



S
**CITY OF MORRO BAY
PLANNING COMMISSION
AGENDA**

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

**Regular Meeting -Tuesday, February 16, 2021 - 6:00 P.M.
Held Via Teleconference**

Vice-Chairperson Susan Stewart
Commissioner Jennifer Ford

Chairperson Jesse Barron

Commissioner Joseph Ingraffia
Commissioner William Roschen

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLANNING COMMISSIONER ANNOUNCEMENTS

PUBLIC COMMENT

Public Participation:

In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Community Development office at planningcommission@morrobayca.gov prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the “**raise hand**” feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.*

Please click the link below to join the webinar:

➤ <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzZwTHlRTk9xaTlmWVNWRWUQT09>

Password: 135692

*Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press * 9 to “**Raise Hand**” for Public Comment*

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 December 15, 2020.
Staff Recommendation: Approve minutes as submitted.
- A-3** Approval of minutes from the Planning Commission meeting of January 5, 2020.
Staff Recommendation: Approve minutes as submitted.

B. PUBLIC HEARINGS

- B-1** **Case No.:** MAJ21-001
Site Location: 301 Little Morro Creek Road, Morro Bay, CA
Request: Extension of time for an existing Conditional Use Permit (CUP - 381) approved April 7, 2015 with a five-year term. The Morro Bay Municipal Code Section 17.40.080 C. states that interim uses on city-owned property that is zoned for industrial uses allow permit terms of 5-10 years or until such time that the property is needed for its primary permitted use. This request is an extension of the Conditional Use Permit only and does not include any physical changes to the property. The project zoning is M-1/PD/I/SP and the site is not located within the coastal appeals jurisdiction.
CEQA Determination: Categorically Exempt, Section 15301-Class 1
Staff Recommendation: Approve with conditions
Staff Contact: Nancy Hubbard, Contract Planner, nhubbard@morrobayca.gov

C. NEW BUSINESS

- C-1** Discussion in relation to possible creation of a Planning Commission subcommittee to assist the Community Development Director with review and improvement of the development review processes. The City has committed to undertake an evaluation of its development review process and to identify and develop possible service improvements for implementation. The subcommittee may participate in a larger stakeholder group that will be formed for the same purpose. This item does not include a staff report.
Recommendation: Discuss item and possibly form subcommittee
Staff Contact: Scot Graham, Community Development Director;
sgraham@morrobayca.gov

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 on March 2, 2021 at 6:00 p.m. via teleconference.

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.

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

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

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

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

1. The Planning Division staff will present the staff report and recommendation on the proposal being heard and respond to questions from Commissioners.
2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the Commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent 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
 Community Development Department
 Current & Advanced Project Tracking Sheet
 This tracking sheet shows the status of the work being processed by the Planning & Building Divisions
 New Planning items or items recently updated are highlighted in yellow.
 Approved projects are deleted on next version of log.

Agenda No: A-1
 Meeting Date February 16, 2021

| # | Applicant/ Property Owner | Project Address | Application Date | Permit Numbers | Project Description/Status | Planning Comments and Notations | Building/Fire Comments and Notations | Engineering Comments and Notations | Harbor/Admin Comments and Notations | Project Planner |
|--|---------------------------|----------------------------|------------------|------------------------------|--|--|--------------------------------------|------------------------------------|-------------------------------------|-----------------|
| Hearing or Action Ready Projects: | | | | | | | | | | |
| 1 | City of Morro Bay | Citywide | | | Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project | Comprehensive overall update to the City's 1988 General Plan, 1984 Local Coastal Program, and 1997 Zoning Code. For more information or to get involved, visit www.morrobayca.gov/planmb . Public draft of combined General Plan/ LCP released May 2018 for review. Worked with Coastal staff on CCC input received during 2019. Adoption Draft to be reviewed by Planning Commission at 10/20/20 hearing. Admin Draft of EIR received and to be circulated. Reviewed by PC at the 11/4/2020 & 11/17/20, 12/1/20, & 12/15/20 PC meetings. Next meeting expected to be Feb. 2021 with review of the EIR and recommendations to City Council. | | | | |
| 2 | Gaffney | 960 Napa | 10/14/20 | CUP20-09/CDP20-017/PKG 20-03 | A 984 sf addition to existing single family home with single car garage. Resubmittal changes: demo existing garage, build new 2 car garage with ADU above. | Under review. Comment letter sent 11/1/20, need resubmittal. Comments sent 1-15-21. Resubmittal received 1/25/21 and is under review. PC hearing on March 2, 2021 | | | | nh |
| 3 | Cia | 2551 Koa Ave | 12/21/20 | CDP20-023 | New SFR with attached garage | Comment letter sent 1/22/21. Resubmittal received, deemed complete. Preparing for public notice. | | | | nh |
| 4 | CCCMB | 301 Little Morro Creek | 1/19/21 | MSC21-002 | Extention of time on Interim Conditional Use permit to allow BMX Bike Park to continue to operate in existing location. No changes to operations or facility. | Scheduled for Planning commission on 2/16/21 | | | | nh |
| 30 -Day Review, Incomplete or Additional Submittal Review Projects: | | | | | | | | | | |
| 5 | Tmobile / Joshua Alba | 1245 Little Morro Creek Rd | 1/20/21 | MIN21-001 | Minor Modification to existing Tmobile wireless telecommunication facility. | Under review. | | | | cj |

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| 6 | Vallerie | 490 Mindoro St. | 1/20/21 | CDP21-001 | Convert existing garage into a single family home with an Accessory dwelling unit. | Submittal received and under review. | | | | nh |
| 7 | Godfrey | 396 Hill St. | 1/28/21 | MIN21-002 | Minor Modification to CPO-515/UPO-455 for a duplex in an MCR/R-4/SP zone. Minor layout and exterior design changes to approved plans. | Under review. | | | | am |
| 8 | Westbrook | 939 Pacific St. | 1/28/21 | CUP21-02 | Addition to existing single family residence. This is a second story addition to a non-conforming home, which requires a conditional use permit. | Under review. | | | | am |
| 9 | Diaz | 365 Driftwood | 1/19/21 | CUP20-13 & CDP21-002 | Addition to existing single family home. This is an addition to a non-conforming home which requires a conditional use permit and coastal development permit for duplex unit. | Comment letter sent 2/6/21. Requires resubmittal with changes. | | | | nh |
| 10 | Miagany | 405 Elena | 12/29/20 | CUP20-15 & PKG20-05 | Conditional Use Permit & Parking Exception for addition to an existing non-conforming single family home | Under review. Project deemed incomplete and incomplete letter sent 1-21-2021. Awaiting resubmittal. | | | | am |
| 11 | Vistra | 1290 Embarcadero | 12/28/20 | CDP20-026 & CUP20-14 | Battery Energy Storage System (BESS) - New proposed project to construct 600MW BESS on old tank farm north of existing Morro Bay Power Plant. BESS to be constructed as 3 separate buildings, 30 feet in height plus 10 feet of screening for rooftop equipment. | Under initial review. Project deemed incomplete and incomplete letter sent 1-21-2021. | | | | cj |
| 12 | Phelps | 490 Piney Way | 11/18/20 | CUP20-10/ CDP20-020 | 1124 sf addition to existing 736 sf home with 518 sf decks, conversion of garage to ADU | Under Review - PC approval of CUP, Admin approval of CDP for ADU. Project deemed incomplete on 12/7/20. Waiting for resubmittal.. | | | | nh |
| 13 | Van Beurden Investments | 701 Embarcadero Road | 11/17/20 | MAJ20-004 | Dutchman Harborwalk public access and improvements with wharf changes. Major Modification to CUP. | Under review. Incomplete letter sent 12-10-20. | | | | cj |
| 14 | Vazquez | 590 Morro Ave | 10/22/20 | MAJ20-002 | CDP/CUP Major Modification to propose equipment upgrade to an existing rooftop telecom wireless site. | Under review. Incomplete letter sent 11/19/20. | | | | cj |
| 15 | HASLO | 405 Atascadero | 10/8/20 | LTM20-01 | Lot Merger application | Under Review. Comment letter sent 10/29/20. Resubmittal received 2/8/21, under review. | | | | nh |

