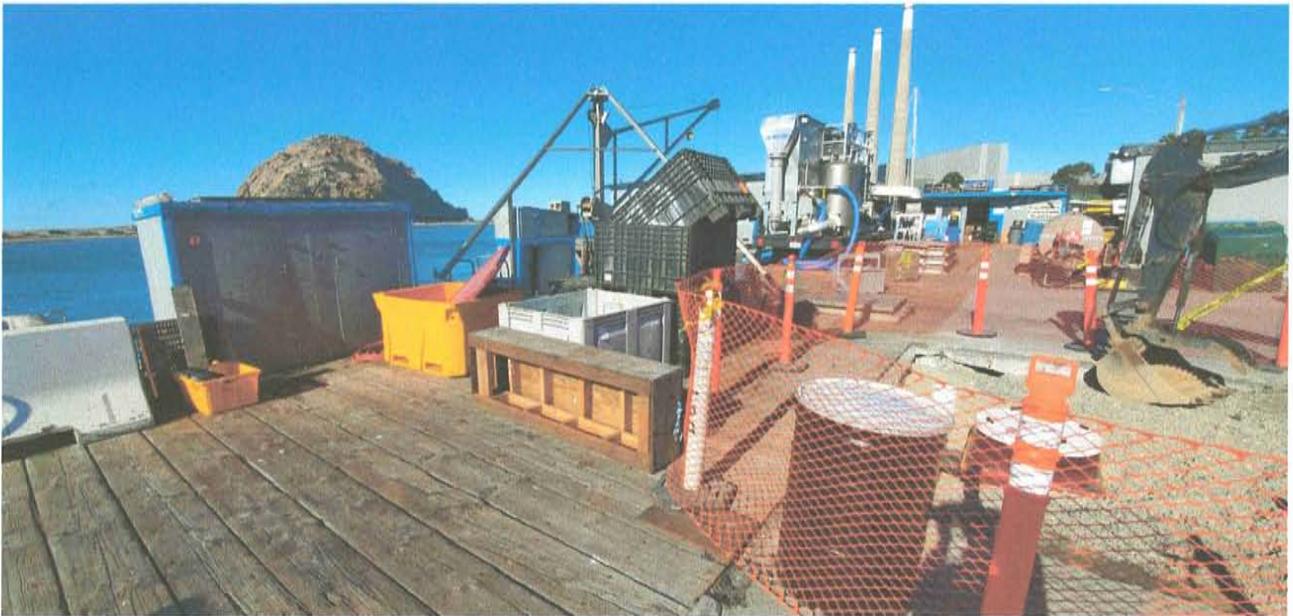
Attachments: site photos

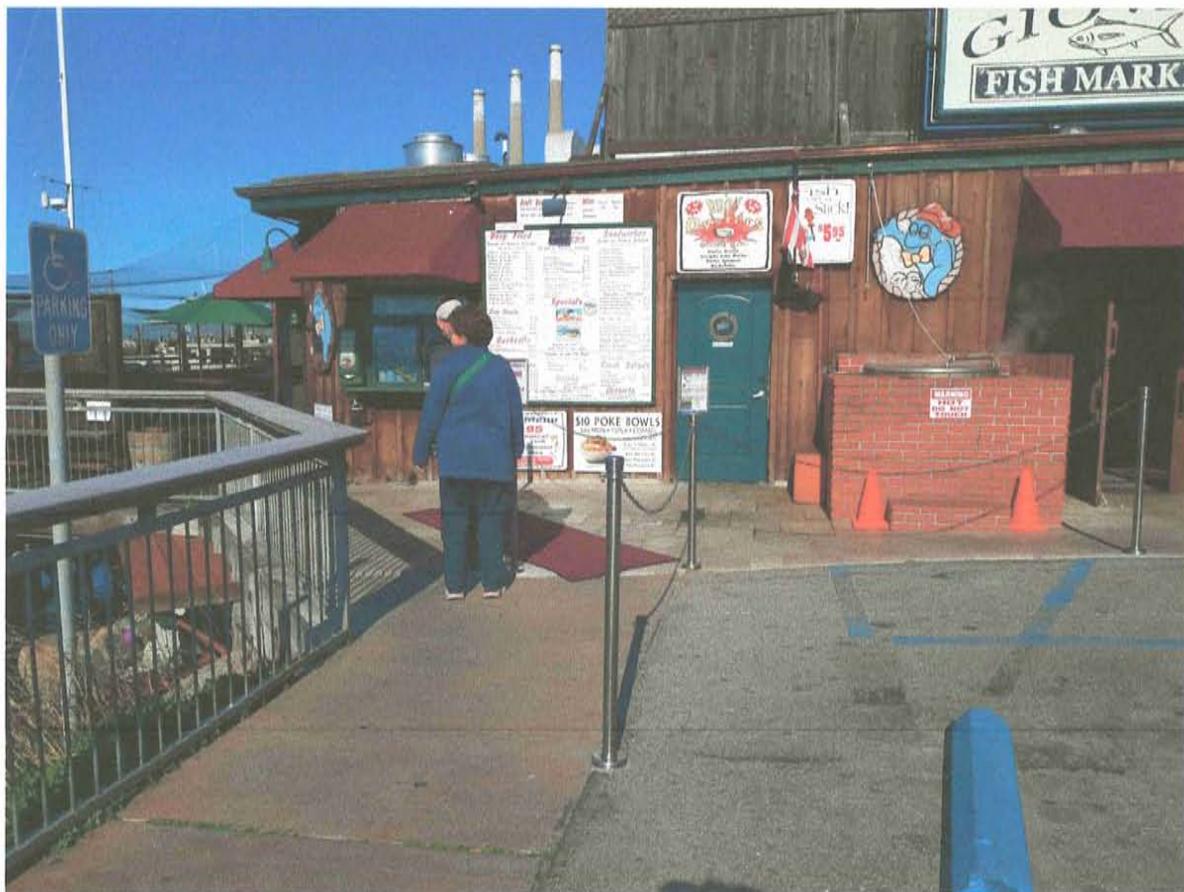
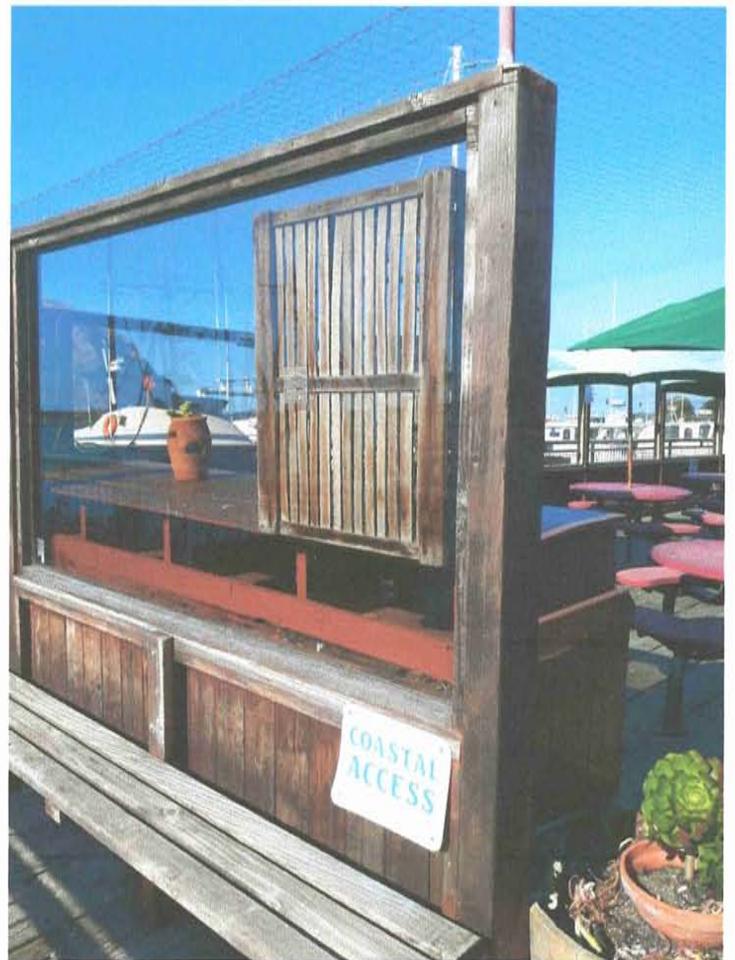


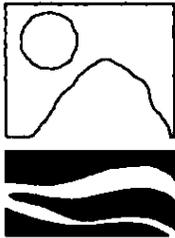












# City of Morro Bay

Morro Bay, CA 93442

(805) 772-6200

www.morro-bay.ca.us

May 22, 2012

Giovanni DeGarimore  
1001 Front Street  
San Luis Obispo, CA 93442

SUBJECT: Case No.: UP0-284 (Precise Plan)

SITE: 1001 Front Street

**Project Description:** Precise Plan approval for new dock system consisting of 134 foot head float and 4 finger docks, gangway and landing installation for access from the existing wharf, retractable awning system over the existing public seating area, and permitting of an existing parking lot. In addition Virg's sport fishing business will be relocated to the docks and the public view area to the north of the existing public seating area will be expanded.

