



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, May 18, 2021 - 6:00 P.M.
Held Via Teleconference**

Chairperson Susan Stewart

Vice-Chairperson William Roschen
Commissioner Jennifer Ford

Commissioner Joseph Ingraffia
Commissioner Mike Rodriquez

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLANNING COMMISSIONER ANNOUNCEMENTS
PUBLIC COMMENT PERIOD
PRESENTATIONS

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=aWZpTzcuTHlRTk9xaTlmWVNWRWFUQT09>

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*

A. CONSENT CALENDAR

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

B. PUBLIC HEARINGS

- B-1** **Case No.:** CUP21-03
Site Location: 429 Tulare Avenue, Morro Bay, CA
Applicant/Project Sponsor: Pete and Beth Regan
Proposed Project: Conditional Use Permit to allow construction of a 560 sf addition to an existing single-family residence. The project includes a 111 sf first floor addition and a 249 sf second story addition with a deck. The addition is in the back half of the property over the existing residence. The existing residence is nonconforming in regard to the front and south side setbacks. The project is located in the R-1 zoning district and outside of the Coastal Commission Appeals Jurisdiction
CEQA Determination: Categorically Exempt, Section 15301 Class 1(e)
Staff Recommendation: Conditionally Approve
Staff Contact: Abbigail Miramontes, Planning Intern, (805) 772-6213, amiramontes@morrobayca.gov

C. NEW BUSINESS

- C-1** Annual Water Report and Recommendation for Allocation of Water Equivalency Units (WEU) for FY2021-22
Staff Recommendation: Planning Commission review the annual water report and allocation of the FY 2021/22 Water Equivalency Units, adopting resolution No. PC 12-21 and forward the following recommendations to City Council:
1. Allocate 50 Water Equivalency Units (WEUs) for residential development and 65 for commercial development for a total of 115 WEUs for FY2021/22.
 2. Implement Mandatory Water Conservation Requirements for Severely Restricted Water Supply Conditions if the Governor of California declares a state of emergency due to drought.
- Staff Contact:** Damaris Hanson, Environmental Programs Manager, dhanson@morrobayca.gov
- C-2** Planning Commission Discussion in relation to formation of a subcommittee to develop a list of possible public benefit items that could be considered in relation to project approvals that require provision of public benefit items. This is a discussion item and does not include a staff report.
Staff Contact: Scot Graham, Community Development Director, (805) 772-6291, sgraham@morrobayca.gov.

D. UNFINISHED BUSINESS

- D-1** Update from Planning Commission development review subcommittee. Item provides an opportunity for the subcommittee to update the full Planning Commission on the status related to evaluation and improvement of the City's development review process. This is a discussion items and does not include a staff report.
Staff Contact: Scot Graham, Community Development Director, (805) 772-6291, sgraham@morrobayca.gov.

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting on June 1, 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

Planning Commission Meeting of May 18, 2021

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 May 18, 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	Regan	429 Tulare Ave.	3/11/21	CUP21-03	560 sf addition to existing single family residence. This is a second story addition to a non-conforming home (insufficient front setback) ans requires a CUP.	Under review. Project deemed complete. PC meeting date to be confirmed. Scheduled for 5/18/21 PC meeting.				am
2	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. Permit approved and issued on 2/24/21. Project appealed to Planning Commission on 3/1/21; appeal denied by PC on April 20, 2021. PC decision appealed to City Council on 4/28/2021. Scheduled for City Council Appeal Hearing on June 8, 2021.				nh
3	Dominguez	1840 Main St	4/19/21	TUP21-02	Admin TUP for temporary relocation of Morro Bay Propane & U-Haul business at 1840 Main St.	Under review. Project noticed for administrative 6-month temporary use permit approval on 5-4-21.				cj
4	Alba	1245 Little Morro Creek Rd	1/20/21	MIN21-001	Minor Modification to existing T-Mobile Wireless Telecomm Facility	Under review. Planning corrections sent 2/16/21. Awaiting resubmittal. Followup email inquiry sent to applicant 3/23/21. Resubmittal received 4/7/2021 and under review. Noticed for admin approval as minor mod upgrade on 5/6/21.				cj
30 -Day Review, Incomplete or Additional Submittal Review Projects:										
5	Auerbach	3200 Beachcomber	4/28/21	MAJ21-03	Major Modification to CDP19-008 - 700sf addition to existing SFR, expand patio to 525sf ,expand driveway to add 3rd parking space	Under review				nh
6	Biaggini	1156 Market Ave	5/3/21	CDP21-017	Construct new 576 sf ADU above existing garage, 50 sf storage closet, and 170 sf second story deck.	Under review.				am
7	Steiner	301-390 Seashell Cove	4/19/21	MAJ21-02	General Plan / LCP Land Use & Zoning Map Amendment application to change land use and zoning from R-A to R-3 designation / low density to medium density.	Under review. Response letter/ incomplete letter sent 5-6-21.				cj
8	Battaglia/ Winfield	1280 Scott St	4/14/21	CDP21-015	Admin CDP for upstairs ADU, storage, conversion of existing space for JADU.	Response letter and incomplete comments sent 5/4/21. Need Resubmittal				nh

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9	SR Development	545 Atascadero Rd	Initial partial submittal on 3/31/2021. Submittal complete on 4/26/21	CDP21-013 / CUP21-04	New construction of 15 unit townhomes project	Under review				nh
10	Doubledee	929 Mesa	3/31/21	CDP21-012	Admin CDP for ADU, addition of square ft & relocate garage	Correction letter sent 4/19/21. Awaiting resubmittal.				am
11	Perry	3202 Beachcomber	See comment	CDP21-014/ LTM21-01	Demo existing home, merge 3 non-conforming parcels into 2 parcels, building new SFR with attached garage on each parcel	Submittal received, but not complete. Balance of submittal received 4/14/21, under review. Incomplete letter comments sent for LTM on 4/30/21 and for CDP on 5/4/21. Need resubmittal for both permit requests.				nh
12	Tullis	404 Estero	3/17/21	CDP21-011	CDP to demo existing improvements & construct new SFR and site improvements.	Under review. Deemed incomplete, comment letter sent to applicant April 2, 2021				nh
13	Perkins/Thompson	454 Estero	3/15/21	CDP21-009	CDP to create an attached Accessory Dwelling Unit, 496sf	Under review. Deemed incomplete, comment letter sent to applicant March 30, 2021. Resubmittal received 5/3/21, under review.				nh
14	Feuerberg	2083 Seaview Ave.	3/15/21	CDP21-007	Convert an existing detached garage into an ADU with separate storage space.	Under review. Project deemed incomplete, comment letter sent 4/5/21. Resubmittal received 4/14/2021 and is under review. Application deemed complete, project noticing beginning on 5-6-21.				am
15	Kleemann	2970 Elm	3/9/21	CDP21-006	Admin CDP for a new Accessory Dwelling Unit, 748 sf. Includes garage conversion.	Under review. Deemed incomplete 3/29/21. Resubmittal received 4/7/21 and is under review. Application deemed complete, noticing to begin 5-11-21.				am
16	Hauck	206 Bradley	2/24/21	CDP21-005	1250 sf addition, plus a 665 sf attached ADU and new garage	Planning deemed incomplete, comments sent 3/11/21				nh
17	McDonald	846 Pacific St	2/22/21	CDP21-004	Create an ADU by adding 321 sf to existing garage and converting 278 sf of existing garage (599 sf total)	Under review. Comment letter sent 3/11/21. Awaiting resubmittal. Resubmittal received 4-27-21 and is under review.				am
18	Valerie	490 Mindoro	1/20/21	CDP21-001/PKG21-03	Project changed March 15, 2021 from original application to a new SFH converted from an existing garage on a parcel newly separated from the adjacent parcel which had the original SFH	Planning deemed incomplete and comments were sent 3/29/21				nh
19	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. Resubmittal received 5/10/21, under review.				nh

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20	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. Resubmittal received 3/25/21 and is under review. Application deemed incomplete. Second correction letter sent 4/15/21. Awaiting resubmittal.				am
21	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. Applicant resubmittal received 2-17-2021 and under review currently. Project deemed complete for processing on 2/23/2021. Project plans and documents being evaluated. Environmental review process in progress.				cj
22	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. Resubmitted 2/25/21, under review. Planning deemed incomplete and comment letter was sent 3/18/21. Resubmittal received April 19, 2021, comment letter sent 4/27/21 with minor changes required.				nh
23	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. Resubmittal received 4-29-21				cj
24	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
25	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. Emailed applicant 3/9/21 acknowledging revised plans received and requesting updated RF report in order to proceed. RF report received 4-9-21. RF report deemed incomplete and correction request emailed 4-12-21.				cj
26	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. Resubmittal received 4-27-21 and is under review.				am