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| 16 | AT&T | 800 Quintana | 9/23/20 | MAJ20-001 | Minor Modification to CDP/CUP Amendment proposed to modify existing rooftop wireless telecommunications site on commercial building. Request includes 3 foot height increase of corner antennas. | Under review. Incomplete letter sent 10/22/20. Resubmittal received 10/28/20 and under review. Project requests a 2nd height exception for a total height of approximately 36 feet. Applicant advised on 11/30/20 that project should be redesigned to comply with height or provide greater substantiation why project is otherwise infeasible. Also requested a coverage map. Project Applicant emailed 1/22/2020 to request change to application and state they are no longer seeking a height exception or to make exterior changes. Project would be modified to swap out and upgrade existing facilities only. Project changes are deemed to be administrative-level approval. Project request revised, no change in height, just upgrade of existing infrastructure. Emailed applicant 2/1/21 with comment letter. | | | | cj |
| 17 | Zinngrabe | Seashell Estates Subdivision / 1305 Theresa Dr. (301 Sea Shell Cove) | 9/28/20 | MIN20-008 | Minor Modification to subdivision approvals to reduce building envelope of Lot 7 by 229sf to reduce impacts to sensitive plant species. | Under review. Applicant requested project to be put on hold. Applicant's Agent emailed 1/14/21 to request to proceed with processing amendment. Correction letter sent 2/9/21 to clarify map amendment. | | | | cj |
| 18 | Appel | 400 Pico | 8/24/20 | CDP20-013 | Admin CDP for garage conversion to a 408sf ADU | Submittal is under review. Deemed incomplete. Correction letter sent 9/14/2020, waiting for resubmittal | | | | am |
| 19 | Hurless | 2290 Greenwood Ave | 5/7/20 | CDP20-007 | Legalize ADU from prior construction. Was a previous Code Enforcement issue. Plans difficult to understand. | Correction letter sent 5/18/20. Resubmittal received June 16, 2020 under review. Project deemed incomplete, comment letter sent July 16, 2020. Resubmittal received January 20, 2021. Planning and PW deemed incomplete, comment letter sent 2/6/21 | | | | nh |
| 20 | Bean | 197 Main Street (formerly known as 199 Sandpiper Court) | 12/19/19 | CUP19-20, CDP19-04, VAR20-001 | 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 | Project deemed incomplete, comment letter sent January 7, 2020. Resubmittal received 10/26/20 adding a variance request, under review. Planning deemed incomplete, comments sent 11/29/20. Waiting for resubmittal. | | | | nh |
| 21 | Gambril | 571 Embarcadero | 10/14/19 | MAJ19-006 | Major Modification to CUP Amendment for proposed public access improvements, dock and gangway realignment, conversion of 2nd floor to hotel units and request for 1st floor ADA accessible hotel unit | Correction letter sent 11/13/2019. Awaiting resubmittal. Applicant inquired 1-21-21 about potentially re-designing project to include ADA lift access from street side of the building. Awaiting further information. | | PN-Conditionally Approved 10/16/2019 | | cj |
| 22 | Cleary | 1282 and 1290 Embarcadero Road | 5/23/19 | CDP19-016 | CDP for removal of major vegetation. | Submittal is under review. Correction letter sent 6/10. Awaiting resubmittal. | | | | cj |
| Projects Appealed to Planning Commission or PC Continued projects: | | | | | | | | | | |
| | | | | | | | | | | |

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| Projects Appealed or Forwarded to City Council: None at this time | | | | | | | | | | |
| Environmental Review: | | | | | | | | | | |
| 23 | City of Morro Bay | N/A | | UP0-423 | MND for Chorro Creek Stream Gauges | Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15. No recent activity. | No review performed. | MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15 | | cj |
| Final Map Under Review Projects: | | | | | | | | | | |
| 24 | Eisemann | 535 Atascadero Road | 3/7/19 | PAR19-01 | Final Parcel map | Submittal is under review. Planning disapproved 3/14/19. Resubmittal disapproved on May 14, 2019. Resubmittal received , review comments provided 6-5-19. Disapproved 11-5-19. Waiting for revised submittal to remove improvements not requested by CalTrans. Applicant granted an extension of the timeline to finalize the final parcel map to August 8, 2021. Resubmittal received, planning approved 12/6/20 | | PN- Disapproved 11-6-2019 | | nh |
| Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing: | | | | | | | | | | |
| 25 | City of Morro Bay | Citywide | 10/16/13 | A00-013. A00-029: Ordinance 601 | Zoning Text Amendment - Second Unit | Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. Change recommended by PC after Council direction which led to Adoption of Ord. 585 by City Council on 5/13/14. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission. New language for PC and Council review. Second reading going to council on April 12, 2016. PC reviewed change 5-3-16. CC second First Reading 6-28-16.. Application submitted to Coastal Commission August 2016. Coastal objected to ban on use as vacation rentals. New State legislation in effect 1-1-20 which supersedes previous adopted ordinances. To be incorporated into Plan Morro Bay. | No review performed. | | | wm |
| Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive: | | | | | | | | | | |

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| 26 | Verizon / Knight | 484 Main new location, Corner of Main and Cabrillo | | 11/19/14 | UP0-394 and CP0-512 | Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole. | Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG. Applicant looking to move location to pole across the street. resubmittal rcv'd 5/26. Deemed Complete, waiting for Applicant to confirm PC meeting date. PC hearing held on 9/6/16 and continued for further review to 11-1-16 PC hearing. Continuance requested. Continued to a date uncertain | | PN- Conditionally approved 6/14/16 | | yg |
| Grants | | | | | | | | | | | |
| 27 | California Coastal Commission, California Ocean Protection Council | City-wide | | 4/6/16 | | \$400,000 Grant for LCP update to address sea-level rise and climate change impacts. Round 3 Grant award of \$200,000 for Lateral Access Plan, and ESHA delineation. Round 6 funding of \$65,000 received Mar 2020. | 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. Additional LCP grant funding received in 2020 under Round 6 for \$65,000 to complete LCP update. | No review performed. | N/A | | sg |
| 28 | City of Morro Bay | City-wide | | | | Community Development Block Grant/HOME Program - Urban County Consortium | Staff has ongoing responsibilities for contract management in coordination with County staff administration. Final 2016 funding recommendations reviewed by Council on 3-8-16. 2016 Subrecipient Agreement executed and Council approved 2018-2020 Cooperation Agreement with County on 6-13-17. City Council approved Cooperation Agreement for 2021-2023 CDBG Program Years at 5/26/20 Council meeting. | No review performed. | N/R | | cg |
| 29 | City of Morro Bay | City-wide | | | | Climate Action Plan - Implementation | Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD. | | | | cg |
| Projects in Building Plan Check: | | | | | | | | | | | |
| 30 | HASLO | 405 | Atascadero | 12/22/20 | B20-0215 | 35 unit affordable apartments | Planning approved 1/10/21. | Bldg. - Disapproved 2/2/21 | | | nh |
| 31 | Kolb | 691 | Atascadero | 7/30/20 | B20-0121 | 1,150 S.F. TI in an existing medical office building | | Bldg. - Approved 12/21/20 | | | sg |
| 32 | Goldstein | 186 | Bayshore Dr. | 11/4/20 | B20-0190 | Remodel kitchen, dining & living area. | | Bldg. - Approved 11/09/20 | | | sg |