Dear Mr. DeGarimore,

The City of Morro Bay Planning Commission conditionally approved your request. This action does not constitute a building permit. Any further processing of this project must be initiated by the applicant, subject to the applicable rules and regulations of the Morro Bay Municipal Code. *Please be advised that you must return the enclosed Acceptance of Conditions form, signed, to this department or the action is null and void.*

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

Please also find enclosed the Notice of Exemption for your project. The City of Morro Bay no longer files notices of exemptions. You may file the Notice of Exemption with the County Clerk's office located in the County Government Building in San Luis Obispo. The filing Fee is \$50.00.

Section 15062 (d) of The California Environmental Quality Act (CEQA) provides: "The filing of a Notice of Exemption and the posting on the list of notices start a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply."

Sincerely,

Rob Livick  
Public Services Director/City Engineer

By: *Sierra Davis*

FINANCE  
595 Harbor Street

ADMINISTRATION  
595 Harbor Street

FIRE DEPT.  
715 Harbor Street

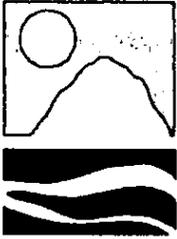
PUBLIC SERVICES  
955 Shasta Avenue

HARBOR DEPT.  
1275 Embarcadero Road

CITY ATTORNEY  
595 Harbor Street

POLICE DEPT.  
870 Morro Bay Boulevard

RECREATION & PARKS  
1001 Kennedy Way



# City of Morro Bay

Morro Bay, CA 93442

(805) 772-6200

www.morro-bay.ca.us

## CONDITIONAL USE PERMIT

This approval is based upon the attached findings and is valid only if conditions (attached) are met and only after the applicable appeal period. Failure to comply with the conditions of this permit shall, at the discretion of the Public Services Director pursuant to Municipal Code Section 17.60.150, render this entitlement null and void.

CASE NO: UP0-284 (Precise Plan)

### THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 1001 Front Street

APPLICANT: Giovanni DeGarimore

APN/LEGAL: 066-033-003

DATE APPROVED: May 16, 2012

APPROVED BY: Planning Commission

CEQA DETERMINATION: Mitigated Negative Declaration

**DESCRIPTION OF APPROVAL:** Precise Plan approval for new dock system consisting of 134 foot head float and 4 finger docks, gangway and landing installation for access from the existing wharf, retractable awning system over the existing public seating area, and permitting of an existing parking lot. In addition Virg's sport fishing business will be relocated to the docks and the public view area to the north of the existing public seating area will be expanded.

Please See Reverse for Effective Date.

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

**YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION APPEALS JURISDICTION: THE FOLLOWING COASTAL COMMISSION APPEAL PERIOD APPLIES TO YOUR PROJECT: This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) *Working days* following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 531-427-4863. If you have any questions, please call the City of Morro Bay Public Services Department, 772-6261.**

**IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: Subject to Appeal Period Above**

ATTEST: Sierra Daus DATE: May 22, 2012

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

RECEIVED

MAY 24 2012

City of Morro Bay  
Public Services Department

**APPLICANT'S ACCEPTANCE  
OF  
CONDITIONS OF APPROVAL**

CASE NO. UP0-284 (Precise Plan)

SITE LOCATION: 1001 Front Street

APPLICANT NAME: Giovanni DeGarimore

APPROVAL BODY: Planning Commission

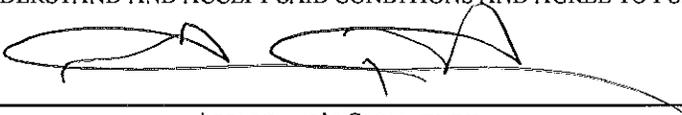
DATE OF ACTION: May 16, 2012

I, Giovanni DeGarimore the undersigned, have read and  
(APPLICANT'S NAME - PLEASE PRINT)

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

approving Case Number: UP0-284 (Precise Plan)

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

  
\_\_\_\_\_  
APPLICANT'S SIGNATURE

5/24/12  
\_\_\_\_\_  
DATE

**PRECISE PLAN FINDINGS****CONDITIONAL USE PERMIT #UP0-284****Site Location: 1001 Front Street and Water Lease Sites 105.1 & 105.2**

**PROJECT DESCRIPTION:** Precise Plan approval for new dock system consisting of 134 foot head float and 4 finger docks, gangway and landing installation for access from the existing wharf, retractable awning system over the existing public seating area, and permitting of an existing parking lot. In addition Virg's sport fishing business will be relocated to the docks and the public view area to the north of the existing public seating area will be expanded.

**California Environmental Quality Act (CEQA)**

- A. The project qualifies for a CEQA Mitigated Negative Declaration was posted on February 4, 2011. The applicant has agreed to implement the mitigation measures proposed in the Negative Declaration. Thus there are no significant impacts with the implementation of those mitigation measures.

**Concept Plan Findings**

- A. Modification of standards shall only be approved upon finding that greater than normal public benefits may be achieved by such deviations. Such benefits may include, but are not limited to improved or innovative site and architectural design, greater public or private usable open space and provision of housing for the elderly or low/moderate income families, provision or extraordinary public access, provision for protection environmentally sensitive habitat (ESH) area, but in all cases these provisions shall meet the coastal land use policies. The project as designed and conditioned provides greater than normal public benefits as it provides enhanced public access to the harbor and waterfront which upholds the city policies set forth within the General Plan, Local Coastal Plan and Waterfront Master Plan.

**Use Permit Findings**

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

- C. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be constructed and developed consistent with all applicable City regulations, as indicated in the attached staff memorandum.

**PRECISE PLAN CONDITIONS OF APPROVAL****CONDITIONAL USE PERMIT #UP0-284****Site Location: 1001 Front Street and Water Lease Sites 105.1 & 105.2****Revised by Planning Commission on May 16, 2012**

**PROJECT DESCRIPTION:** Precise Plan approval for new dock system consisting of 134 foot head float and 4 finger docks, gangway and landing installation for access from the existing wharf, retractable awning system over the existing public seating area, and permitting of an existing parking lot. In addition Virg's sport fishing business will be relocated to the docks and the public view area to the north of the existing public seating area will be expanded.

**STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report dated May 16, 2012, for the project depicted on plans on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.

2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and

## General Plan for the City of Morro Bay.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges that 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 and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.
8. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

**PLANNING CONDITIONS**

1. State and County Compliance: Prior to the issuance of a building permit applicant shall demonstrate compliance with all State and County regulations and provide documentation to the Public Services Department.
2. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. on weekdays and eight a.m. to 7 p.m. on weekends, unless an exception is granted by the Director of Public Services pursuant to the terms of this regulation.
3. Parking Agreement: The parking lot to be utilized for on-site parking is located on an adjacent site. The applicant shall provide a parking agreement between all properties

owners on which parking lot is located. This agreement shall be submitted and recorded prior to the issuance of any building permit.