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27	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. Public works disapproved, planning conditionally approved 3/25/21. Planning deemed incomplete, comments sent 11/29/20. Resubmittal received 4/15/21, under review by PW. PW disapproved, requires resubmittal - comment				nh
28	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. Incomplete, need resubmittal				nh
29	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										
Projects Appealed or Forwarded to City Council										
30	Gambril	571 Embarcadero	10/14/19	MAJ19-006	Major Modification to CUP Amendment for proposed public access improvements, conversion of 2nd floor to 1 vacation rental unit with deck, dock & gangway replacement and realignment, and master sign program approval for businesses uses.	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. Revised plans received for review 2-10-21 with changes proposed to reflect PC direction. Project resubmitted 3-12-21. Project recommended for approval at 4/6/21 PC hearing. On Council agenda for 5/11/2021		PN-Conditionally Approved 10/16/2019		cj
31	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. 3-16-2021 meeting is for review of the EIR and make recommendations to City Council for adoption. Council review of adoption draft held on 4/27/21. Hearing continued to the 5/11 Council meeting.				
Environmental Review:										
32	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

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Final Map Under Review Projects:										
33	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. Map final and processed for recording on 2/16/21.		PN- Disapproved 11-6-2019		nh
Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:										
34	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:										
35	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		ig
Grants										

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36	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
37	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. City Council approved Cooperation Agreement for 2021-2023 CDBG Program Years at 5/26/20 Council meeting. 2021 CDBG Funding Allocation to be approved as final funding recommendations to the County by City Council on 3-9-21.	No review performed.	N/R		cj
38	City of Morro Bay	City-wide				Climate Action Plan - Implementation	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				cj

Projects in Building Plan Check:

39	HASLO	405	Atascadero	12/22/20	B20-0215	35 unit affordable apartments	Planning approved 1/10/21.	Bldg. - Disapproved 2/2/21			nh
40	Wilkie	476-A	Atascadero	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
41	Goldstein	186	Bayshore Dr.	11/4/20	B20-0190	Remodel kitchen, dining & living area.		Bldg. - Approved 11/09/20			sg
42	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
43	Calanchini	433	Bernardo Ave.	4/8/21	B21-0067	Finish open space on the first floor that is enclosed within current structure. The space will become a 22 sf guest room/game room w/wet bar. All electrical & plumbing is currently located in the existing walls.		Bldg. - Disapproved 5/10/21			am
44	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
45	Hubbard	603	Driftwood	3/1/21	B21-0030	Interior remodel of kitchen and bath, enclose 24 sf porch to enlarge kitchen, 548 sf two story addition at rear of SFR (348 sf lower, 200 sf upper), 104 sf second story deck, and remove existing 240 sf carport.	Under review. Minor changes shown, requires documentation for the record. Planning reviewed and approved 3/11/21	Bldg. Approved 3/11/21			nh

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46	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
47	Fowler	1215	Embarcadero	3/31/21	B21-0056	Tenant improvements (interior); 2nd floor restaurant	Disapproved 4-1-21. Received resubmittal 4-26-21. Under review.	Bldg. - Approved 4/28/21			cj
48	Nguyen & Cung	2242	Emerald Circle	4/21/21	B21-0074	Interior Kitchen Remodel in existing SFR. No additional area is being proposed		Bldg. - Approved 4/29/21			sg
49	Cox	555	Estero	4/22/21	B21-0073	Remove existing detached single car garage. Rebuild single car garage as attached with office space above. Update kitchen.		Bldg. Disapproved 4/29/21			sg
50	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. Approved 4/22/21			nh
51	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. - Approved 4/13/21			nh
52	Godfrey	396	Hill St.	3/18/21	B21-0045	New Duplex - Unit A includes 2422 sf of living, and 770 sf garage. Unit B includes 2616 sf of living area and 603 sf garage.	Under review. Planning disapproved 4-16-21.	Bldg. - Disapproved 4/26/21			am
53	May	401	Kern Ave.	2/11/21	B21-0024	Interior remodel of kitchen, bath and stairs, converting 288 sf of garage area to 1st floor living area, 65 sf addition to 2nd floor living area (353 sf total living area addition) new 437 sf garage addition to remaining 107 sf of garage. New 300 sf covered patio and 650 sf roof top deck.	Under review. Planning disapproved 3/16/21.	Bldg. - Approved 3/11/21			am
54	Melen	2540	Koa Ave.	4/26/21	B21-0075	Interior renovations on mid level and upper floors, adding bathroom to existing space on upper floor, creating new conditioned space from existing attic space on upper floor.		Bldg. Plancheck			sg
55	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

#	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
56	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. Emailed applicant 3-19-2021 advising them of permit expiration date and extension opportunities.	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB Permit extended to 4/18/23	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	cj
57	Twin Bay Inc.	2460	Main St.	7/21/20	B-32117 B20-0114	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. Planning approved ADA improvement permit 2/11/21	Bldg. Approve 2/9/21			nh
58	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.	Ready to issue			nh
59	Leonard	918	Marina St.	3/8/21	B21-0039	Construct 420 sf deck with steps (just under 5 ft. in height) at front of SFR, also install French drain.	Planning approved 3/11/21. am	Bldg. - Approved 3/10/21			sg
60	McCutcheon	361	Mindoro St.	4/7/21	B21-0062	Addendum to B20-0149; Engineering done to make footings & spans up to code. Survey done to get exact distance to house from property line.		Bldg. - Approved 4/7/21			sg
61	LifePoint Church	615	Monterey	1/6/20	B19-0279	Remodel/upgrade current building	Planning disapproved 1/27/20. Awaiting resubmittal.	Bldg - Disapproved 1/30/20			nh
62	Gaffney	960	Napa Ave		B21-0057	Addition to SFR 983 sf new 2 story addition plus demo existing garage and build new 441 sf detached 2-car garage	Planning approved 4-7-21	Bldg. - Approved 4/20/21			nh
63	Gaffney	960-A	Napa Ave	4/2/21	B21-0058	Detached ADU above new garage (see permit B21-0057)	Planning approved 4-7-21	Bldg. - Approved 4/20/21			nh
64	Dill	2300	Nutmeg Ave	4/6/21	B21-0061	Replacing a 2nd story 160 sf cantilever deck with 160 sf deck with posts		Bldg. - Approved 4/7/21			sg
65	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
66	Angelucci	953	Pacific St.	3/25/21	B21-0052	Add 300 sf to 2nd story, 470 sf attached 2 car garage, 275 sf open deck & 188 sf covered deck.	Under review. Disapproved 4/27/21. am	Bldg. - Disapproved 4/27/21			am
67	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
69	Loeffler	233	Piney Way	5/5/21	B21-0079	1,208 sf addition to existing single level SFR (466 sf to 1st floor and 742 sf will create new 2nd floor). Existing garage will mostly become part of the new addition and a new 490 sf garage will be constructed in front of former garage. New 315 sf 2nd floor deck and 223 sf roof top deck.	Planning approved 5/10/21	Bldg. Plancheck			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
70	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. Requires a Admin CDP and Parking Exception prior to review and approval of the building permit. Waiting for submittal.	Bldg. - Disapproved 3/1/21			nh
71	Volk	800	Quintana Rd.	3/2/21	B21-0034	Addition of 30 kw diesel backup generator with a 190 gallon subbase fuel tank on a 4' x 10' concrete pad. Install new CMU walls with screened chain-link access gates, and install automatic transfer switch and camlock together.	Approved. Cj.	Ready to issue			cj
72	PG&E	475	Radcliff Ave.	2/9/21	B21-0023	Installation of six panel antennas and associated equipment on an existing 73-foot PG&E lattice tower. Equipment will be enclosed by an 8-foot tall CMU wall placed 35 feet from the base of the lattice tower.	Under review. Correction lent sent. Cj.	Bldg. Approved 2/17/21			cj
73	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
74	Hosford	775-A	Ridgeway St.	3/8/21	B21-0040	ATTACHED ADU - Create new 700 sf accessory dwelling unit (ADU) from 1400 sf non conditioned storage space under SFR, 700 sf will remain unconditioned storage space.	Planning disapproved 3/16/21. Awaiting resubmittal.	Bldg. Disapproved 3/10/21			am
75	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. Applicant is processing required documents 3/8/21. Planning approved 3/28/21	Bldg. - Approved 2/17/21			nh
76	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
77	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
78	Kelter	1107	West Ave	3/2/21	B21-0033	Add 18 sf to extend kitchen area by removing an angled wall and constructing a straight wall and adding a 6030 window.	Under review, issues related to bluff setback and previous permit restrictions. Project redesigned to avoid bluff impact. Requires resubmittal with new plans. Planning approved revised design April 2, 2021	Bldg. - Approved 4/5/21			nh
79	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:

#	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
80	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. Project deemed incomplete and comment letter sent 2/18/21. Awaiting resubmittal. Resubmittal received 3/29/21 and is under review. Project deemed complete and scheduled for 5/4/2021 PC meeting. Permit approved 5-4-21.				am
81	MacMillan	1840 Main St	4/14/21	CP0-404 / UP0-364	Request for 2-year extension of CDP / CUP for approximate 1,400sf Sonic drive-up restaurant with canopied parking and associated site improvements	Planning permit extension request received 4-14-2021 for permits #CP0-404 and #UP0-364 approved by Planning Commission on 4-18-2017. PC meeting date is to be confirmed. Two year extension approved on 5-4-21.				cj
Staff Directory:										
Scot Graham - sg	Chad Ouimet - co	Cindy Jacinth - cj	Pam Newman - pn	Nancy Hubbard - nh	Abby Miramontes - am					



AGENDA NO: B-1

MEETING DATE: May 18, 2021

Staff Report

TO: Planning Commissioners **DATE:** May 11, 2021

FROM: Abby Miramontes, Planning Intern

SUBJECT: 429 Tulare Ave: Conditional Use Permit (CUP21-03) Request for Conditional Use Permit to allow construction of a 560 sf addition to an existing 1,683 sf. single-family residence. The existing residence is nonconforming in regard to the front and south side setbacks. The project is located in the R-1 zoning district and outside of the Coastal Commission Appeals Jurisdiction.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by approving Planning Commission Resolution 11-21 (Exhibit A) which includes the Findings and Conditions of Approval for the project depicted on site development plans dated March 11, 2021.