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| 33 | 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. | Permit extended to 9-22-22 | Ready to issue | PN - Approved 6/21/2018 | Emailed comments on 10-20-17. | cj |
| 34 | 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 remodel. | Planning disapproved 1/31/20. Project requires a Conditional Use permit. Planning cannot approve building permit until Conditional Use Permit is final and permit issued. CUP20-13 received, building review following CUP/CDP approval. | Bldg. - Approved 12/29/20 | | | nh |
| 35 | Brebes | 495 | Driftwood | 12/20/19 | B19-0269 | New 3778 sf duplex homes including garages on lot with existing SFH | Planning permit issued 9/4/20. Resubmittal received 12/20/20. Planning disapproved 1/4/21. | Bldg - Disapproved 1/19/21 | | | nh |
| 36 | Associated Pacific Constructors Inc. | 495 | Embarcadero | 12/16/20 | B20-0210 | Repair of 7 existing wooden pilings using fiberglass/epoxy sleeving & epoxy grout/steel sleeve acceptable alternative. Removal of 3 abandoned non-structural piles & removal & replacement of 3 fence piles on 495 Embarcadero Wharf Associated Pacific Constructors. | Disapproved 12/17/20. cj. | Bldg. - Approved 12/21/20 | | | cj |
| 37 | City of Morro Bay | 833 | Embarcadero | 12/30/20 | B20-0220 | Demo existing 2 story structure (formerly Off the Hook - Retail & Restaurant) Construct new mixed use structure, 2 story with retail, restaurant, and hotel space. | Disapproved 1-25-21. Correction memo sent to Bldg. Cj. | Bldg. - Disapproved 1/25/21 | | | cj |
| 38 | Herbert | 2360 | Greenwood Ave. | 1/28/21 | B21-0015 | Remove existing entry deck and replace with new 300 sf deck, 30" in height. | Under review. | Bldg. - Conditionally Approved 2/3/21 | | | am |
| 39 | Heskett | 2400 | Greenwood Ave. | 2/2/21 | B21-0017 | Replace guardrail on 2nd story deck located at the front of SFR. | | Bldg. Approved 2/3/21 | | | co |
| 40 | Lawrence | 2590-A | Hemlock Ave. | 1/21/21 | B21-0009 | Attached ADU - The first floor of new single family residence will consist of a 643 sf Accessory Dwelling Unit (ADU). See permit B21-0008 for primary dwelling permit. | Planning approved 1/24/21 | Bldg. Disapproved 1/28/21 | | | nh |
| 41 | Lawrence | 2590 | Hemlock Ave. | 1/20/21 | B21-0008 | Demolition of existing 888 sf single family residence (SFR) and construction of new two story SFR, 1298 sf living on second floor with a 630 sf attached tandem garage and 119 sf 2nd floor deck. See permit B21-0009 for first floor Accessory Dwelling Unit (ADU). | Planning approved 1/24/21 | Bldg. - Disapproved 1/28/21 | | | nh |
| 42 | Wilkie | 476-A | Hill | 3/26/20 | B20-0057 | ATTACHED ADU - Convert existing attached garage to 344 sf Accessory Dwelling Unit. | Correction letter sent 4/30/20. | Bldg. - Approved 4/8/20 | | | nh |
| 43 | Boothe | 1100 | Las Tunas St. | 1/28/21 | B21-0016 | Vault living room ceiling, re-route electrical wires, new R-30 insulation in new roof framing, new drywall on rafters, and install recess lighting. | | Bldg. - Approved 2/3/21 | | | co |