4. Live Aboards: Live aboard marine vessels shall not be allowed unless a modification to this permit is obtained and there has not been permitting provided for such use.
5. Parking Circulation: The parking lot shall be restriped to meet all circulation minimum requirements for drive aisle and parking space dimensions. The parking spaces shall be a maximum of 45 degree angled parking and shall only have one way drive aisle.
6. Parking Space Labels: At no time shall equipment, delivery trucks, or marine storage tanks, nor the like be permanently placed in the parking spaces.
7. Exit and Entrance Directional Arrows: Exit and entrance direction arrows shall be marked on the pavement where one-way driveways are used. Pavement signing shall be marked and maintained as required by the city engineer. Entrance signing may be required by the City Engineer whenever conditions warrant. Code requirement.
8. Accessible Parking Space: The van accessible parking space shall meet State and Federal requirements.
9. Curb Stops: Curb stops shall be provided for each parking space that head into a wall, fence, building, or the side of another parking space.
10. Docks: Docks cross water lease lines and an agreement from the City and lease holders shall be secured.
11. Photometric Plan: A photometric plan shall be submitted to the Planning Division prior to issuance of any building permit detailing that the lighting will meet a minimum of 5 foot candle for all dock areas.

#### **FIRE CONDITIONS**

1. Standpipe Systems. Marinas and boatyards shall be equipped throughout with Standpipe Systems in accordance with NFPA 303. (CFC 905.3.7) Please submit plans and detail of all required Standpipe System and Hose Cabinets at Building Plan submittal.
2. Water supply for fire protection of piers and wharves shall be in accordance with NFPA 307 (Chapter 7).
3. Fuel Dispensing. Marina Fuel dispensing units for transferring fuels from storage tanks shall be in accordance with NFPA 30-A. (NFPA 303-8.3.10 & CFC 2210.1)

4. Construction and fire protection of marine terminals, piers, and wharves shall be in accordance with NFPA 307 (Chapter 4 Piers and Wharves).
5. Construction of Marine Docks and Gangways shall be in accordance with Morro Bay Municipal Code, Chapter 14.52.
6. Portable Fire Extinguishers. Placement of portable fire extinguishers on piers, bulkheads, and fuel dispensing areas, shall be in accordance with NFPA 10 (Chapter 5). (NFPA 303-6.2.1.1.1 & 6.2.1.1.2.1)
7. Awning Plan. Please provide details of the Awning Plan at Building Plan submittal.
8. Flame propagation performance treatment. Before a permit is granted, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory certifying that the proposed canopy is composed of materials meeting the flame propagation performance criteria of NFPA 701, or treated with a flame retardant in an approved manner. (CFC 2404.2)
9. Label. Membrane structures, tents, or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type. (CFC 2404.3)
10. Certification. An affidavit or affirmation shall be submitted to the fire code official and a copy retained on the premises. The affidavit shall attest to the flame propagation performance criteria of the fabric.
11. Anchorage. Tents, canopies or membrane structures and their appurtenances shall be adequately roped, braced, and anchored to withstand the elements of weather and prevent against collapsing. Documentation of structural stability shall be furnished to the fire code official. (CFC 2403.9)
12. Open or exposed flame. Open flame or other devices emitting flame, fire, or heat or any flammable or combustible liquids, gas, charcoal, or other cooking devise or any other unapproved devise shall not be permitted inside or located within 20 feet of the tent, canopy or membrane structures while open to the public unless approved by the fire code official (CFC 2404.7)
13. LP-Gas. The storage, handling and use of LP-gas and LP-gas equipment shall be located outside canopy structures, with safety release valves pointed away. (CFC 2404.16)
14. Fuel-Fired Appliances. The installation of non-portable fuel gas appliance and systems shall comply with California Mechanical Code. All installation shall be made in accordance with the manufacturer's instructions and applicable federal, state, and local rules and regulations. (CFC 603.1)

15. Means of Egress. At least two exits shall be provided in this A-2 occupancy. (CFC 1019)

16. Posting of Occupant Load. Every room or space that is assembly occupancy shall have the occupant load posted in a conspicuous place, near the main exit or exit access doorway from the room or space. (CFC 1004.3)

### **ENGINEERING CONDITIONS**

1. At which time there is a comprehensive redevelopment of the site, the installation of the upgrade of the sidewalk to a minimum of 8 feet in width shall be required. The deferral shall be recorded as an indenture against the property and shall run with the land. (MBMC 17.40 and 14.40). The applicant or successors in interest shall be responsible for all cost and construction of public improvements. All public improvements shall be installed accordance with City standards for the full length of the street frontage(s) of the subject properties.

### **ENVIRONMENTAL CONDITIONS**

#### **Aesthetics**

1. The awning system shall be freestanding and shall only be attached at the base of the awning system to the wharf. The awning shall not be attached to the existing windscreen, structures on site nor be attached in a way that would enclose the area in any fashion.
2. The awning system shall maintain a minimum 6 inch height clearance above the top of the windscreen to maintain that the awning system does not enclose the public view area.

#### **Air Quality**

The project is subject to standard construction practices, including dust control measures required by the Municipal Code and the Air Pollution Control District to address short-term air quality impacts related to construction.

The standard mitigation measures for reducing nitrogen oxide (NO<sub>x</sub>), reactive organic gases (ROG), and diesel particulate matter (Diesel PM) emissions from construction equipment are listed below:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off road heavy-duty diesel engines, and comply with the State off-Road Regulation;

- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel. With the implementation of the mitigation measures, potential impacts to air quality resulting from the project would be reduced to less than significant levels.

### **Biological Resources**

1. Federal and state permits applicable to the proposed project shall be secured and evidence of permits shall be on file with the Public Services Department prior to the issuance of building permits.
2. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts and all construction shall occur within the project footprint.
3. To avoid impacts, all work that disturbs the ocean floor (i.e. installation of pilings) shall be overseen and monitored by the project biologist (Tenera Environmental or equivalent professional biologist approved by the Director of Public Services). The biologist shall be under contract prior to issuance of a building permit. Prior to the final building inspection the biologist shall submit a monitoring report to the Director of Public Services.
4. A pre- and post-construction Eelgrass survey shall be performed and submitted to the Director of Public Services and if necessary, an Eelgrass restoration plan shall be prepared in accordance with the Southern California Eelgrass Mitigation Policy. This Eelgrass restoration plan shall be submitted and approved by the Public Services Department prior to issuance of certificates of occupancy.
5. Prior to the issuance of a building permit, an approved "otter watcher" shall be under contract or otherwise committed to being on the job site at all times during which the

pile driver is in operation. The contract or other written agreement between the applicant and the "otter watcher" shall specifically encourage or empower the "otter watcher" to stop work immediately in the event that a sea otter is detected in the project area. The contract, agreement, work scope or similar document shall further specify that no work shall be resumed until after the marine mammal has left the area. With this mitigation, the project would not have a significant impact of animals, or require a state or federal take permit. The results shall be reported to the Director of Public Services.

6. A Marine Wildlife Contingency Plan should be developed and approved by the NMFS, USFWS, and CDFG prior to the initiation of pile driving activities. This plan should describe specific methods that will be used to reduce pile driving noise and describe on-site marine wildlife monitoring and reporting requirements.
7. Power to the pile driver should be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full power noise levels are produced.
8. If an impact hammer is used the installation of a "pad" between the pile and the pile drive hammer should be investigated and, if feasible, used to reduce impact hammer noise.

#### **Geology/Soils**

Applicant shall submit a soil/geological report prior to the issuance of building permits.

#### **Hazards/Hazardous Materials**

1. Prior to demolition of the existing structures, asbestos, and lead-based paint surveys shall be conducted. If asbestos containing materials are encountered, the materials will be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Luis Obispo Air Pollution Control District (APCD). If lead-based paint is identified, federal and State construction worker health and safety regulations should be followed during demolition activities. Any loose or peeling lead based paint should be removed by a qualified lead-abatement contractor and disposed of in accordance with existing hazardous waste regulations.
2. The following precautions shall be taken when handling creosote-treated wood:
  - a. Dispose of treated wood by ordinary trash collection or burial.
  - b. Do not burn wood in open fires or in stoves, fireplaces, or residential boilers because toxic chemicals may be produced as part of the smoke and ashes.
  - c. Avoid frequent or prolonged inhalation of sawdust from treated wood.
  - d. Avoid frequent or prolonged skin contact with creosote-treated wood
  - e. When handling the wood, wear long-sleeve shirts and long pants and use gloves impervious to the chemicals.