APPLICANT:

Pete and Beth Regan

AGENT:

Bryan Ridley

ADDRESS/APN:

429 Tulare Avenue/066-203-022



PROJECT DESCRIPTION:

The Applicant is requesting conditional use permit approval to construct a first and second story 560 sf addition to a non-conforming 1,683 sf primary residence. The project includes a 111 sf first floor addition and 249 sf second story addition with a 178.2 sf deck. The existing residence is nonconforming in regard to the front and south side setbacks. The project is located in the R-1 zoning district and outside of the Coastal Commission Appeals Jurisdiction.

Prepared By: AM

Department Review: SG

PROJECT SETTING:

The project is located within the Central Morro Bay Neighborhood, designated as Planning Area 7 in the Local Coastal Plan, it lies within the R-1 Single-Family Residential Zoning District and outside of the Coastal Commission Appeal Jurisdiction. This 5,000 sq. ft. lot is located to the north of Ridgeway Street, south of Carmel Street, east of Arcadia Avenue, and to the west of Tulare Avenue.

Existing Street View:



Proposed Street View:



Adjacent Zoning/Land Use			
North:	R-1 Single-Family Residential	South:	R-1 Single-Family Residential
East:	R-1 Single-Family Residential	West:	R-1 Single-Family Residential

Site Characteristics	
Site Area	5,000 square feet
Existing Use	Single-Family Residential
Terrain	Virtually Flat and Undeveloped
Vegetation/Wildlife	Ornamental Landscaping
Archaeological Resources	N/A
Access	Tulare Ave.

General Plan, Zoning Ordinance, & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Moderate Density
Base Zone District	R-1
Zoning Overlay District	n/a
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Located outside of the Coastal Commission Appeal Jurisdiction

Zoning Ordinance Standards		
	Standards	Proposed
Front Setback	20'	4'-6" (existing)
Interior Side-Yard Setback	North: 5' South: 5'	North: 5'-2" South: 4' (existing)
Rear Setback	10'	10'
Height	25'	22'-6"

Lot Coverage	Max. 45%	45%
Parking	2 car garage	2 car garage

PROJECT DISCUSSION:

County Assessor records indicate the existing single-family residence was constructed in 1963 with minor repairs to the structure since then. The Applicant proposes to construct a 560 sf addition an existing non-conforming 1,683 sf single-story residence. The addition would include a new second story, staircase, and master closet expansion.

The Applicant’s plans do not include a topographic survey, so Staff has added Planning Condition #7 to the conditions of approval to require the Applicant to submit a topographic survey prior to issuance of the building permit. The survey will verify average natural grade and ensure compliance with height standards.

Setbacks

The existing 1,683 sq. ft. residence sits 20’ from the front property line on Tulare Street, 5’-2” from the north interior side property line, 4’ from the south interior side property line, and 10’ from the rear property line. The existing garage entry sits 4’-6” from the front property line. The proposed second story addition will be built primarily over the existing building footprint at the rear of the home. The proposed second story conforms to all height and setback standards. Pursuant to Morro Bay Municipal Code (MBMC) section 17.24.040, the non-conformities on the site are the south interior side property line and garage setback from the front property line.

Residential Design Guidelines

1. Relationship to Homes in Immediate Neighborhood

The visual elements and aesthetic design of the home will remain unchanged. The new development is designed to blend harmoniously with the existing residence. The proposed second story will not negatively impact the view from the street, as it is limited to the back half of the lot, and there are two-story developments directly adjacent to the project.

2. Scale and Mass

The proposed second story addition is above the existing residence and on the back 50% of the lot and will not negatively impact the street view from Pacific Street.

3. Surface Articulation

The proposed addition uses similar colors, materials, and design elements to those on the existing residence.

4. Building Orientation

No changes are proposed to building orientation.

5. Garage and Driveway Design

No changes to the existing garage and driveway design are proposed.

6. Building Materials

The design of the proposed first floor and second story addition is consistent with the colors and materials of the existing residence.

7. Architectural Elements

The doors, windows, and other architectural features will be consistent with the design of the existing residence.

Permit Requirements

Title 17 of the MBMC establishes land use and zoning permit requirements. The project at 429 Tulare proposes a second story addition to an existing non-conforming residence. This project requires Planning Commission approval of a Conditional Use Permit (MBMC Section 17.56.160).

Conditional Use Permit

The Zoning Ordinance, subsection 17.56.160A, requires approval of a conditional use permit for any nonconforming structure that proposes an addition over 25% of the existing square footage. The project proposes to add a 111 sf first floor addition and 449 sf second story addition to a 1,683 sf home. The 560 sf addition equates to a 33% addition and thus triggers the requirement for conditional use permit approval. The proposed addition is compliant with all pertinent development standards. Permit approval requires the following findings to be made:

1. The enlargement, expansion, or alteration is in conformance with all applicable provisions of the Zoning Ordinance.

The proposed addition is consistent with Zoning Ordinance requirements as detailed above.

2. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use.

The applicant is required to submit a complete building permit application and obtain the required building permit prior to construction.

3. The project is suitable for conforming uses and will not impair the character of the zone in which it exists.

The project proposes an addition associated with a single-family dwelling, which is an allowed use in the R-1 Residential Zoning District.

4. It is not feasible to make the structure conforming without major reconstruction of the existing structure.

Major reconstruction would be necessary to remedy the nonconforming setbacks.

PUBLIC NOTICE:

Notice of this item was posted at the site and published in the San Luis Obispo Tribune newspaper on May 7, 2021 and all property owners and occupants of record within 500 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

ENVIRONMENTAL DETERMINATION:

Environmental review was performed for this project and staff determined it meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15301 Class 1(e) because the project is a relatively small addition to a single-family home. The exemption applies to the construction of an addition to an existing structure. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

CONCLUSION:

The project is consistent with the General Plan and Local Coastal Plan, which establish five residential land use categories to provide for a wide range of densities and to ensure residential land is developed to a density suitable to its location and physical characteristics. The project is consistent with the Zoning Ordinance because residential units are an allowed use in the Moderate Density land use designation and because the project meets the development standards set forth in the Ordinance.

The proposed additions bring the residence from 1,683 sf to 2,243 sf. As shown in the visual simulations and project plans, the project addition of 560 sf has been designed to be consistent with the Residential Design Guidelines and compatible with the surrounding neighborhood which is a mix of one and two-story homes. Most of the project impact is at the rear of the lot with design features consistent with the surrounding neighborhood.

RECOMMENDATION:

Staff recommends the Planning Commission approve the requested Conditional Use Permit (CUP21-03) for the proposed project at 429 Tulare Avenue, as shown on plans dated March 11, 2021 by adopting Planning Commission **Resolution 11-21** which includes the Findings and Conditions of Approval for the project.

EXHIBITS:

- Exhibit A – Planning Commission Resolution 11-21
- Exhibit B – Plan Reductions
- Exhibit C – Photosimulation
- Exhibit D – PowerPoint Presentation

EXHIBIT A

RESOLUTION NO. PC 11-21

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT (CUP21-03) FOR CONSTRUCTION OF A 560 SF ADDITION TO AN EXISTING NON-CONFORMING 1,683 sf SINGLE-FAMILY RESIDENCE LOCATED IN THE R-1 ZONING DISTRICT AND OUTSIDE THE COASTAL COMMISSION APPEAL JURISDICTION AT 429 TULARE AVENUE

WHEREAS, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing via video conference on May 18, 2021, for the purpose of considering Conditional Use Permit (CUP21-03) for construction of a 111 sf first floor addition and 449 second story addition to an existing 1,683 sf single-family home located in the R-1 zone and outside the Coastal Commission appeal jurisdiction at 429 Tulare Ave; 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 applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

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

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

California Environmental Quality Act (CEQA) Finding

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15301, Class 1(e) for construction of an 560 sf addition to an existing 1,683 sf single-family residence. Additionally, none of the Categorical Exemption Exceptions, noted under Section 15300.2, apply to the project.