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| 44 | Yaroslava | 2670 | Laurel Ave. | 10/28/20 | B20-0186 | New multi-level SFR on existing vacant R-1/S2 lot. Residence designed as 3 bedroom, 3 bathroom, approx 2150 sf w/play room & enclosed attached 485 sf 2 car garage. Existing driveway, graded/paved pad & site retaining wall to be modified. | Approved 11/23/2020. | Bldg. - Disapproved 11/24/20 | Disapproved 12-10-20. | | am |
| 45 | Haworth Beach Properties | 273 1/2 | Main St. | 1/25/21 | B21-0011 | Replace damaged flooring & drywall, upgrade electrical wiring, repair roof damage, upgrade kitchen cabinets & appliances. | | Bldg. Disapproved 1/27/21 | | | sg |
| 46 | 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 4/15/19 | | sg |
| 47 | 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. Planning permit extension requested and granted to allow new permit expiration of April 2021. | BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB Permit extended to 4/18/21 | Disapproved by jb on 11-21-17. | 1-2-18 - Emailed BLDG (code ck) comments to architect. PB | cj |
| 48 | Twin Bay Inc. | 2460 | Main St. | 7/21/20 | B-32117 | ADA and parking lot improvements. ADA stall to be relocated closer to street and make van accessible. | Resubmittal received 2/2/21, planning approval pending issuance of MUP permit. | | | | nh |
| 49 | Cleath | 2790 | Main St. | 7/2/20 | B20-0106 | Remove 736 sf existing building and construct new 4996 sf 8 room hotel. | Planning approved 7/27/20. | Bldg. - Disapproved 7/27/20 | | | nh |
| 50 | Pavacich | 501 | Marina St. | 12/28/20 | B20-0216 | Bring into conformance; SFR w/existing duplex to become conforming duplex. Installation of 2 windows & relocation of entry door. Include a D.G. parking area & deferred frontage improvements. | Planning approved 1/4/21 | Bldg - Approved 1/25/21 | | | nh |
| 51 | Biaggini | 1148 | Market Ave | 2/4/21 | B-21-0018 | New two story SFR, 1635 sf living with attached 438 sf garage and 104 sf 2nd floor deck, at the rear of the lot. | Under review | | | | nh |
| 52 | Biaggini | 1148-A | Market Ave | 2/4/21 | B21-0019 | Existing single story SFR to be relocated to a new foundation and will become a 1,008 sf detached Accessory Dwelling Unit (ADU). | | Bldg. - Plancheck | | | nh |
| 53 | Biaggini | 1148-A | Market Ave | 2/4/21 | B21-0020 | New 500 sf attached Jr. Accessory Dwelling Unit (JADU) on the ground floor. | | Bldg. - Plancheck | | | nh |
| 54 | LifePoint Church | 615 | Monterey | 1/6/20 | B19-0279 | Remodel/upgrade current building | Planning disapproved 1/27/20. Awaiting resubmittal. | Bldg - Diapproved 1/30/20 | | | 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 |
|----|---|-----------------|---------------|------------------|----------------|--|--|--------------------------------------|------------------------------------|-------------------------------------|-----------------|
| 55 | James | 433 | Napa Ave. | 1/2/21 | B21-0014 | Kitchen remodel: remove and replace existing casework and countertops. Remove and replace existing range, sink, and dishwasher. Remove (2) gas oven units. Remove existing kitchen soffit and lights. Install new kitchen lights | | Bldg. Plancheck | | | co |
| 56 | Stewart | 2401 | Nutmeg Ave | 12/30/20 | B20-0219 | Remove two existing damaged wind barrier walls (Dryrot and termite) From west facing 12'-0" x 24'-0" 2nd story. Rebuild approx. 60% of same (12'-0" x 24'-0") to include (1) a partially enclosed all weather cover. (2) Convenience electrical wall outlets / lighting. (3) Create an additional emergency exit to ground level. | Planning disapproved 01/04/2021. Awaiting resubmittal. | Bldg. - Approved 1/7/21 | | | am |
| 57 | 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 |
| 58 | Cohen | 331 | Orcas St | 6/25/20 | B20-0099 | Demolish a 386 sf cottage and installation of a 990 sf manufactured home, a 336 sf (16' x 21') semi attached site built garage with rooftop deck, exterior landing and stairs to garage and exterior stairs to rooftop deck. | Planning approved 7/3/20 | Ready to issue | | | nh |
| 59 | Enns | 655-A | Paula St. | 11/3/20 | B20-0189 | ATTACHED ADU - Demo existing attached garage & construct new 395 sf attached garage with 866 sf ADU. | Under review. Disapproved 11/23/2020. Awaiting resubmittal of CDP 20-019 before building plans can be approved. CDP approved 12/29/2020. | Bldg. - Disapproved 11/05/20 | | | am |
| 60 | Renent | 325 | Pico St. | 11/4/20 | B20-0191 | Install sunroom 12'x20.5' | Disapproved 11/10/2020. Awaiting resubmittal. | Bldg. - Disapproved 11/09/20 | | | am |
| 61 | Lee | 684 | Piney Way | 9/10/20 | B20-0168 | Demo existing detached 416 sf work shed with bathroom & reconstruct new 416 sf garage/shop with electrical, keeping existing bathroom on existing slab/foundation. | Planning disapproved 9/15/20. Waiting for resubmittal. | Bldg. - Disapproved 9/17/20 | | | nh |
| 62 | Scharin Family Trust Johan C. Scharin Trustee | 710 | Quintana | 5/21/20 | B20-0082 | Remodel of former Dollar Tree into a new O'Reilly Auto Parts for the retail sale of automotive parts and accessories. | | Bldg. - Approved 1/12/21 | | | wu |
| 63 | 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 |
| 64 | Kennedy | 1130 | Scott Street | 12/20/19 | B19-0271 | New commercial project with residential security unit above | Conditionally approved 1/3/20. Review resubmittal - disapproved 1-25-21 - conditions not met. | Bldg. - Disapproved 1/7/20 | | | nh |
| 65 | Parker | 580 | Shasta Ave | 8/31/20 | B20-0159 | Add new detached garage | Planning under review. Planning disapproved 9/8/20. Need resubmittal | Bldg. - Disapproved 9/14/20 | | | 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 |
|---|---------------------------|------------------|----------|--------------------|--------------------|---|--|--------------------------------------|------------------------------------|-------------------------------------|-----------------|
| 66 | 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 |
| 67 | Davis | 1149 | West Ave | 7/8/19 | B19-0145 | Construct lower level 360 sf enclosed patio (12' x 30') at rear of existing SFR. | Disapproved, proposed enclosed patio extended into the 25 foot bluff setback. | Bldg. - Approved 7/10/19 | | | nh |
| Planning Projects & Permits with Final Action: | | | | | | | | | | | |
| 68 | AGS Recycling | 2650 Main Street | | 12/16/20 | CUP20-12/CDP20-022 | Recycling center in parking lot | Under review. Minor comments provided, resubmittal pending. Project approved by Building/PW and Fire. Noticed and scheduled for planning commission hearing February 2, 2021. PC approved and permit was issued 2/2/21 | | | | nh |
| 69 | Twin Bay Inc. | 2460 Main Street | | 12/15/20 | MUP20-02 | Alcohol and drug rehab center (supportive housing) | This is a resubmittal of previously withdrawn application. Planning disapproved with minor comments. All other departments conditionally approved. Project deemed complete, public noticed from 2/10/21 to 2/20/21. Admin decision on permit on 2/22/21. | | | | nh |
| Staff Directory: | | | | | | | | | | | |
| Scot Graham - sg | | Chad Ouimet - co | | Cindy Jacinth - cj | | Pam Newman - pn | | Nancy Hubbard - nh | | Abby Miramontes - am | |

AGENDA ITEM: A-2

DATE: FEBRUARY 16, 2021

ACTION: DRAFT

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – DECEMBER 15, 2020
HELD VIA TELECONFERENCE – 6:00 PM

| | | |
|----------|--|---|
| PRESENT: | Gerald Luhr Jesse Barron Joe Ingraffia Michael Lucas Susan Stewart | Chairperson Vice-Chairperson Commissioner Commissioner Commissioner |
| STAFF: | Scot Graham Cindy Jacinth Amy Sinsheimer | Community Development Director Senior Planner PlaceWorks, Inc. |

ESTABLISH QUORUM AND CALL TO ORDER

PLANNING COMMISSIONER ANNOUNCEMENTS

<https://youtu.be/mDVbOP1YhHk?t=82>

Commissioner Lucas commented tonight was Chairperson Luhr's last meeting. Lucas noted he and Luhr had served on the Planning Commission last thirteen years.

Chairperson Luhr addressed everyone.

PUBLIC COMMENT PERIOD

<https://youtu.be/mDVbOP1YhHk?t=173>

Sean Green, Morro Bay, thanked Chairperson Luhr and Commissioner Lucas for serving on the Planning Commission.

Betty Winholtz, Morro Bay, stated she had forwarded her comments for the Environmental Justice section. She was hoping the Commission could address them tonight.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/mDVbOP1YhHk?t=264>

Public Participation:

In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Community Development office at planningcommission@morrobayca.gov prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the “raise hand” feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.*

Please click the link below to join the webinar:

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHlRTk9xaTlmWVNWRFWFUQT09>

Password: 135692

*Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press * 9 to “Raise Hand” for Public Comment*

PRESENTATIONS – NONE

A. CONSENT CALENDAR

<https://youtu.be/mDVbOP1YhHk?t=268>

A-1 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

A-2 Approval of minutes from the Planning Commission meeting of September 15, 2020.

Staff Recommendation: Approve minutes as submitted.

A-3 Approval of minutes from the Planning Commission meeting of October 6, 2020.

Staff Recommendation: Approve minutes as submitted.

Commissioner Stewart asked staff for status on the hotel project located on Atascadero Road.

Jacinth responded to Commissioner Stewart’s question.