- f. When power-sawing and machining, wear goggles to protect eyes from flying particles.
  - g. Wash clothes worn while working with creosote-treated materials separately from other household clothing.
3. At minimum one oil only absorbent spill kit for a capacity of 21 gallons or greater shall be provided on the head float dock in case of accidental release of a hazardous material or liquid into the bay.
  4. Signs shall be provided on all finger docks stating the location and hours of operation for all pump out facilities in the Morro Bay Harbor. With the implementation of these mitigation measures the potential impacts of hazardous or hazardous materials that could result from the project would be reduced to less than significant levels.

### **Hydrology/Water Quality**

1. The proposed project shall be incorporated into the City of Morro Bay's existing tsunami warning and evacuation system. Local authorities should be able to evacuate people safely from the proposed project site in the event of a tsunami.
2. Silt screens shall be placed within the area of all in-water construction or disturbance to reduce potential turbidity associated impacts.
3. To reduce the potential of petroleum leakage/spills from equipment used in conjunction with the project the following practices shall be followed:
  - a. A project-specific Oil Spill Response and Recovery Plan that includes methods and procedures for reporting and responding to spills, available onsite equipment and contracted services, and personnel responsibilities should be completed and approved prior to the initiation of construction activities.
  - b. Refueling of onshore equipment should be accomplished within a designated area of the parking lot. The site shall be covered with impervious material, be located away from drains, and have spill recovery material within the immediate vicinity. The area shall be surrounded with a waddle of sorbent material.
  - c. A minimal volume of petroleum product shall be stored onsite and spill containment and recovery equipment should be sufficient to respond to the worse case spill volume.
4. Netting or fencing around and underneath the dock shall be installed to catch and remove debris released during and after de-construction.

**Noise**

1. Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Friday and all large construction equipment will be equipped with "critical" grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up "beepers" will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 70 dBA. Construction timing shall be noted on the grading and construction plans.
2. Power generating and other noise generating machinery used for construction shall be partially or completely surrounded by temporary acoustical shelters if within 300 feet of a sensitive receptor.
3. Refer to section 4, Biology Resources mitigations 6, 7, and 8.

**Utilities and Service Systems**

Please refer to Hazards/Hazardous Materials section mitigation measure number 4.

**CITY COUNCIL AMDENMENTS TO CONCEPT PLAN PROJECT AND CONDITIONS:**

1. The City Council grants a credit of 5 parking spaces based on historical data.

**HARBOR CONDITIONS**

1. Dock Facilities: The applicant shall revise the plans to depict that the head float complies with the southerly lease line or the applicant shall amend the City lease with the Harbor Department to include an alternative access.

**PROJECT PHASING**

Phase 1: Installation of floating docks, restriping of the existing parking lot, and the use of the docks for Virg's Sport Fishing Business.

Phase 2: Provide electrical service to the floating docks. New services is required from PG&E.

Phase 3: Installation of awning over the patio area. This work shall be done no later than one year from issuance of the building permit for the floating docks.



**CITY OF MORRO BAY**  
COMMUNITY DEVELOPMENT DEPARTMENT

955 Shasta Avenue  
Morro Bay, CA 93442

July 5, 2018

Giovanni DeGarimore  
1001 Front St  
Morro Bay, CA 93442

SUBJECT: Case No.: A00-045 Permit  
Amendment (Precise UP0-284) Appeal

SITE: 1001 Front Street, APN 066-033-004

Dear Mr. DeGarimore,

At its regular meeting on June 26, 2018 the City of Morro Bay City Council denied your appeal and upheld the Planning Commission 4/17/2018 approval of a Conditional Use Permit Amendment #A00-054 to Precise Plan #UP0-284 for installation of a information/ticket sales kiosk for Virg's Landing at 1001 Front Street (Planning Commission Resolution 12-18). **The City Council action in denying this appeal and approving the project was done with revised conditions as reflected in City Council resolution 52-18.**

This action does not constitute a building permit. Any further processing of this project must be initiated by the applicant, subject to the applicable rules and regulations of the Morro Bay Municipal Code. *Please be advised that you must return the enclosed Acceptance of Conditions form, signed, to this department or the action is null and void.*

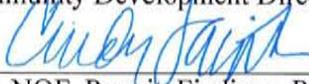
Note because your project is within the original jurisdiction of the California Coastal Commission, you will be required to obtain a Coastal Development Permit, or waiver as applicable prior to building permit issuance.

Also find enclosed the Notice of Exemption (NOE) for your project. The City of Morro Bay no longer files notices of exemptions. You may file the Notice of Exemption with the County Clerks' office located in the County Government Building in San Luis Obispo. The filing fee is \$50.00 and the County requires the original Notice of Exemption and at least one copy. Section 15062 (d) of the The California Environmental Quality Act (CEQA) provides:

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

If you have any questions, please let me know at 772-6577.

Sincerely,  
Scot Graham  
Community Development Director

By:  Cindy Jacinth, Senior Planner  
enc: NOE, Permit, Findings, Resolution 52-18, and Acceptance of Conditions Form

e-copy: Cathy Novak Consulting, Denise DeCock



**CITY OF MORRO BAY**  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 955 Shasta Avenue  
 Morro Bay, CA 93442

**CONDITIONAL USE PERMIT  
 AMENDMENT**

CASE NO: A00-054

**THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:**

SITE ADDRESS: 1001 FRONT STREET

APPLICANT: Giovanni DeGarimore,

APN/LEGAL: # 066-033-004

DATE APPROVED: June 26,2018 APPROVED BY: City Council

**CEQA DETERMINATION:** Exempt under Class 11c, Section 15311 for accessory structures where placement of seasonal items such as a kiosk is allowed.

**DESCRIPTION OF APPROVAL:** Amendment of Precise Plan CUP #UP0-284 to allow permanent use of a 48sf seasonal kiosk for the Virg's Landing business on private property at 1001 Front Street. Kiosk to provide information and sell tickets for the Virg's sportfishing and whale watching fleet as well as provide special event information to tourists. Kiosk size is 8 x 6 foot and seasonal use limited between the months of April through November as conditioned in City Council Resolution 52-18 which revises and supersedes PC Resolution 12-18.

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

**YOUR PROPERTY IS LOCATED IN THE CITY OF MORRO BAY JURISDICTION. CITY COUNCIL DECISIONS ARE FINAL ON CONDITIONAL USE PERMITS. THIS PROPERTY IS LOCATED WITHIN THE ORIGINAL JURISDICTION OF THE CALIFORNIA COASTAL COMMISSION, WHICH RETAINS AUTHORITY FOR ISSUANCE OF COASTAL DEVELOPMENT PERMITS AND RELATED COMPLIANCE REVIEW.**

**YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION APPEALS JURISDICTION:** THE FOLLOWING COASTAL COMMISSION APPEAL PERIOD APPLIES TO YOUR PROJECT: This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) *Working days* following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, Ste.300, Santa Cruz, CA 95060, 831-427-4863. If you have any questions, please call the City of Morro Bay Community Development Dept, 772-6261.

ATTEST: *Cindy Jacob* DATE: 7/5/2018

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

**RESOLUTION NO. 52-18****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA  
DENYING AN APPEAL OF THE PLANNING COMMISSION APPROVAL OF 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 an Amendment (A00-054) to the Precise Plan approval of Conditional Use Permit #UP0-284 ("the Project"); and

**WHEREAS**, on April 17, 2018, the Planning Commission of the City of Morro Bay adopted Resolution 12-18 to approve an amendment (A00-054) to Precise Plan Conditional Use Permit (UP0-284); and

**WHEREAS**, on April 27, 2018, an appeal of the Planning Commission action to approve the project was filed with the City of Morro Bay by Giovanni deGarimore specifically requesting the City Council modify conditions seven (7) through eleven (11); and

**WHEREAS**, the City Council conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on June 26, 2018, to consider an appeal of the Planning Commission's approval of the project, located in an area within the original jurisdiction of the California Coastal Commission; and

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

**WHEREAS**, the City Council has duly considered all evidence, including the recommendations made by the Planning Commission, the testimony of the Appellants, the testimony of the business owner, and the evaluation and recommendations by staff, presented at said hearing.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay as follows:

**Section 1: Findings upholding the Planning Commission Approval**

- A. The Amendment (A00-054) to Precise Plan Conditional Use Permit for Project UP0-284 was approved in a manner consistent with the City's General Plan, Local Coastal Program and Zoning Ordinance.
- B. Conditions 7-11 added by the Planning Commission at the April 17, 2018 meeting were added to address issues of business performance, location, and aesthetics which found for approval as conditioned. The project conditions as added were thoroughly discussed and clearly articulated at the end of the hearing.