Conditional Use Permit Findings

EXHIBIT A

Planning Commission Resolution 11-21

CUP21-03

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1. The project is consistent with the General Plan and Local Coastal Plan which establish five residential land use categories to provide for a wide range of densities and to ensure that residential land is developed to a density suitable to its location and physical characteristics.
2. The proposed addition is in conformance with all applicable provisions of the Morro Bay City Zoning Ordinance (the "Zoning Ordinance"), including building height, setbacks, and lot coverage.
3. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use since the applicant is required to submit a complete building permit application and obtain the required building permit prior to construction.
4. The project is suitable for conforming uses and will not impair the character of the zone in which it exists because it proposes an addition to a single family home, which is an allowed use in the R-1 zone.
5. It is not feasible to make the existing primary residence and garage conforming without major reconstruction/demolition to meet the required setbacks.
6. The Planning Commission finds the project, as conditioned, is consistent with the character of the neighborhood in which it is located. It is surrounded by compatible uses of moderate density residential development; has size and scale similar to nearby structures.

Section 2. Action. The Planning Commission does hereby approve Conditional Use Permit (CUP21-03) for the property located at 429 Tulare Avenue subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated May 11, 2021, for the project at 429 Tulare Avenue depicted on plans dated March 11, 2021, as part of Conditional Use Permit (CUP21-03) on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Site development and all installed structures and improvements shall be located and designed substantially as shown on plans, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Director (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the

EXHIBIT A

"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.

PLANNING CONDITIONS

1. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all

EXHIBIT A

- 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.
2. Construction Hours: Pursuant to MBMC subsection 9.28.030.I, Construction or Repairing of Buildings, the erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Community Development Department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.
 3. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
 4. 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.
 5. Architecture: Building color and materials shall be as shown on plans approved by the Planning Commission and specifically called out on the plans submitted for a Building Permit to the satisfaction of the Community Development Director.
 6. Boundaries and Setbacks: The property owner is responsible for verification of lot boundaries. A licensed land surveyor shall verify lot boundaries and building setbacks to the satisfaction of the Community Development Director. A copy of the surveyor's *Form Certification* based on a boundary survey shall be submitted with the request for foundation inspection.
 7. Topographic Survey: Prior to issuance of a building permit, the Applicant shall provide a topographic survey of the property to verify average natural grade and ensure compliance with height standards of the zoning ordinance.
 8. Building Height Verification: Prior to foundation inspection, a licensed land surveyor shall measure and inspect the forms and submit a letter to the Community Development Director certifying that the tops of the forms are in compliance with the finish floor elevations as shown on approved

EXHIBIT A

plans. Prior to either roof nail or framing inspection, a licensed surveyor shall submit a letter to the building inspector certifying that the height of the structures is in accordance with the approved plans and zoning ordinance standard.

BUILDING DIVISION CONDITIONS

A. CONDITIONS PRIOR TO THE ISSUANCE OF A BUILDING PERMIT:

1. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.
2. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.
3. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.
4. The owner shall comply with the City Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.
5. A soils investigation performed by a qualified professional shall be required for this project. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided. Alternatively, submit a completed City of Morro Bay soils report waiver request.
6. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
7. **BUILDING PERMIT APPLICATION:** To apply for building permits, submit three (3) sets of construction plans, fire sprinkler plans, if applicable, and supplemental documents to the Building Division.
8. The Title sheet of the plans shall include, but not limited to:

EXHIBIT A

Planning Commission Resolution 11-21

CUP21-03

Page 6

- Street address, lot, block, track and Assessor Parcel Number
- Occupancy Classification(s)
- Construction Type
- Maximum height of the building allowed and proposed
- Floor area of the building(s)
- Fire sprinklers proposed or existing
- Minimum building setback allowed and proposed

All construction will conform to the 2019 California Building Code (CBC), 2019 California Residential Code (CRC), 2019 California Fire Code (IFC), 2019 California Mechanical Code (CMC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Energy Code, 2019 California Green Building Code (CGBC), Title 14 and 17 of the Morro Bay Municipal Code.

(Code adoption dates are subject to change. The code adoption year is established by application date of plans submitted to the Building Division for plan review.)

B. CONDITIONS TO BE MET DURING CONSTRUCTION:

1. **SITE MAINTENANCE:** During construction, the site shall be maintained to not infringe on neighboring property, such as debris and dust. A storm water management plan shall be maintained through the duration of the project. The storm water management measures such as fiber rolls, silt fencing, etc. will be enforced by City staff by random site visits.
2. **ARCHAEOLOGICAL MATERIALS:** In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. The Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or paleontologist, whichever is appropriate. The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.
3. **FOUNDATION SETBACK VERIFICATION:** Prior to the placement of concrete and upon completed form installation, a licensed surveyor is required to measure and record the distance from the proposed foundation walls to the established lot lines. The contractor shall submit these findings in letter format to the building inspector upon the request for a foundation inspection. Letter shall specify the findings of front, sides and rear yard setbacks as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case by case basis for some lot types.

EXHIBIT A

4. **BUILDING HEIGHT VERIFICATION:** Prior to roof sheathing or shear wall inspection, a licensed surveyor is required to measure and record the height of the structure. The contractor shall submit this finding in letter format to the building inspector upon the request for roof sheathing/shear wall inspection. Letter shall specify the recorded height of structure as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case by case basis for some site-specific projects.
5. **EXISTING BUILDINGS:** Where windows are required to provide emergency escape and rescue openings, replacement windows shall comply with the maximum sill height requirements of section R310.2.2 and the minimum opening area requirements of section R310.2.1 of the 2019 California Residential Code.

C. CONDITIONS TO BE MET PRIOR TO FINAL INSPECTION AND ISSUANCE OF THE CERTIFICATE OF OCCUPANCY:

1. Prior to building division final approval and request for final inspection, all required inspections from the other various divisions and departments must be completed and verified by a city inspector. All required final inspection approvals must be obtained from the various departments and documented on the permit card. This permit card shall then be turned into the building division for scheduling of the final building inspection.
2. Any as-built drawings that were required by the building inspector or plans examiner must be submitted for approval prior to the request for final inspection.
3. If structural observations were required, the final structural observation report shall be submitted to the building division prior to issuance of the certificate of occupancy or final inspection approval.
4. If special inspections were required, the final special inspection report shall be submitted to the building division prior to the issuance of the certificate of occupancy or final inspection approval.
5. Final soils summary report from the geotechnical representative indicating compliance with the required conditions set forth in the soils report.
6. Final T-24 energy reports (Certificates of Installation).

PUBLIC WORKS CONDITIONS

1. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements. All proposed projects must complete the "SFR Performance Requirement Determination Form" to determine if any requirements should be submitted. The requirements can be found in the Stormwater management guidance manual on the City's website www.morro-bay.ca.us/EZmanual (MBMC 14.48.140)

EXHIBIT A

Planning Commission Resolution 11-21

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Page 8

2. Sewer Lateral: Indicate and label if private sewer lateral pipe will be replaced or to remain in place. If the existing sewer lateral is proposed to remain in place, then perform a video inspection of the lateral (from the clean-out at structure to the connection at the sewer mainline pipe) and submit to Public Works via flash drive, prior to building permit plan approval. Requirements for the sewer video inspection can be located on the City's website at the following location: <https://www.morrobay.ca.us/DocumentCenter/View/13500/Private-Sewer-Line-Video-Requirements>. Lateral shall be upgraded, repaired or replaced as required to prohibit inflow/infiltration. All repairs or replacements identified from sewer video, shall be noted on approved set of plans, prior to plan approval. (MBMC 14.07.030)
3. Erosion and Sediment Control Plan: For small projects less than one acre and less than 15% slope, provide a standard erosion and sediment control plan. Show on plans the control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.
4. Water Meter: Indicate and label new or existing water meter on plans and include size of meter(s). (MBMC 13.04.140)
5. Utilities: Show all existing and proposed locations of the sewer lateral, water service, and water and sewer mains on the building plans. Note the location of all overhead utilities and construction underground service entrances per the CBC.
6. Retaining Wall within City Right-of-way: Existing CMU retaining wall is located within the City right-of-way. The retaining wall will need to be removed or requires a "Special Encroachment Permit". For approval of a "Special Encroachment Permit", submit fee payment and an 8.5"x11" size exhibit. Exhibit shall show the plan layout of the frontage and retaining wall. Label and dimension wall, the right-of-way width and street. (MBMC 8.14.020)

Additional Notes - Add the following notes to the Building Permit plans.

1. Any damage, as a result of construction operations for this project, to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.
2. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permit application and requirements

EXHIBIT A

are available on the City's website at the following location:
<https://www.morro-bay.ca.us/197/Public-Works>.

- A standard encroachment permit shall be required for the proposed driveway; the driveway shall comply with B-9 (Driveway Ramps: Size & Location).
- A sewer encroachment permit shall be required for any repairs or installation of a sewer lateral within the City right-of-way or within a utility easement.
- If a construction dumpster is used, the dumpster location shall be on private property, unless allowed by a temporary encroachment permit within the City right-of-way.