MOTION: Commissioner Stewart moved to approve the Consent Calendar. Commissioner Lucas seconded, and the motion passes 5-0, with Stewart, Lucas, Ingraffia, Barron, and Luhr voting yes.

<https://youtu.be/mDVbOP1YhHk?t=334>

B. PUBLIC HEARING
<https://youtu.be/mDVbOP1YhHk?t=366>

- B-1 Case No.:** *Plan Morro Bay: General Plan/Local Coastal Program Update*
Site Location: Citywide
Applicant/Project Sponsor City of Morro Bay
Proposed Project: General Plan/ Local Coastal Program Update known as “Plan Morro Bay” hearing draft for review and adoption. The Public Draft was released for public review in 2018 and reviewed by the General Plan Advisory Committee (GPAC) and the Planning Commission (PC). The Plan Morro Bay Adoption Hearing Draft incorporates public comments, GPAC, PC, and Coastal Commission staff comments into a Hearing Draft now available for public review. Plan Morro Bay is an integrated General Plan and Local Coastal Program Land Use Plan which is proposed to update the City’s existing separate General Plan adopted in 1988 and Local Coastal Program certified by the Coastal Commission in 1984. This item is continued from the 10/20/20, 11/4/20, 11/17/20, and 12/1/20 public hearings.
CEQA Determination: Environmental Impact Report
Staff Recommendation: Review hearing draft of Plan Morro Bay and provide recommendation to City Council for adoption.
Staff Contact: Scot Graham, Community Development Director (805) 772-6291
Staff Recommendation: Conditionally approve
Staff Contact: Cindy Jacinth, Senior Planner (805) 772-6577, cjacinth@morrobayca.gov

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS - NONE

Chairperson Luhr opened the Public Comment period. AGP Video noted no one was in the que at the moment. Chairperson Luhr will leave the Public Comment period open in case someone has a question.

<https://youtu.be/mDVbOP1YhHk?t=403>

The Commissioners and staff continue to review the Plan Morro Bay: General Plan/Local Coastal Program Update.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/mDVbOP1YhHk?t=5637>

Per staff, no motion is needed. Staff will prepare final Plan Morro Bay document and bring back a presentation on the Environmental Impact Report (EIR). The Planning Commission will need to make a recommendation to City Council for both documents.

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS
<https://youtu.be/mDVbOP1YhHk?t=5816>

Commissioner Ingraffia expressed how it was a privilege to serve on the Planning Commission with Luhr.

Vice-Chairperson Barron also thanked Chairperson Luhr for what he has done for the Planning Commission and appreciated what he has done for the community.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS
<https://youtu.be/mDVbOP1YhHk?t=5899>

Graham notified the Commissioners there will be an appreciation day for staff and advisory board members on Wednesday, December 16th at the Community Center at 3 p.m.

Graham thanked Chairperson Luhr for his service on the Planning Commission and wished him the best in his endeavors.

ADJOURNMENT

The meeting adjourned at 7:40 p.m. to the next scheduled Planning Commission meeting via teleconference, on January 5, 2021 at 6:00 p.m.

Gerald Luhr, Chairperson

ATTEST:

Scot Graham, Secretary

| |
|---------------------------------|
| AGENDA ITEM: <u> A-3 </u> |
| DATE: <u>FEBRUARY 16, 2021</u> |
| ACTION: <u> DRAFT </u> |

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – JANUARY 5, 2021
HELD VIA TELECONFERENCE – 6:00 PM

| | | |
|----------|---|---|
| PRESENT: | Vacant Jesse Barron Joe Ingraffia Michael Lucas Susan Stewart | Chairperson Vice-Chairperson Commissioner Commissioner Commissioner |
| STAFF: | Scot Graham Damaris Hanson Rob Livick | Community Development Director Environmental Programs Manager City Engineer |

ESTABLISH QUORUM AND CALL TO ORDER

PLANNING COMMISSIONER ANNOUNCEMENTS

<https://youtu.be/-CF20I3j3Ls?t=37>

Commissioner Stewart announced the Morro Bay theater was up for sale and suggested the Planning Commission have a future discussion regarding the historic property preservation ordinance.

Commissioner Ingraffia noted the home on the corner of Kern and Ridgeway was up for sale and was also thinking of the historic preservation ordinance for Morro Bay, and how it would apply to that house.

PUBLIC COMMENT PERIOD – NONE

Public Participation:

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correspondence received less than an hour before the meeting start time may not be posted until after the meeting.

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Password: 135692

*Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press * 9 to “Raise Hand” for Public Comment*

PRESENTATIONS – NONE

A. CONSENT CALENDAR

<https://youtu.be/-CF20I3j3Ls?t=208>

A-1 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

MOTION: Commissioner Lucas moved to approve the Consent Calendar. Commissioner Stewart seconded, and the motion passes 4-0, with Lucas, Stewart, Ingraffia, and Barron voting yes.

<https://youtu.be/-CF20I3j3Ls?t=217>

B. PUBLIC HEARING

<https://youtu.be/-CF20I3j3Ls?t=271>

B-1 Case No.: TRE20-183

Site Location: 355 Cerrito Place, Morro Bay, CA

Project Description: Appeal of Public Works Director’s decision of tree removal in Public right-of-way. Removal of 5 Monterey Cypress in the right-of-way near 355 Cerrito Place. Monterey cypress trees to be removed are located along driveway which have grown under the canopy of a row of mature eucalyptus. A submitted certified arborist report dated 9/29/20 documents that tree removal is necessary. Project includes tree replacement plan.

CEQA Determination: Categorically Exempt, Section 15301, Class 1e

Staff Recommendation: Conditionally Approve the project subject to Finding and Conditions.

Staff Contact: Damaris Hanson, Environmental Programs Manager

dhanson@morrobayca.gov

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS - NONE
Hanson presented the staff report.

Vice-Chairperson Barron opened the Public Comment period.
<https://youtu.be/-CF20I3j3Ls?t=1146>

Betty Winholtz, appellant, presented her report.

Josh Martin, applicant, spoke about the tree removal and addressed the concerns brought up.

Chris Stier, arborist for Greenvale Tree addressed the issues regarding the trees on the appeal.

Sean Green, Morro Bay, thanked Betty Winholtz for representing the community. Green noted he would have appealed the nine trees if he knew Winholtz did not appeal them. Green addressed his concerns regarding the appeal.

The Commissioners presented their questions to the applicant and appellant.

Vice-Chairperson Barron closed the Public Comment period.
<https://youtu.be/-CF20I3j3Ls?t=3393>

Planning Commissioners comments.

MOTION: Commissioner Lucas moved to continue the project to a date uncertain in order for the Planning Commission to review an arborist peer review. Staff to review potential status of locations for future banking of trees. Commissioner Ingraffia seconded.

Discussion between Planning Commissioners and staff.

Comments from Public Works.

The motion passes 4-0, with Lucas, Ingraffia, Stewart, and Barron voting yes.
<https://youtu.be/-CF20I3j3Ls?t=4821>

C. NEW BUSINESS

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS
<https://youtu.be/-CF20I3j3Ls?t=5433>

Commissioner Lucas questioned if there was a policy on the banking system of trees in the Plan Morro Bay/LCP.

Commissioner Stewart asked if there were any applicants for the Planning Commission positions.