- C. Condition 11 added by the Planning Commission at the April 17, 2018 meeting required that the conditional use permit amendment be valid for one year only. Based on content of the Planning Commission deliberation, the condition is modified to require a review of the conditional use permit after one year as a new business item.

Section 2: Findings. Based upon all the written and oral testimony and evidence presented to the Council at and for the above public hearing, the City Council 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.

**Section 3. Action.** The City Council does hereby deny the appeal filed on April 27, 2018 by Giovanni deGarimore and uphold the Planning Commission approval of Amendment #A00-054 to Precise Plan Conditional Use Permit #UP0-284 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 June 12, 2018, for the project at 1001 Front depicted on plans dated April 2, 2018 on file with the Community Development Department, as specifically modified by these conditions of approval, and more specifically described as follows: Site development, including all buildings and other features, shall be located and designed substantially as shown on Planning Commission approved plans submitted for UP0-284, 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, 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 applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
  
6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.
  
7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.
  
8. Conditions of Approval: The Findings and Conditions of Approval shall be included as a full-size sheet in the Building Plans.

**Fire Department Conditions:**

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

**Planning Conditions:**

1. Inspection: The applicant shall comply with all City conditions of approval and 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.
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.

**Planning Commission conditions:**

***Planning conditions 6-11 added by Planning Commission on April 17, 2018. These conditions were revised by City Council on June 26, 2018 and approved as numbered 6-10.***

6. The public lateral access pathway shall be repainted to improve visibility of public access.
7. The Beach Street public access gate entrance shall be open from 730am to dusk, but may be closed during active fish unloading activities that render public lateral access dangerous consistent with Coastal Development Permit 3-11-031.
8. The applicant shall demonstrate compliance with condition of approval 1a of Coastal Development Permit No. 3-11-031 related to the southern public access area which is the public area adjacent to and near the walk-up order window for Giovanni's Fish Market. In addition, this public access area shall be consistent with the Precise Plan (UP0-284) approved by Planning Commission on May 16, 2012.
9. This permit to be reviewed for compliance with the conditions of approval by the Planning Commission within one year of kiosk installation with no need for filing of a new application.
10. This CUP does not limit the City's ability to require modifications to the Harborwalk and/or relocation of the kiosk, as part of a new lease for the associated lease site.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on this 26<sup>th</sup> day of June, 2018, on the following vote:

AYES:           Headding, Davis, Makowetski, Irons  
NOES:           None

ABSENT: McPherson  
ABSTAIN: None

\_\_\_\_\_  
JAMIE L. IRONS, Mayor

ATTEST

\_\_\_\_\_  
LORI M. KUDZMA, Deputy City Clerk



**CITY OF MORRO BAY**  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 955 Shasta Avenue  
 Morro Bay, CA 93442

**NOTICE OF EXEMPTION**

**TO:**  San Luis Obispo Co. Clerk  
 County Government Center  
 San Luis Obispo CA 93401

**FROM:** City of Morro Bay  
 Community Development Department  
 955 Shasta Avenue  
 Morro Bay, CA 93442

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

**Project Title:** Virgs Landing Information/Ticket Sales Kiosk

**Project Location - Specific:** 1001 Front St., Morro Bay, CA 93442 (APN 066-033-004)

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

**Description**

**of Project:** Amendment of Precise Plan CUP #UP0-284 to allow permanent use of a 48sf seasonal kiosk for the Virg's Landing business on private property at 1001 Front Street. Kiosk to provide information and sell tickets for the Virg's sportfishing and whale watching fleet as well as provide special event information to tourists. Kiosk size is 8 x 6 foot and seasonal use limited between the months of April through November as conditioned in City Council Resolution 52-18..

**Name of Public Agency Approving the Project:** CITY OF MORRO BAY, 955 SHASTA AVE, MORRO BAY, CA 93442, CONTACT: [cjacinth@morrobayca.gov](mailto:cjacinth@morrobayca.gov), CINDY JACINTH

**Name of Person or Agency Carrying Out Project:** Giovanni DeGarimore, 1001 Front St., Morro Bay, CA 93442; [sales@giovannisfishmarket.com](mailto:sales@giovannisfishmarket.com).

**Exempt Status: (Check One)**

Reasons why project is exempt: Exempt under Class 11c, Section 15311 for accessory structures where placement of seasonal items such as a kiosk is allowed.

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Categorical Exemption: Type and Section Number: 15311 Class 11(c)
- Statutory Exemption Code No. \_\_\_\_\_

**Lead Agency:** City of Morro Bay, 955 Shasta Ave, Morro Bay, CA 93442

**Contact Person:** Cindy Jacinth, Senior Planner Phone: 805-772-6577 [cjacinth@morrobayca.gov](mailto:cjacinth@morrobayca.gov)

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

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

Signature: *Cindy Jacinth* Title: Senior Planner Date: 7/5/2018

APPLICANT'S ACCEPTANCE  
OF  
CONDITIONS OF APPROVAL

CASE NO. A00-054 / (AMEND UP0-284)

SITE LOCATION: 1001 FRONT STREET,  
APN #066-003-004

APPLICANT NAME: Giovanni DeGarimore

APPROVAL BODY:  Community Development Director  
 Zoning Administrator  
 Planning Commission  
 City Council

DATE OF ACTION: 6-26-2018 – VIA CITY COUNCIL RESOLUTION 52-18

I, \_\_\_\_\_ the undersigned, have read and  
*(APPLICANT'S NAME - PLEASE PRINT)*

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

approving Case Number: A00-054

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

\_\_\_\_\_  
APPLICANT'S SIGNATURE

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



California Coastal Commission

# COASTAL DEVELOPMENT PERMIT

## CDP 3-11-031 (Giovanni's)

As amended up to and including CDP amendment 3-11-031-A1

Issue Date: December 12, 2012

Page 1 of 9

Coastal development permit (CDP) number 3-11-031 was approved by the California Coastal Commission on April 12, 2012 and subsequently amended on October 10, 2012 (CDP amendment number 3-11-031-A1). CDP 3-11-031, as amended, provides to modify the lease and deed restriction requirements in order to incorporate the permit conditions into the City's lease agreement. CDP 3-11-031 provides for the expansion of an existing boat dock, adding an additional 74' x 8' headfloat and four 50' foot long finger docks, supported by 12 new steel pilings; improvement of an existing outdoor public seating patio with a retractable awning and after-the-fact approval for an unpermitted expansion of the seating area; reconfiguration of an existing parking lot and after-the-fact approval for unpermitted paving of the parking lot; and relocation of an existing sportfishing business to the project site, on a property located along the Morro Bay Embarcadero (lease sites 102 and 102W) at 1001 Front Street adjacent to and over Morro Bay in the City of Morro Bay, San Luis Obispo County (all as more specifically described in the Commission's CDP file). CDP 3-11-031, as amended, is subject to certain terms and conditions, including the standard and special conditions beginning on page 2 of this CDP.

As of December 12, 2012, all of the amended CDP's prior to issuance requirements have been met, and the amended CDP can now be issued. Thus, by my signature below, the amended CDP is issued on behalf of the California Coastal Commission:

Madeline Cavalieri, Central Coastal District Manager for Charles F. Lester, Executive Director

### Acknowledgement

The undersigned Permittees acknowledge receipt of this amended coastal development permit and agree to abide by all terms and conditions thereof. The undersigned Permittees acknowledge that Government Code Section 818.4 (that states in pertinent part that "a public entity is not liable for injury caused by the issuance of any permit") applies to the issuance of this amended coastal development permit.