FIRE DEPARTMENT CONDITIONS:

1. Fire Safety during Construction and Demolition shall be in accordance with 2019 California Fire Code, Chapter 33. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations.
2. Automatic fire sprinklers. An automatic fire sprinkler system, in accordance with NFPA 13-D, California Fire Code (Section 903) and Morro Bay Municipal Code (Section 14.08.090).

Automatic Fire sprinklers are required throughout existing structures where alterations encompass more than 50% of the existing square footage of the structure AND/OR is in excess of 300 square feet addition OR where there is a change of occupancy to a more hazardous use as determined by the Fire Chief.

3. An emergency escape window (or door which opens directly to the outside of the house) is required in every bedroom, or habitable basement. In the event of a fire, this window (or door) will allow people to escape, and/or allow firefighters to get into the house to rescue people.
4. Carbon monoxide alarms in new dwellings and sleeping units. An approved carbon monoxide alarm shall be installed in dwellings having a fossil fuel-burning heater or appliance, fireplace or an attached garage. Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. (CRC R315.2)
5. Address identification. All new and existing single-family residence and ADUs shall have their own approved address numbers or building

EXHIBIT A

Planning Commission Resolution 11-21

CUP21-03

Page 10

numbers placed in a position to be plainly legible from the street or road fronting the property (CFC 505). Provide approved address numbers 4 inches high with ½ inch stroke in contrasting numbers.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 18th day of May 2021 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Susan Stewart, Chairperson

ATTEST

Scot Graham, Community Development Director

The foregoing resolution was passed and adopted this 18th day of May 2021.

EXHIBIT B



PHOTO SIMULATION | VIEW FROM TULARE AVENUE

project directory

OWNER
 peter regan
 429 tulare avenue
 morro bay, CA 93442

ARCHITECT
 bracket architecture office
 po box 1810
 san luis obispo, ca 93406
 contact: bryan ridley, 805 704 0535

sheet index

GENERAL
 A0.1 title sheet + project information + photo simulation

ARCHITECTURAL
 A1.1 site plan
 A2.1 floor + roof plans
 A3.1 materials + colors + exterior elevations
 A3.2 exterior elevations

project data

DESCRIPTION
 560 sq. ft. addition to an existing single-family residence including a new second story, stair case, and master closet expansion

SITE INFORMATION
 jurisdiction city of morro bay
 zoning R-1
 APN 069-203-022
 street address 429 tulare avenue
 gross lot size 5,000 sf (1.1 ac)
 lot coverage 42% (2,142 sf) existing, 45% (2,250 sf) proposed, 45% (2,250 sf) allowed
 impermeable surfaces 65% (3,235 sf) proposed

BUILDING INFORMATION
 number of stories 2
 occupancy R-3 residential | U garage
 type V B (non-rated)
 construction type none existing, to be installed with alterations
 sprinklered 23'-6" above average natural grade
 height existing living 1st floor addition 2nd floor addition existing garage
 building areas 1,693 sf 111 sf 449 sf 452 sf

ADDITION TOTAL
 560 sf (+33%)

drawing log

SET	ISSUE DATE	REVISION
Coastal Development Permit Application	20.0311	

vicinity map



**REGAN RESIDENCE
 ADDITION**
 429 tulare avenue
 morro bay, ca 93442
 APN: 069-203-022

project: A0.70
 print: 21.0311
 revision

title sheet +
 project information
A0.1

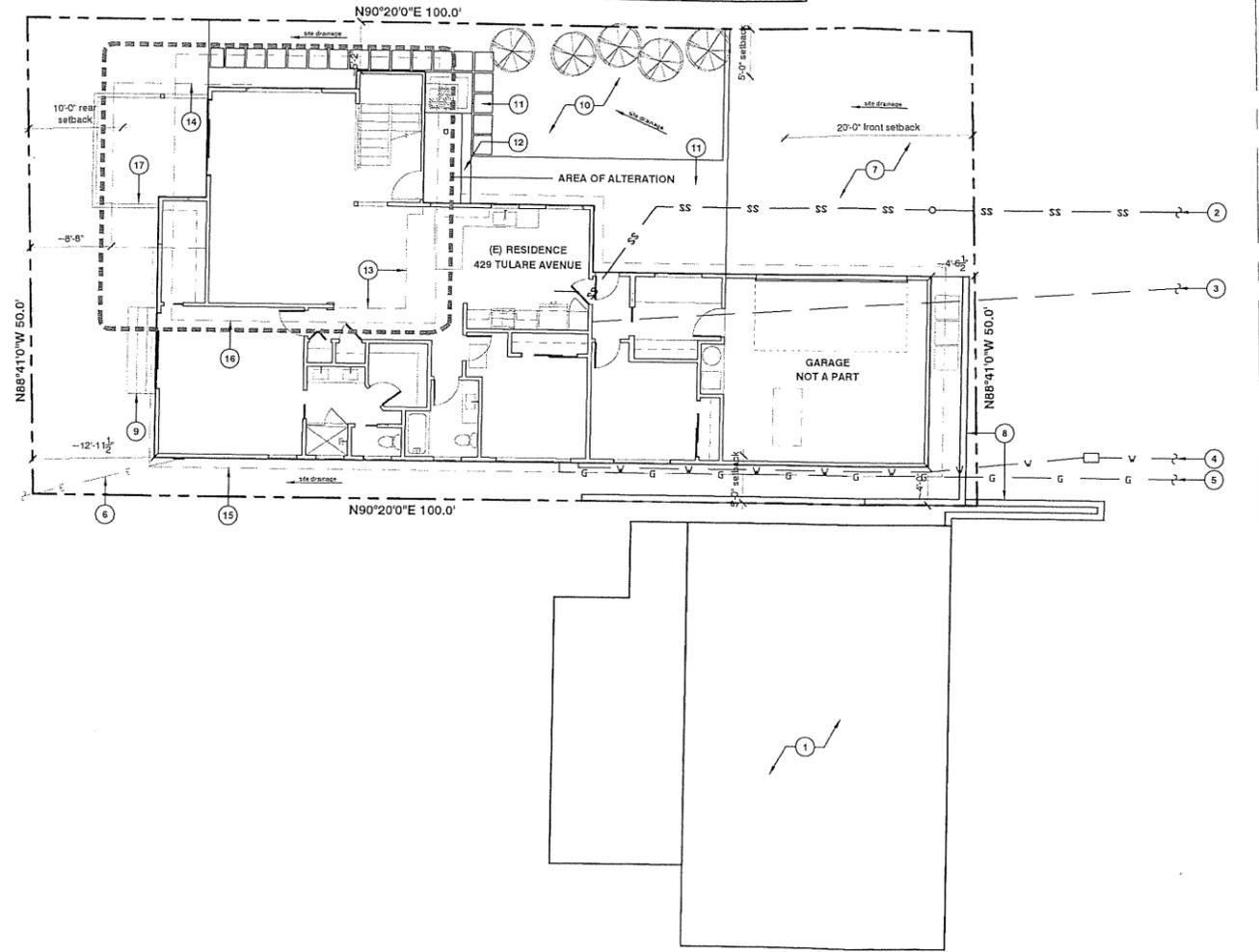
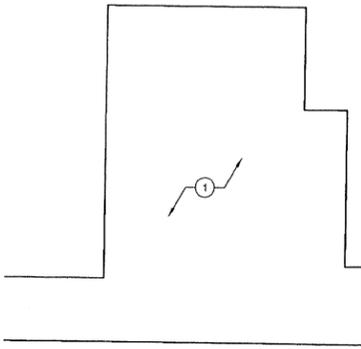


bracket
 architecture office

bryan ridley, architect
 po box 1810
 san luis obispo, ca 93406
 bracketarchitecture.com

site plan notes

- (e) reference note callout
- 1. (e) structure on adjacent property
- 2. (e) utility: sewer
- 3. (e) utility: telecom
- 4. (e) utility: water, upgrade lateral + meter as needed for automatic fire sprinkler installation
- 5. (e) utility: gas
- 6. (e) utility: electric
- 7. (e) asphalt driveway
- 8. (e) CMU retaining wall
- 9. (e) concrete patio + steps
- 10. (e) landscape
- 11. cast-in-place concrete flatwork or pavers
- 12. cast-in-place concrete entry stairs
- 13. line of second story addition above
- 14. line of new deck above
- 15. line of first story eave
- 16. line of new second story eave
- 17. (e) wood deck, <30' above grade, to remain



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 san luis obispo, ca 95406
 bryantidley.com
 bryantidley@me.com