Vice-Chairperson Barron suggested a type of special inspection for city tree arborists. Barron thanked Betty Winholtz for helping in bringing up the discussion regarding arborists.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

<https://youtu.be/-CF20I3j3Ls?t=5686>

Graham notified the Commissioners at the next meeting there will be a presentation given by the County for the Morro Bay to Cayucos bike connector.

ADJOURNMENT

The meeting adjourned at 7:36 p.m. to the next scheduled Planning Commission meeting via teleconference, on January 19, 2021 at 6:00 p.m.

Jesse Barron, Vice-Chairperson

ATTEST:

Scot Graham, Secretary



AGENDA NO: B-1

MEETING DATE: February 16, 2021

Staff Report

TO: Planning Commissioners

DATE: February 8, 2021

FROM: Nancy Hubbard, Contract Planner

SUBJECT: Extension of time (MAJ21-001) processed as a Major Modification to the existing Conditional Use Permit (UP0-381) for a BMX Bike Park on vacant City-owned property at 301 Little Morro Creek Road, near the intersection of Little Morro Creek, Radcliff and Main Streets. There is no change to the improvements or the operation of the BMX Bike Park. The site is zoned M-1/PD/I/SP

RECOMMENDATION:

Staff recommends that the Planning Commission approve the requested extension of Conditional Use Permit (UPO-381) for the BMX Bike Park by approving Resolution 03-21 with related conditions of approval.

APPLICANT/AGENT:

Bonnie Johnson, Morro Bay Bike Park Group (MBBPG)

LEGAL DESCRIPTION/APN:

068-183-021 and portion of 068-183-022

PROJECT LOCATION:

The project is located at 301 Little Morro Creek Road, on City-owned property fronting on Little Morro Creek. The site also includes a portion of PG&E property.



Prepared By: ___NH___

Department Review: ___SG___

PROJECT DESCRIPTION:

In April 2015, a Conditional Use Permit and Coastal Development Permit were approved for this project. As is required in Interim Use zoning overlay areas, there was time limit on the duration of the Conditional Use Permit, in this case, a period of 5 years. This request is for an extension of time for the Conditional Use Permit (UPO - 381). The Morro Bay Municipal Code Section 17.40.080 C. states that interim uses on industrially zoned city-owned property allow interim use permit terms of 5-10 years or *until such time that the property is needed for its primary permitted use*. This request is an extension of the Conditional Use Permit only and does not include any physical changes to the property. The project zoning is M-1/PD/I/SP and the site is not located within the coastal appeals jurisdiction.

PROJECT SETTING:

| <u>Adjacent Zoning/Land Use</u> | | | |
|--|---|--------|---|
| North: | Light Industrial (M-1,PD,I) Vacant Land | South: | Single Family Residential (R-1, S.2) |
| East: | Ag Residential (R-A, PD) Vacant Land | West: | Coastal dependent industrial (M-2, PD, I), Highway 1, Vacant Land |

| <u>Site Characteristics</u> | |
|------------------------------------|--|
| Overall Site Area | 0.36 acres |
| Existing Use | BMX Bike Park |
| Terrain | Sloping |
| Vegetation/Wildlife | Improved for the permitted use |
| Access | Little Morro Creek, nearest cross street is Radcliffe Avenue |
| Archaeological Resources | Not within 300 feet of a known archaeological resource. |

| <u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u> | |
|--|--|
| General Plan/Coastal Plan Land Use Designation | General / Light Industrial |
| Base Zone District | M-1 |
| Zoning Overlay District | PD, (I), Interim Use Overlay |
| Special Treatment Area | N/A |
| Combining District | N/A |
| Specific Plan Area | North Main Specific Plan |
| Coastal Zone | Located in the Coastal Zone, not in appeals jurisdiction |

ENVIRONMENTAL DETERMINATION:

Environmental review was performed for this project and was originally deemed to be categorically exempt pursuant to CEQA Guidelines Section 15304, Class 4. Pursuant to the California Environmental Quality Act, the Class 4 exemption provides for minor public or private alterations in the condition of land, water and/or

vegetation which does not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes and includes on grading on land with slopes less than ten percent. The current CEQA classification is Section 15301, Class 1 which provides for minor changes to existing facilities in this case, there are no physical or usage changes, only the extension of the use permit. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

PUBLIC NOTICE:

Notice of a public hearing on this item was posted at the site and published in the Tribune newspaper on February 5, 2021, and mailed directly to all property owners of record within 500 feet of the subject site. The notices invited the public to participate in the hearing and express any concerns they may have regarding the proposed project.

CONCLUSION:

The proposed BMX Bike Park at 301 Little Morro Creek Road on vacant City-owned property and a portion on PG&E property provides recreational activities for the community consistent with the General Plan and Local Coastal Plan.

Staff recommends that the Planning Commission approve an extension of the Conditional Use Permit (CUP-381) until such time that the site is needed for its primary and permitted use by approving Resolution 03-21 with the related conditions of approval. The original conditions of approval and the existing MOU remain in full force and effect.

EXHIBITS:

Exhibit A – 2015 Planning Commission Resolution 09-15

Exhibit B – Reso 03-21 approving an extension of time for Interim use (CUP)

EXHIBIT A

RESOLUTION NO. PC 09-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FORWARDING A FAVORABLE RECOMMENDATION TO THE CITY COUNCIL RECOMMENDING APPROVAL OF THE COASTAL DEVELOPMENT AND CONDITIONAL USE PERMITS TO ALLOW A BMX BIKE PARK ON VACANT CITY-OWNED PROPERTY NEAR THE INTERSECTION OF LITTLE MORRO CREEK, RADCLIFFE AND MAIN STREETS. BMX PARK TO INCLUDE INSTALLATION OF THREE BIKE TRAILS, APPROXIMATELY 600-750 LINEAL FEET, AND WOODEN SKILLS FEATURES FOR RIDERS OF VARYING ABILITIES.

WHEREAS, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on April 7, 2015, for the purpose of considering Coastal Development Permit CP0-442 & Conditional Use Permit # UP0-381 for a BMX Bike Park on vacant City-owned property at 301 Little Morro Creek Road with a portion of the adjacent PG&E owned property fronting on Little Morro Creek Road to be used for six parking spaces (APN Number 068-183-021 & 068-183-022) in an area outside of the Coastal Commission Appeals Jurisdiction; and

WHEREAS the City Council of the City of Morro Bay adopted Resolution No. 20-13 supporting the development of a public bike park within the City limits on March 12, 2013; and

WHEREAS the City Council entered into a Memorandum of Understanding with the Morro Bay Bike Park, a duly organized community volunteer organization on August 28, 2013 for facilitating Bike Park Design and Permit Processing; and

WHEREAS the City Council entered into a second Memorandum of Understanding with Central Coast Concerned Mountain Bikers, Inc. a California non-profit corporation on January 13, 2015 for the construction, repair and maintenance of the Little Morro Creek Road Bike Park in the City of Morro Bay; and

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

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

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

EXHIBIT A

Planning Commission Resolution #09-15
CP0-442 & UP0-381
301 Little Morro Creek Road
Page 2

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

California Environmental Quality Act (CEQA) Finding

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15304, Class 4: Minor public or private alterations in the condition of land, water and/or vegetation which does not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes and includes on grading on land with slopes less than ten percent. This exemption is appropriate for this project, because the site is composed of imported fill, due to prior use by the City as property for dirt stockpiling and the proposed grading activities necessary to construct the Bike Park will be performed on land with a slope of less than ten percent.