Permittee: Giovanni DeGarimore

Date

12/13/12

Please note that this amended coastal development permit is not valid unless and until a copy of it with the signed acknowledgement has been returned to the California Coastal Commission's Central Coast District Office (14 Cal. Admin. Code Section 13158(a)). This amended CDP replaces and supersedes any previously issued CDP.

**CDP 3-11-031 (Giovanni's)**

As amended up to and including CDP amendment 3-11-031-A1

Issue Date: December 12, 2012

Page 2 of 9

**Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**Special Conditions**

1. **Revised Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two full size sets of Revised Final Plans to the Executive Director for review and approval. The Revised Final Plans shall be in substantial conformance with the plans submitted to the Coastal Commission (dated received in the Commission's Central Coast District Office on April 25, 2011, and titled New Dock Plans prepared by C.P. Parker Architect) except that they shall be revised and supplemented to comply with the following requirements:
  - a. **Lateral Access and View Deck.** Public lateral access shall be provided and maintained through the site. All structures, such as benches and planters, shall be removed from the lateral access area that surrounds the existing windscreen on the southern portion of the site. The wharf area north of the windscreen, up to the commercial fishing area on the northern portion of the site, shall be maintained as a public view deck (which shall be explicitly identified as such on the plans). In addition, a lateral access way through the commercial fishing area on the northern half of the site shall be established and maintained. This lateral access on the northern half of the site shall be a minimum of five feet wide and shall be located as close to the bayfront as possible, while maintaining continuity and flow. Finally, an alternative public access way that avoids the commercial fishing area and is a minimum of five feet wide shall be identified on the plan, for use when the lateral access through the commercial fishing area is not available. These areas shall be managed and maintained consistent with the Public Access Management Plan required in Special Condition 2, below.



**CDP 3-11-031 (Giovanni's)****As amended up to and including CDP amendment 3-11-031-A1****Issue Date: December 12, 2012****Page 3 of 9**

- b. **Wharf.** Benches, planters and other public access amenities, such as table seating, may be installed in the public view deck, consistent with the Public Access Management Plan required in Special Condition 2, below.
- c. **Lighting.** The location, type, and wattage of all light fixtures (including catalog sheets for each fixture) shall be illustrated. All exterior lighting shall be designed and located so that only the intended area is illuminated and off-site glare is prevented. All lighting shall be cutoff style fixtures that are directed downward to prevent glare on adjacent and surrounding areas (i.e., Morro Bay), and shall be limited to the maximum extent feasible while still providing for public safety. Lights shall have solid sides and reflectors to further reduce lighting impacts, and shall be placed on a switch or timer to turn them off when not needed during the late evening. Boat dock lighting shall be redesigned to reduce brightness and prevent off-site glare as required by this condition.
- d. **Public Access Signs.** The plans shall identify in site plan view the public access signs and public access amenities (e.g., benches, landscaping, etc.) to be installed.
- e. **Restaurant Patio.** All existing and newly installed windows shall be frosted, partially-frosted or otherwise treated with visually permeable barriers that are designed to prevent bird strikes. The patio area shall include openings at both the north and south ends of sufficient width to ensure general public accessibility. In addition, the existing restroom, located adjacent to the patio, with an entrance from the exterior of the building, shall be established and maintained for general public use.
- f. **Post Construction Drainage.** Final Plans shall provide for a post-construction drainage system designed to filter and treat (i.e., designed to remove typical urban runoff pollutants) the volume of runoff produced from each and every storm and/or precipitation event up to and including the 85th percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1-hour runoff event (with an appropriate safety factor) for flow-based BMPs, prior to discharge. All drainage system components shall be consistent with the following:
  - i. The drainage system and its individual components (such as drop inlets and filtration mechanisms) shall be sized according to the specifications identified in the California Storm Water Best Management Practice Municipal Handbook (California Storm Water Management Task Force, March 1993).
  - ii. All development shall incorporate Low Impact Development (LID) BMP strategies and techniques (e.g., limiting impervious surfacing, reducing the hydraulic connectivity of impervious surfaces, etc.) as much as possible.
  - iii. The drainage system shall include at least one engineered filtration unit to which all drainage shall be directed prior to any discharge. The engineered filtration unit(s) shall be specifically designed to remove, at a minimum, potential vehicular contaminants, and shall include media designed to remove such contaminants.



**CDP 3-11-031 (Giovanni's)****As amended up to and including CDP amendment 3-11-031-A1****Issue Date: December 12, 2012****Page 4 of 9**

- iv. All drainage system elements shall be permanently operated and maintained. At a minimum: (1) All filtration/treatment components shall be inspected to determine if they need to be cleaned out or repaired at the following minimum frequencies: prior to October 15th each year; prior to April 15th each year; and during each month that it rains between November 1st and April 1st. Clean-out and repairs (if necessary) shall be done as part of these inspections. At a minimum, all filtration/treatment components must be cleaned prior to the onset of the storm season, no later than October 15th of each year; and (2) Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner.

The Permittee shall undertake development in accordance with the approved Revised Final Plans.

2. **Public Access Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of a public access management plan (Public Access Plan) to the Executive Director for review and approval. The Public Access Plan shall clearly describe the manner in which general public access associated with the approved project is to be provided and managed, with the objective of maximizing public access to the public access areas of the site (including all walkways, the public seating patio and the public view deck) and all related areas and public access amenities (i.e., bench seating, etc.) described in this special condition. The Public Access Plan shall be substantially in conformance with the plans submitted to the Coastal Commission (and referenced in Special Condition 1 above), and shall at a minimum include the following:
- a. **Clear Depiction of Public Access Areas and Amenities.** All public access areas and amenities, including all of the areas and amenities described above, shall be clearly identified as such on the Public Access Plan (including with hatching and closed polygons so that it is clear what areas are available for public access use).
  - b. **Lateral Access.** The lateral access around the patio shall remain free of benches, planters and other street furniture. In addition, lateral access shall be established north of the existing patio area, and shall extend through the project site. The lateral access through the commercial fishing area shall remain open for general public use as much as possible, but may be closed during active fish unloading activities that render public lateral access dangerous. Public access closures shall be limited only to periods when active fish unloading activities prohibit safe public access, should be accomplished using temporary ropes, cones or other appropriate barriers, and must include signs informing the public of the expected duration of the closure and directing the public to alternative public access through or around the site. All lateral public access ways shall remain free of unnecessary materials and structures, including portable storage structures and garbage bins that are not intended for use by the public, etc.
  - c. **Floating Dock.** All parameters for use for the floating dock shall be clearly identified. The floating dock shall be publicly available for general public pedestrian access and transient boat use (and not as a long-term residential or live-aboard docking area) for general public and/or



**CDP 3-11-031 (Giovanni's)****As amended up to and including CDP amendment 3-11-031-A1****Issue Date: December 12, 2012****Page 5 of 9**

commercial fishing use, and shall be clearly integrated into the overall development (including integrating docking use with overall commercial operations of the site).

- d. **Amenities.** Public access amenities (such as benches, table and chairs, bicycle racks, trash and recycling receptacles, etc.) shall be provided, including at a minimum, benches in the public view deck north of the seating patio.
- e. **Public Access Signs/Materials.** The Public Access Plan shall identify all signs and any other project elements that will be used to facilitate, manage, and provide public access to the approved project, including identification of all public education/interpretation features that will be provided on the site (educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be designed so as to provide clear information without impacting public views and site character. At a minimum, public access directional signs shall be placed at both ends of the lateral access across the site, as well as at entrances to the patio, adjacent to the view deck area, and at either end of the commercial fishing wharf. The public view deck and public restrooms shall be conspicuously signed and available for public use, and tables on the public view deck and within the public seating patio shall include signs on them indicating that the public may use the tables for free without any purchase. Public access signage shall include the California Coastal Trail and California Coastal Commission emblems.
- f. **No Public Access Disruption.** Development and uses within the public access areas that disrupt and/or degrade public access (including areas set aside for private uses, barriers to public access (furniture, planters, temporary structures, private use signs, fences, barriers, ropes, etc.), except those allowed on the commercial fishing section of the wharf pursuant to Special Condition 2b, shall be prohibited. The public use areas shall be maintained consistent with the approved Public Access Plan and in a manner that maximizes public use and enjoyment.
- g. **Public Access Use Hours.** 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.
- h. **Public Access Areas and Amenities Maintained.** The public access components of the project shall be maintained in their approved state in perpetuity.