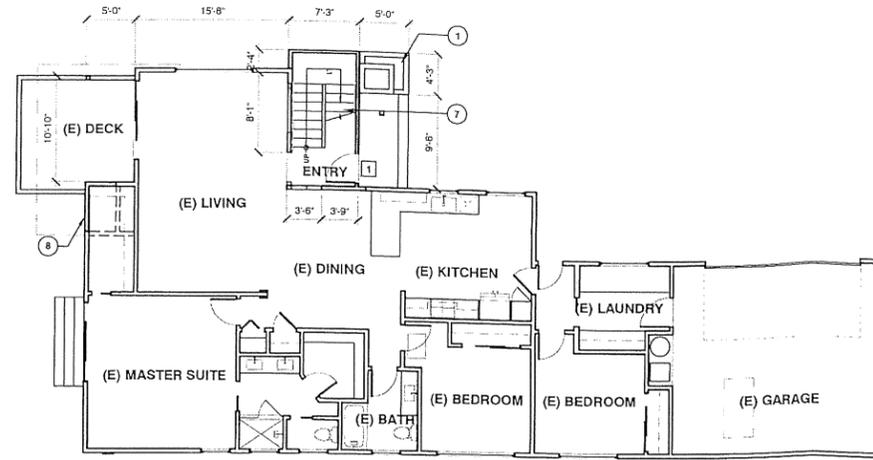
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 architecture office



**REGAN RESIDENCE
 ADDITION**
 428 tulare avenue
 morro bay, ca 95442
 APN: 086-203-002

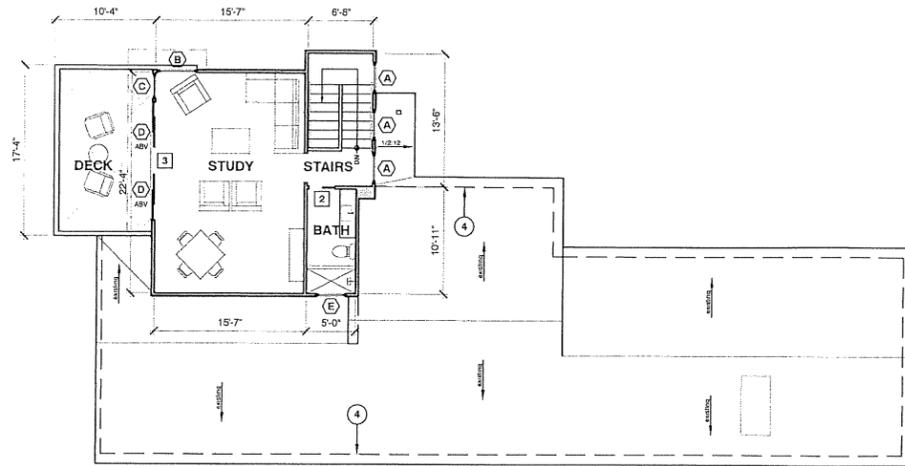
project AO170
 print 21.0311
 revision

site plan
A1.1



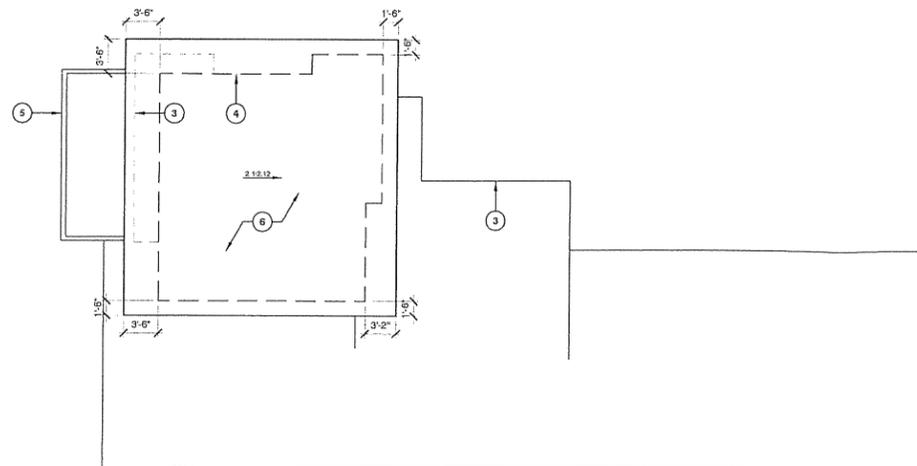
01 first floor plan

SCALE: 1/8" = 1'-0"



02 second floor plan

SCALE: 1/8" = 1'-0"



03 roof plan

SCALE: 1/8" = 1'-0"

plan notes

- # reference note callout
- 1. concrete planter
- 2. line of awning below
- 3. roof or awning below
- 4. line of building below
- 5. deck below
- 6. composite shingle roof to match existing
- 7. new stair to access 2nd story
- 8. closet expansion

legend

- ==== new 2x wood frame wall construction
- ==== existing wall to remain
- existing wall, to be removed
- existing elements: windows, doors, cabinets, plumbing fixtures, etc. to be removed
- # door callout, see schedule, this sheet, for detailed information
- X window callout, see schedule, this sheet, for detailed information

wall assembly note - fireblocking is required at the following locations:
 a. in concealed spaces of stud walls and partitions vertically at the ceiling and floor levels and horizontally at intervals not exceeding 10 feet
 b. at all interconnections between concealed vertical and horizontal spaces (soffits, drop ceilings, cove ceilings)
 c. in all concealed spaces between main stringers at the top and bottom of the stair run
 d. at openings around vents, pipes, ducts, cables and wires at ceiling and floor level

door schedule

	WIDTH	HEIGHT	TYPE	FRAME	PANEL	NOTES
1	3'-0"	6'-8"	entry	wood	single lite	
2	2'-8"	6'-8"	interior pocket	wood	solid	
3	12'-0"	6'-8"	patio slider	fiberglass	4-panel	

window schedule

	WIDTH	HEIGHT	FRAME	TYPE	NOTES
A	3'-0"	3'-0"	vinyl	awning	
B	4'-0"	5'-0"	vinyl	casement	
C	2'-8"	5'-0"	vinyl	casement	
D	5'-9"	2'-0"	vinyl	fixed	
E	3'-0"	2'-0"	vinyl	casement	

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 architecture office



REGAN RESIDENCE
 ADDITION
 429 tulser avenue
 morro bay, ca 93442
 APN: 069-208-002

project A0170
 print 21.03.11
 revision

floor + roof plans
A2.1

EXHIBIT B



1
A



2
B



3
C

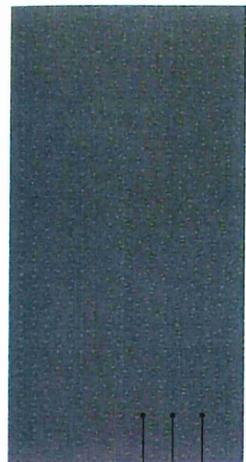
2
B



4
C



5
E



6
H

materials + colors

- 1 material
- A color/finish
- 1. wood siding
- 2. stucco
- 3. cast-in-place concrete slab + step
- 4. entry door
- 5. garage door
- 6. window | sliding patio door
- 7. asphalt shingle roofing
- 8. architectural metal awning
- 9. steel guard rail
- 10. wood fascia

- A. thermally modified ash
- B. integral color | crystal white by La Habra or equal
- C. natural pigmentation
- D. match existing
- E. black
- F. manufacturer color = dark bronze
- G. manufacturer color = white
- H. paint | iron ore SW 7059 by Sherwin-Williams

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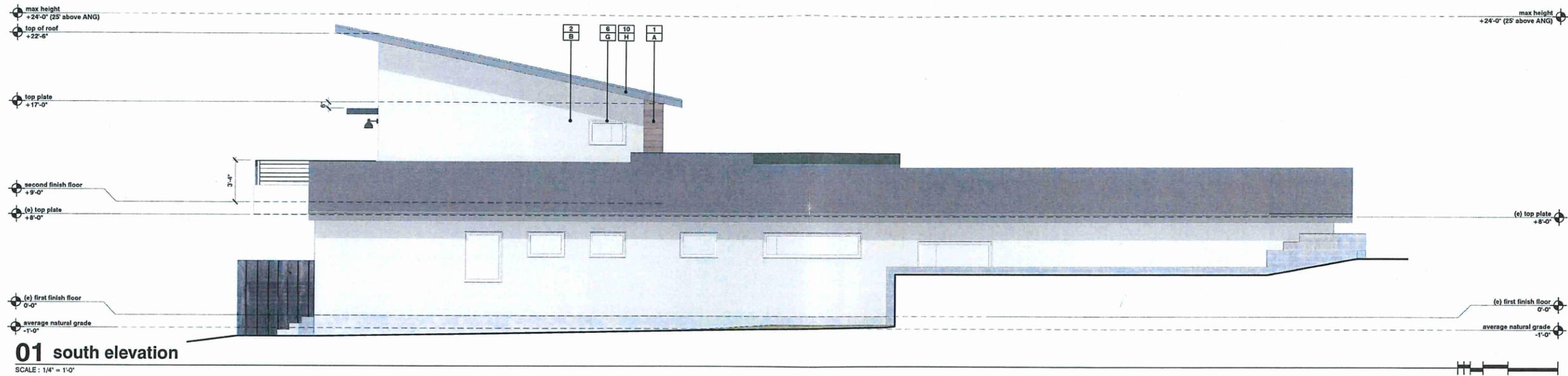
bracket
 architecture office