Coastal Development Permit Findings

1. 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 and is also in conformance with the coastal access policies of Chapter 3 of the California Coastal Act.

Conditional Use Permit Findings

1. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood because recreational facilities are permitted uses within the zoning district applicable to the project site and are encouraged by the Local Coastal Plan and will be in accordance with all applicable project conditions and City regulations.
2. The project will not be injurious or detrimental to property and improvements in the neighborhood because as conditioned the BMX bike track is consistent with all City regulations applicable to this project.
3. The project will not be injurious or detrimental to the general welfare of the City because the BMX bike track is a permitted use within the zoning district and the project is conditioned to be consistent with all City regulations.

Planned Development Overlay Findings

1. The project as conditioned with the provision of six parking spaces for the Bike Park provides greater than normal public benefits because it provides recreational opportunities for the whole community in that it accommodates riders of varying abilities. Designing the course to allow for beginner, intermediate and advance bike trails along with public benches for spectators results in improved site design.

EXHIBIT A

Planning Commission Resolution #09-15
CP0-442 & UP0-381
301 Little Morro Creek Road
Page 3

North Main Specific Plan Findings

1. The development standards of the North Main Street specific plan have been met for this project in that the proposed project of a Bike Park on vacant lot does not have existing trees on site and no permanent structures are proposed to be built.

Section 2: Action. The Planning Commission does hereby approve Coastal Development Permit CP0-449 and Conditional Use Permit #UP0-385 for property known as 301 Little Morro Creek Road (APN number 068-401-014) subject to the following conditions:

STANDARD CONDITIONS

1. Permits: This Conditional Use Permit and Coastal Development Permit are granted for the uses described in the April 2, 2015 staff report and all attachments thereto, and as shown on the plans received by the Community Development Department on March 30, 2015. In addition to satisfying all of the foregoing Conditions of Approval for the proposed use, the applicant shall obtain and maintain compliance with all other required permits and approvals.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced within two (2) years of 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 Community Development Manager, 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: Any minor change may be approved by the Community Development Manager. Any substantial change, as so deemed by the Community Development Manager, will require the filing of an application for an amendment to be reviewed by the Planning Commission.
4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
5. Compliance with Conditions: Prior to issuance of a grading permit for the proposed use or development, the owner or designee accepts and agrees to comply with all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building

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inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Community Development Manager 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.

6. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the Zoning Ordinance, certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
7. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
8. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities and routine maintenance activities shall be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday, and 8:00 A.M. to 7:00 P.M. on Saturday and Sunday, unless an exception is granted by the Community Development Manager pursuant to the terms of this regulation.
9. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

PLANNING CONDITIONS

1. Expiration of Conditional Use Permit: This permit shall expire on May 9, 2020, in which at that time the project will be brought back to Planning Commission for review to determine if an extension will be granted and if any additional conditions are necessary.
2. Landscape Plan: Site plan notes on the plans dated January 14, 2015 specify native vegetation will be planted via City pre-approved seed mix design, or other mix as recommended by a City approved Biologist. A Landscape Plan shall be submitted for review and approval by the Community Development Department within 90 days following the approval of this permit that denotes landscaping details such as location and type of seed mix design as well as bark usage or other landscaping amenities. The landscape plan shall include

EXHIBIT A

native and drought tolerant species, and shall be consistent with the City Master tree list and City landscape policies.

3. Refuse collection stations shall be provided on-site. A minimum of two trash receptacles and two recycling receptacles with a minimum 50 gallon capacity shall be placed on-site with plans revised to show location of refuse collection stations. Responsibility for emptying of trash and recyclables shall be the responsibility of CCCMB or designated representative consistent with the Memorandum of Understanding between the City and CCCMB dated January 13, 2015. Final design and appearance of refuse containers shall be subject to the approval of the Community Development Manager.
4. Fencing: Fencing shall be limited to 4-foot green or earth toned transparent nylon “snow” fencing surrounding the bike track. Plans shall be revised to change color from proposed orange to green or earth toned in order to blend in with surrounding aesthetics. Said fence shall be designed in a manner that discourages riders from directly entering the park from adjacent private properties and shall be designed to provide flexibility should a rider run into the fence.
5. Parking: The project as proposed provides for 5 regular parking spaces and 1 van-accessible ADA parking space. The alternative parking arrangement is allowable under the Planned Development Overlay requirements. The City Community Development Department shall re-evaluate parking needs based on the census of actual parking demand and present an evaluation report to the Planning Commission no later than six months after permit approval. Applicant shall be subject to additional conditions relative to parking based on Planning Commission review of the project.
6. Bike Parking: Bike parking shall be provided onsite. Plans shall be revised to denote location of bike rack parking with a minimum capacity to park at least 8 bicycles.
7. Signs: Signage shall be limited to an informational sign, which includes the rules and regulations of the park, hours of operation, phone number for emergency or further information etc. and as further described in the MOU dated January 13, 2015.
8. Applicant shall provide to the City Community Development Department a copy of consent of landowner letter or other agreement from PG&E that provides for consent of use of that lot.

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9. Hours of Operation: All activities shall be limited to daytime hours beginning with sunrise and closing at sunset. No lighting shall be allowed without the approval of the Community Development Manager.
10. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist, knowledgeable in Chumash Culture, or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.

BUILDING CONDITION

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

PUBLIC WORKS CONDITIONS

1. Provide a standard erosion and sediment control plan: The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area. Use the City of Morro Bay's Erosion and Sediment control handout as a guide.
2. Pave two feet wide shoulder along frontage on Little Morro Creek Road.
3. The proposed bike park is in an area inundated by the 100-year flood as shown on the current FEMA Flood Insurance Rate Map. A Floodplain Development Permit must be obtained prior to issuance of a Building Permit. Show on the plans:
 - a. The mapped limits of the floodplain.
 - b. The actual limits of flooding for existing conditions.
 - c. The future limits of flooding based on proposed conditions.
4. Show cut and fill quantities on the plans.
5. Show direction of drainage flows and all proposed drainage facilities on the plans.

Add the following Notes to the Plans:

1. No work within nor any use of any public rights of way shall occur without an encroachment permit. Encroachment permits are available at the City's Public Works Department located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.
2. Any damage to any of the City's facilities (such as curb/berm, street, sewer line,

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water line, or any public improvements) resulting, directly or indirectly from construction operations related to this project shall be repaired at no cost to the City.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 7th day of April, 2015 upon motion of Commissioner _____ and seconded by Commissioner _____ on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson Robert Tefft

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 7th day of April, 2015.