The Permittee shall undertake development in accordance with the approved Public Access Plan, which shall govern all general public access to the site pursuant to this coastal development permit.

- 3. **Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:

- a. **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All



**CDP 3-11-031 (Giovanni's)****As amended up to and including CDP amendment 3-11-031-A1****Issue Date: December 12, 2012****Page 6 of 9**

such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access and Morro Bay resources, including by using inland areas for staging and storing construction equipment and materials as feasible.

- b. Construction Methods.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from bay and public recreational use areas (including using unobtrusive fencing (or equivalent measures) to delineate construction areas).
- c. Construction BMPs.** The Construction Plan shall also identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following: (a) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the bay; (b) equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bay. All construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; (c) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and (d) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.
- d. Construction Site Documents.** The Construction Plan shall provide that copies of the signed coastal development permit and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- e. Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.



**CDP 3-11-031 (Giovanni's)****As amended up to and including CDP amendment 3-11-031-A1****Issue Date: December 12, 2012****Page 7 of 9**

- f. **Pilings.** The new pilings and piling sleeve shall be made from steel. Pilings shall be installed using a vibratory hammer. Construction barges shall be floating at all times and shall only operate at tides high enough so that the barge does not rest against the bottom of the bay.
- g. **Notification.** The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

The Permittee shall undertake construction in accordance with the approved Construction Plan.

- 4. **Biological Monitor.** All work that disturbs the ocean floor (i.e., installation of pilings) shall be monitored by the project biologist to ensure that impacts to marine mammals are avoided. A U.S. Fish and Wildlife Service-approved biological monitor shall be present on site during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter could be affected by the project even if the otter is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.
- 5. **Eelgrass Monitoring Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of an eelgrass monitoring plan (EMP) to the Executive Director for review and approval. The EMP shall, at a minimum, provide for the following:
  - a. **Eelgrass Surveys.** Pre- and post-construction surveys shall be performed to identify the location of any existing eelgrass and identify any impacts to existing eelgrass due to construction.
  - b. **Eelgrass Protection.** All eelgrass beds identified in the project area shall be shown on a map in site plan view, and shall be protected as eelgrass habitat in perpetuity.
  - c. **Monitoring.** A monitoring report shall be submitted to the Executive Director for review and approval within three months of completion of construction. The report shall at a minimum include a site plan and written description of the status of eelgrass beds in the project area. If the report identifies a reduction in eelgrass coverage as compared to the existing eelgrass coverage at the time of the pre-construction survey, then the report shall identify remedial measures to offset such reduction within the eelgrass beds in the project area at a 1.2.:1 basis. In such case, reporting shall continue on an annual basis for at least three years or until all such eelgrass beds are supporting eelgrass as documented in two consecutive annual reports, whichever is later.

The Permittee shall undertake development in accordance with the approved Eelgrass Monitoring Plan.

- 6. **Parking Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval, either: (1) evidence of payment of an in-lieu parking fee to the City of Morro Bay's parking in-lieu fee fund at the rate of



**CDP 3-11-031 (Giovanni's)****As amended up to and including CDP amendment 3-11-031-A1****Issue Date: December 12, 2012****Page 8 of 9**

\$15,000 per parking space for the 16 required spaces; or (2) two copies of a Parking Plan that clearly documents the manner in which the 16 required parking spaces are to be provided for project users for as long as a sportfishing operation of at least the size of Virg's operates at this location. The plan shall clearly identify where and how site users will make use of such parking (including but not limited to contractual agreements with private parking areas, valet service, shuttles, etc.).

The Permittee shall undertake development in accordance with the approved parking plan.

7. **Other Agency Approval.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the approved project have been granted by the City of Morro Bay, the California State Lands Commission, the U.S. Army Corps of Engineers, and the California Department of Fish and Game. Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.
8. **Boat Slip Parameters.** All boat slips and side-tie docks shall be used for commercial and recreational fishing vessels, commercial passenger vessels, and commercial service vessels only. The use of the docks and slips for long-term private residential, live-aboard, and/or recreational vessels is prohibited.
9. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** The Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, and the interaction of same; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the property owner.
10. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the Permittee has executed and recorded against the parcels identified as APN 066-033-002 and APN 066-033-004 ("Upland Parcels") a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the Upland Parcels, subject to terms and conditions that restrict the use and enjoyment of the Upland Parcels; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the



**CDP 3-11-031 (Giovanni's)****As amended up to and including CDP amendment 3-11-031-A1****Issue Date: December 12, 2012****Page 9 of 9**

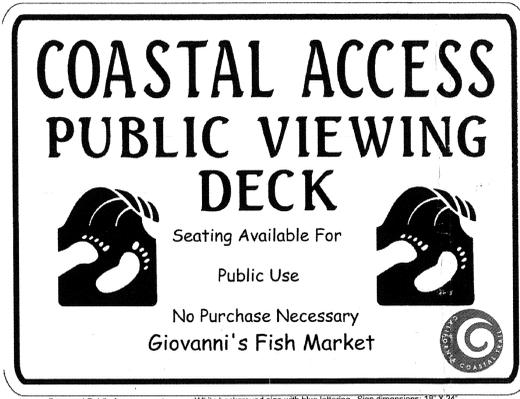
Upland Parcels. The deed restriction shall include legal descriptions of the Upland Parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the Upland Parcels so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the Upland Parcels.

- 11. Lease Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval evidence demonstrating that its lease for the property on which the approved development will take place ("Leased Parcel") has been amended to: (1) include the conditions of this permit as conditions of the lease; and (2) prohibit deletion or amendment of the portion of the lease consisting of the conditions of this permit without the approval of the Executive Director. Further, the Permittee shall submit for Executive Director review and approval evidence that the City of Morro Bay has agreed to include the conditions of this permit in any future leases on the Leased Parcel.
- 12. Incorporation of City Conditions.** All conditions of approval imposed on the project by the City of Morro Bay are incorporated as conditions of this approval. Any of the incorporated City conditions requiring materials to be submitted to the City and/or otherwise requiring City approval (such as Development Director approval), shall also require the same materials to be submitted to, and/or the same approvals granted by, the Executive Director under the same review and approval criteria as specified in the City conditions. For future condition compliance tracking purposes, such incorporated City conditions shall be considered subsections of this Special Condition 12. To the extent any such incorporated City conditions conflict with these conditions (i.e., standard conditions 1 through 5, and special conditions 1 through 10), such conflicts shall be resolved in favor of these conditions.
- 13. Condition Compliance.** WITHIN 180 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION, or within such additional time as the Executive Director may grant for good cause, the Applicants shall satisfy all requirements specified in the conditions hereto that the Applicants are required to satisfy prior to issuance of the permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.