REGAN RESIDENCE
 ADDITION
 429 tulaver avenue
 morro bay, ca 93442
 APN: 066-203-002

project: A0170
 revision: 21.0311
 revision:

materials + colors +
 exterior elevations
A3.1



01 south elevation

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

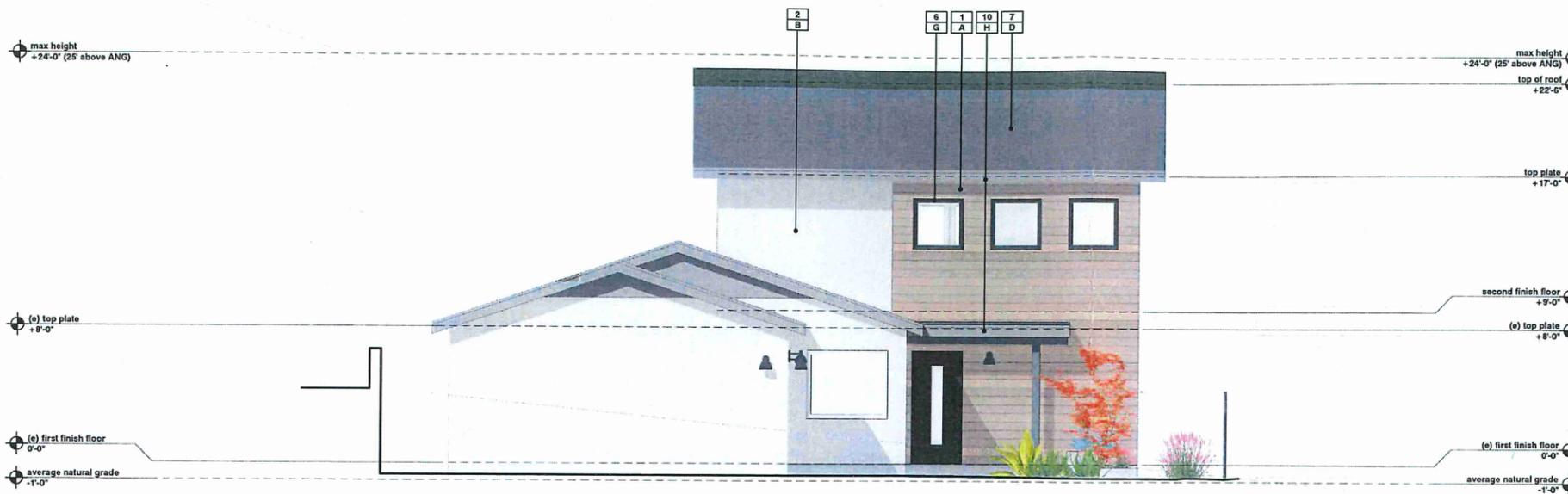


02 north elevation

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

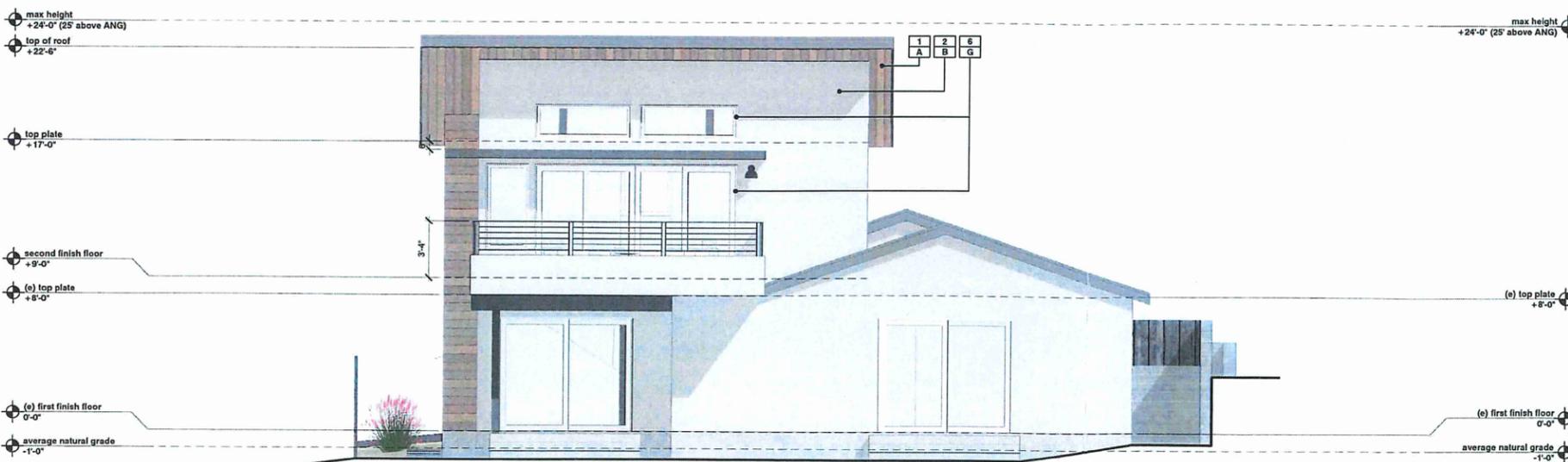
materials + colors

1	material	A	color/finish
1.	wood siding	A.	thermally modified ash
2.	stucco	B.	integral color crystal white by La Habra or equal
3.	cast-in-place concrete slab + step	C.	natural pigmentation
4.	entry door	D.	match existing
5.	garage door	E.	black
6.	window sliding patio door	F.	manufacturer color = dark bronze
7.	asphalt shingle roofing	G.	manufacturer color = white
8.	architectural metal awning	H.	paint iron ore SW 7059 by Sherwin-Williams
9.	steel guard rail		
10.	wood fascia		



01 east (street) elevation

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



02 west elevation

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



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REGAN RESIDENCE
 ADDITION
 429 tulaver avenue
 morro bay, ca 93442
 APN: 066-203-002

project: AO170
 print: 21.0311
 revision

exterior elevations
A3.2

EXHIBIT C

Photosimulation – 429 Tulare





EXHIBIT D

City of Morro Bay Planning Commission

429 TULARE AVENUE

CUP21-03

CONDITIONAL USE PERMIT

**FIRST AND SECOND STORY
ADDITION TO EXISTING
RESIDENCE**

APPLICANT:

PETE AND BETH REGAN

AGENT:

BRYAN RIDLEY

MAY 18, 2021



MORRO BAY
PUT LIFE ON COAST

Zoning: R-1

EXHIBIT D



MORRO BAY
PUT LIFE ON COAST

Existing Site

- 5,000 square foot lot
- One-story single-family home



Tulare Ave.



MORRO BAY
PUT LIFE ON COAST

Description of Project ^{EXHIBIT D}

Existing home:

- 1,683 square feet
- 452 square foot attached garage

Proposed remodel/addition:

- 111 square foot addition on first floor in rear of property to add staircase
- 449 square foot second story addition for study, bathroom, and deck



MORRO BAY
PUT LIFE ON COAST

EXHIBIT D Zoning Ordinance Standards

Zoning Ordinance Standards		
	Standards	Proposed
Front Setback	20'	4'-6" (existing)
Interior Side-Yard Setback	North: 5' South: 5'	North: 5'-2" South: 4' (existing)
Rear Setback	10'	10'
Height	25'	22'-6"
Lot Coverage	Max. 45%	45%
Parking	2 car <u>garage</u>	2 car <u>garage</u>