EXHIBIT B

RESOLUTION NO. PC 03-21

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVING A MAJOR MODIFICATION (MAJ21-001) TO AN INTERIM USE CONDITIONAL USE PERMIT (UPO-381) FOR A EXTENTION OF PERMIT DURATION FOR THE BMX BIKE PARK LOCATIONB AT 301 LITTLE MORRO CREEK ROAD

WHEREAS, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing via video conference on February 16, 2021 for the purpose of considering approval of a Major Modification (MAJ21-001) to an existing Conditional Use Permit (UPO-381) to allow an extension of the original Interim Use Permit (“Project”); and

WHEREAS, pursuant to the Governor's Executive Order N-29-20 issued on March 17, 2020 in response to the present State of Emergency in existence due to the threat of COVID-19, the City of Morro Bay Planning Commission is authorized to hold public meetings via teleconferencing and all requirements in the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived; and

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

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

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

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

California Environmental Quality Act (CEQA)

- A. Pursuant to the California Environmental Quality Act, the project meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15301 Class 1. This exemption applies to existing facilities with minor changes, including leasing. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

Conditional Use Permit and Coastal Development 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 and is also in conformance with the coastal access

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policies of Chapter 3 of the California Coastal Act.

- B. The project is in compliance with the General Plan and certified Local Coastal Program and will not be detrimental to the health, safety, and general welfare of persons residing or working in the surrounding neighborhood.

Section 2: Action. The Planning Commission does hereby approve Major Modification (MAJ21-001) to the existing Conditional Use Permit (UPO-381) subject to the following conditions:

STANDARD CONDITIONS:

1. Permit: The existing Conditional Use permit will be extended for a period of time until the property is required for a permanent permitted use.
2. Changes: Any minor change may be approved by the Community Development Director. Any substantial change will require the filing of an application for an amendment.
3. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
4. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
5. Compliance with Conditions: Compliance with and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Community Development 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.
6. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.

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7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.

PLANNING CONDITIONS:

1. Original Conditions of approval pursuant to Resolution 09-15 and the Memorandum of Understanding dated January 13, 2015 remain in full force and effect.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 16th day of February 2021 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

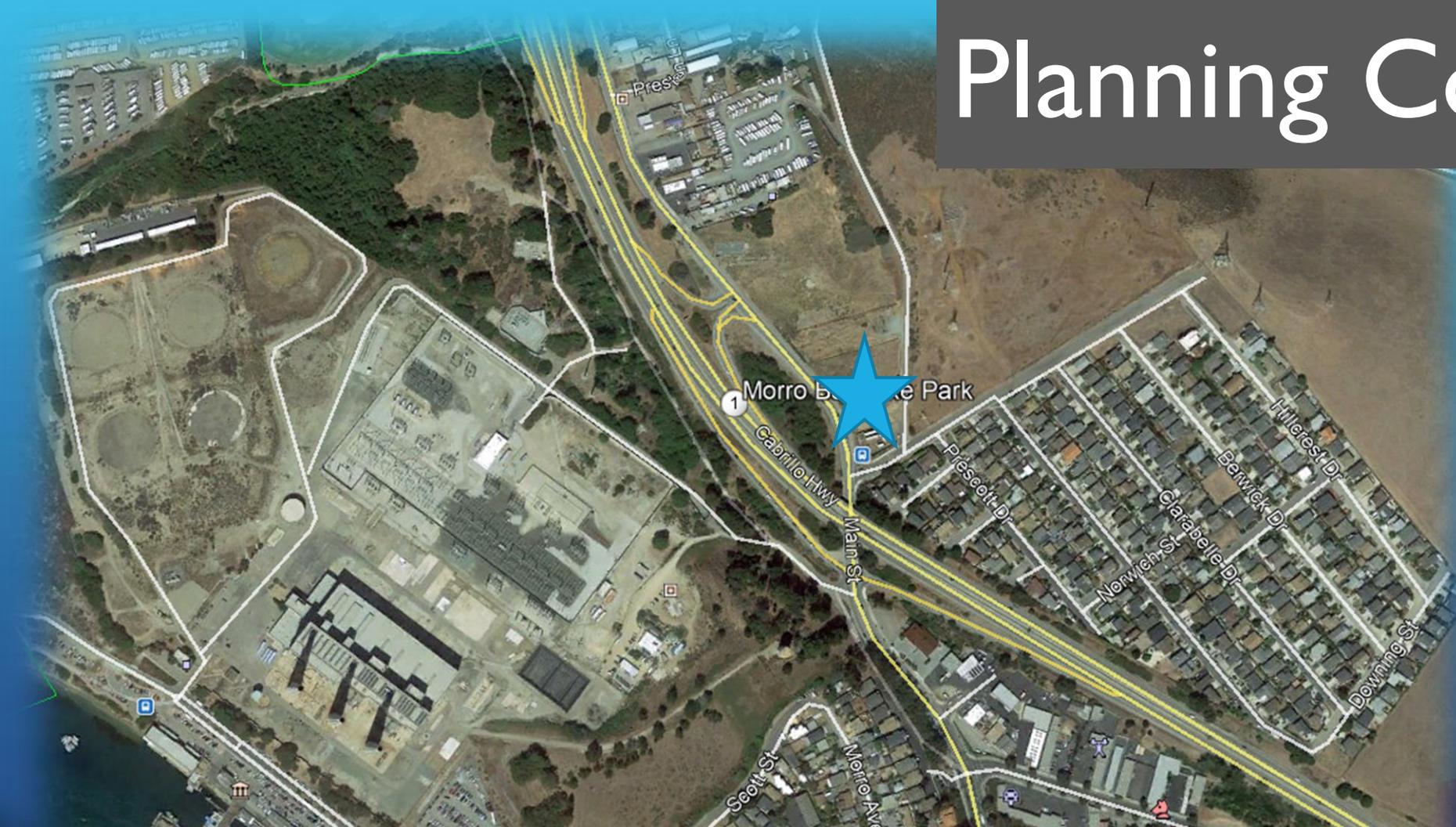
Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted on this 16th day of February 2021.

Planning Commission



**MAJOR MODIFICATION (MAJ20-001) TO
EXTEND THE TERM OF CUP 381
FEBRUARY 16, 2021**



MORRO BAY
PUT LIFE ON COAST

Site Information

- CITY OWNED SITE
- ZONED M-1/PD/I/SP: LIGHT INDUSTRIAL/PLANNED DEVELOPMENT/INTERIM USE/SPECIFIC PLAN AREA.
- INTERIM USES CAN BE APPROVED WITH A LIMITED TERM CUP– INCLUDING 5-10 YEARS OR UNTIL THE SITE IS NEEDED FOR ITS PRIMARY PURPOSE.



MORRO BAY
PUT LIFE ON COAST

Previous Approvals



- ❑ APRIL 2015 – APPROVED BY CC FOR USE AS A BMX BIKE PARK FOR A PERIOD OF 5 YEARS
- ❑ FACILITIES INSTALLED AND OPERATIONS ARE MANAGED BY MORRO BAY BIKE PARK GROUP THROUGH A MEMORANDUM OF UNDERSTANDING



Current Request



Morro Bay Bike
Park

@MorroBayBikePark



- EXTENSION OF DURATION FOR INTERIM USE (CUP) PERMIT.
- STAFF RECOMMENDS DURATION UNTIL *SUCH TIME AS THE CITY NEEDS THE SITE FOR THE PRIMARY PURPOSE*
- NO CHANGE IN FACILITY OR OPERATIONS IS PROPOSED.



MORRO BAY
PUT LIFE ON COAST



The Staff recommends Approval of the Major Modification (MAJ21-001) to extend the duration of the Conditional Use Permit by adopting Planning Commission Resolution 03-21, which includes findings and conditions of approval.