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: 19 TOTAL
- EXISTING SPACES (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

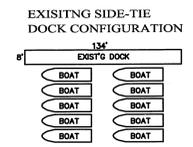
**C. P. PARKER ARCHITECT**

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

STAMPS

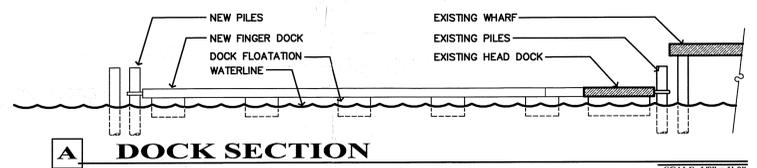


- POWER & LIGHT PEDISTAL (11 CANDLE FOOT AT FIXT.) w/MOTION SENSOR & PHOTOCELL
- FF70/PC METAL HALIDE FLOOD LIGHT PHOTOCELL



**PUBLIC ACCESS NOTES:**

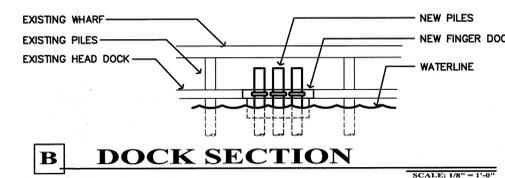
ALL PUBLIC ACCESS AREAS AND AMENITIES SHALL BE AVAILABLE TO THE GENERAL PUBLIC FREE OF CHARGE DURING AT LEAST DAYLIGHT HOURS (I.E. ONE HOUR BEFORE SUNRISE TO ONE HOUR AFTER SUNSET), AND DURING AT LEAST ALL NON-DAYLIGHT HOURS WHEN THE RETAIL COMPONENTS OF THE APPROVED PROJECT ARE OPEN. THE ACCESS PLANS 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



PILING HEIGHT: APPROX 10' TO 12' ABOVE WATER LINE AT AVG. TIDE LEVEL

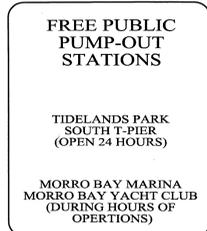
PILING SIZE: APPROX 12" DIA. x 3/8" WALL

ENGINEER TO VERIFY PILING SPECIFICATIONS DURING BUILDING PERMIT PLAN SUBMITTAL

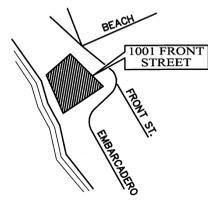


**PUMP-OUT FACILITY SIGNAGE**

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

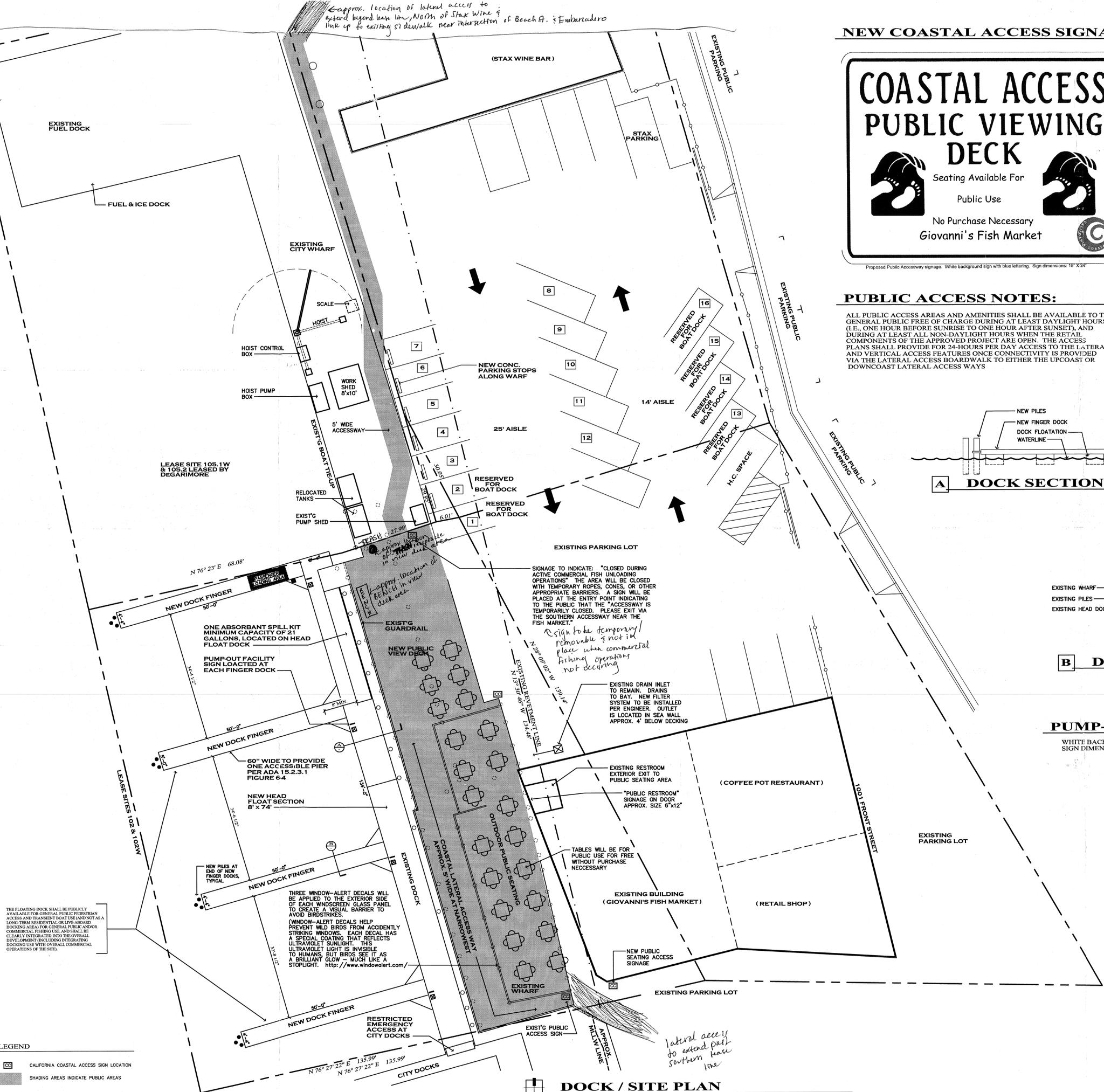
SHEET TITLE  
**NEW DOCK PUBLIC ACCESS & SITE PLAN**

SHEET NO.  
**1.1**

- LEGEND**
- CALIFORNIA COASTAL ACCESS SIGN LOCATION
  - SHADING AREAS INDICATE PUBLIC AREAS

**DOCK / SITE PLAN**

SCALE: 1" = 10'



SIGNAGE TO INDICATE: "CLOSED DURING ACTIVE COMMERCIAL FISH UNLOADING OPERATIONS" THE AREA WILL BE CLOSED WITH TEMPORARY ROPES, CONES, OR OTHER APPROPRIATE BARRIERS. A SIGN WILL BE PLACED AT THE ENTRY POINT INDICATING TO THE PUBLIC THAT THE "ACCESSWAY IS TEMPORARILY CLOSED. PLEASE EXIT VIA THE SOUTHERN ACCESSWAY NEAR THE FISH MARKET."

*Sign to be temporary/removable & not in place when commercial fishing operations not occurring*

EXISTING DRAIN INLET TO REMAIN. DRAINS TO BAY. NEW FILTER SYSTEM TO BE INSTALLED PER ENGINEER. OUTLET IS LOCATED IN SEA WALL APPROX. 4' BELOW DECKING

EXISTING RESTROOM EXTERIOR EXIT TO PUBLIC SEATING AREA

"PUBLIC RESTROOM" SIGNAGE ON DOOR APPROX. SIZE 6"x12"

TABLES WILL BE FOR PUBLIC USE FOR FREE WITHOUT PURCHASE NECESSARY

NEW PUBLIC SEATING ACCESS SIGNAGE

EXIST'G PUBLIC ACCESS SIGN

*lateral access to extend past southern base line*

LEASE SITE 105.1W & 105.2 LEASED BY DEGARIMORE

LEASE SITES 102 & 102W

THREE WINDOW-ALERT DECALS WILL BE APPLIED TO THE EXTERIOR SIDE OF EACH WINDSCREEN GLASS PANEL TO CREATE A VISUAL BARRIER TO AVOID BIRDSTRIKES. (WINDOW-ALERT DECALS HELP PREVENT WILD BIRDS FROM ACCIDENTLY STRIKING WINDOWS. EACH DECAL HAS A SPECIAL COATING THAT REFLECTS ULTRAVIOLET SUNLIGHT. THIS ULTRAVIOLET LIGHT IS INVISIBLE TO HUMANS, BUT BIRDS SEE IT AS A BRILLIANT GLOW - MUCH LIKE A STOPLIGHT. <http://www.windowalert.com/>)

APPROVED

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

*APPROVED*  
*SRE 12/12/12*  
*to lateral access extending north of base line linking up to existing sidewalk*