MORRO BAY
PUT LIFE ON COAST

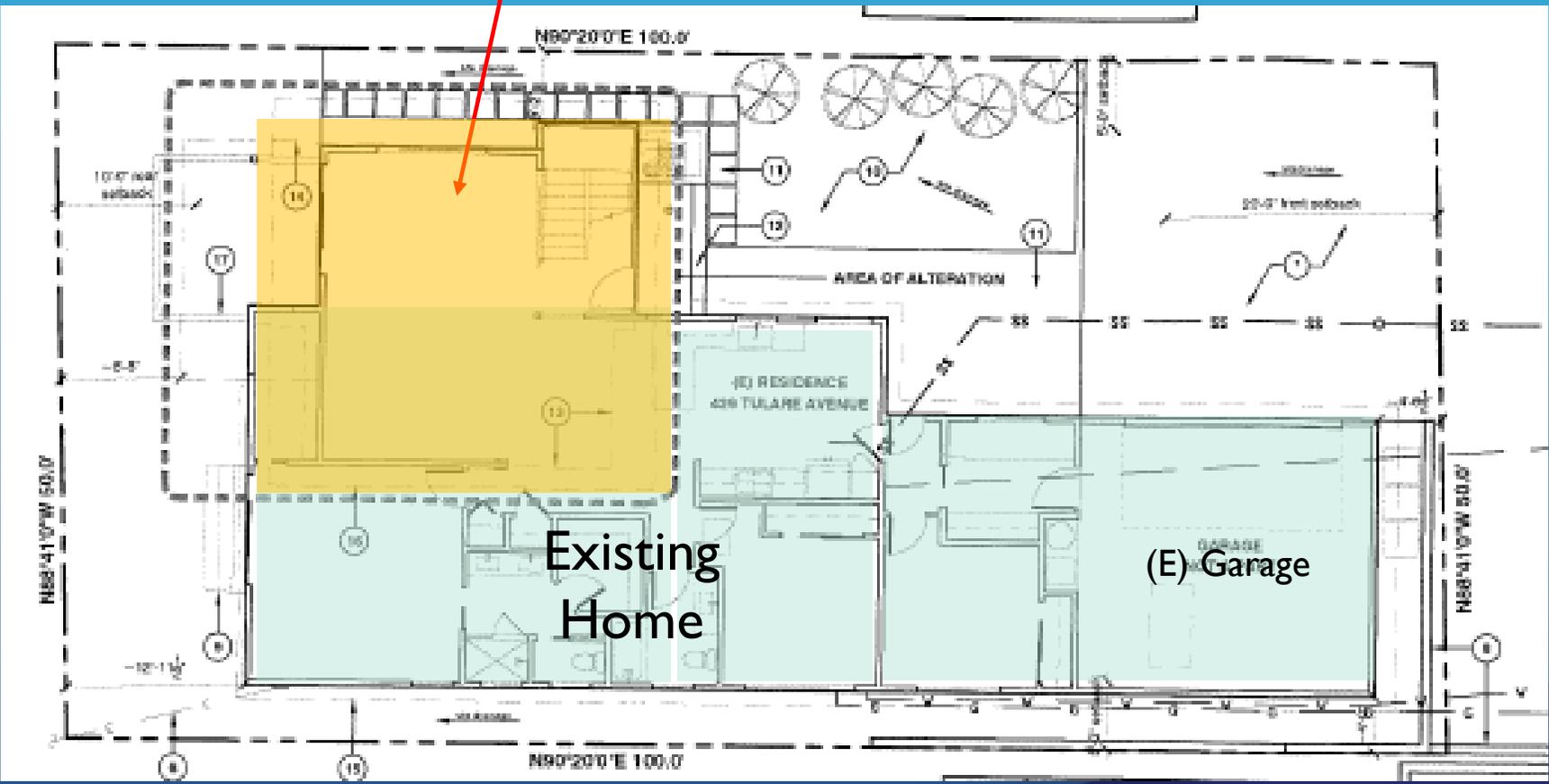
EXHIBIT D Non-Conforming Items

- I. Non-conforming setbacks:** The front setback is required to be 20'. The interior side setback is required to be 5'. Existing residence is currently nonconforming with a front setback of 4'-6" and south side setback of 4'.

Proposed Home Site Plan

EXHIBIT D

Proposed addition



Tulare Ave.



Proposed Home Elevations

EXHIBIT D

View from Tulare



Rear View

Proposed Home Elevations

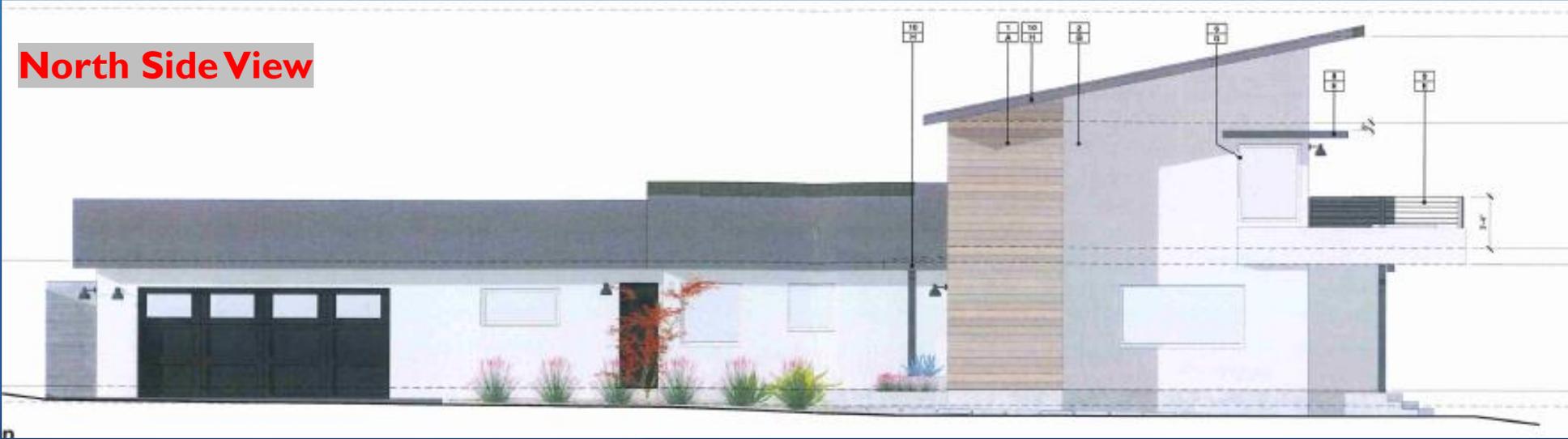
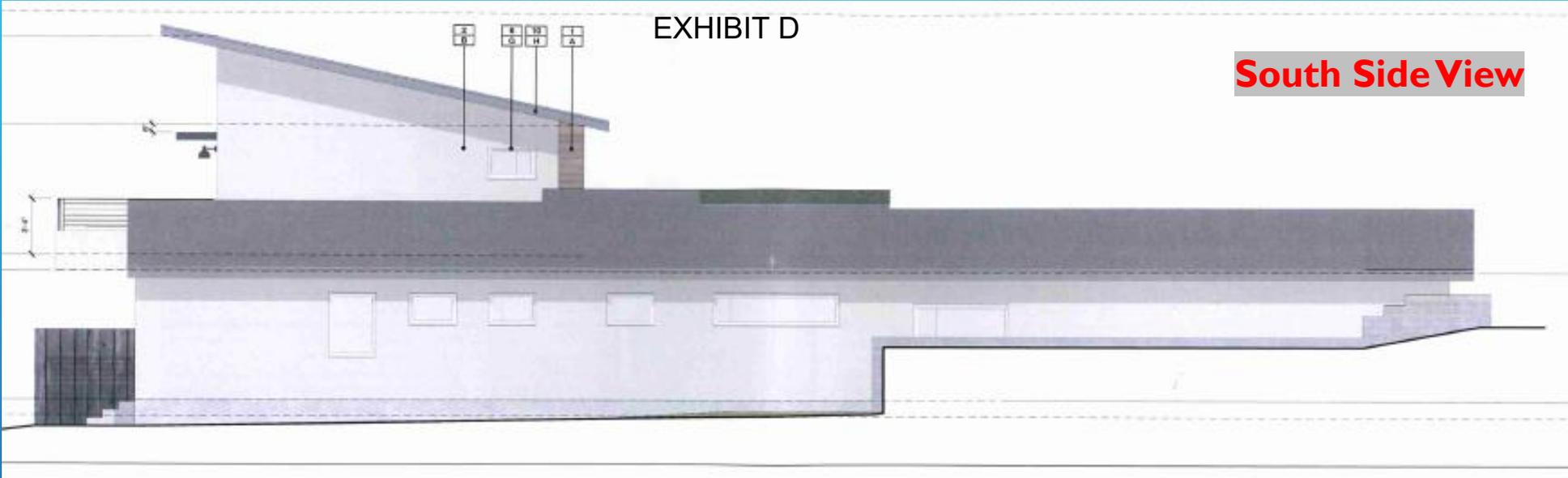


Photo Simulation

EXHIBIT D



Existing



Proposed

Residential Design Guidelines EXHIBIT D

Proposed project meets the following design guidelines:

- Relationship to existing homes and Scale and Mass
 - Addition will blend in with existing home. Proposed second story will not negatively impact view from street.
 - Proposed addition is on the back half of the lot. There are two story developments directly adjacent to the property.
- Surface Articulation
 - The proposed addition uses similar colors, materials, and design elements to those on the existing residence.
- Building Orientation and Garage Driveway and Design
 - No changes are proposed.
- Building Materials and Architectural Elements
 - The design is consistent with the existing residence.



MORRO BAY
PUT LIFE ON COAST

Recommendation

**Adopt
Planning Commission Resolution 11-21
which includes the Findings and
Conditions of Approval for
CUP21-03
for the proposed development at
429 Tulare Ave.**



MORRO BAY
PUT LIFE ON COAST



AGENDA NO: C-1

MEETING DATE: May 18, 2021

Staff Report

TO: Planning Commission

DATE: May 3, 2021

FROM: Damaris Hanson, Environmental Programs Manager

SUBJECT: Annual Water Report and Recommendation for Allocation of Water Equivalency Units (WEU) for FY2021-22

RECOMMENDATION

Staff recommends the Planning Commission review the annual water report and allocation of the FY 2021/22 Water Equivalency Units, adopting resolution No. PC 12-21 and forward the following recommendations to City Council:

1. Allocate 50 Water Equivalency Units (WEUs) for residential development and 65 for commercial development for a total of 115 WEUs for FY2021/22.
2. Implement Mandatory Water Conservation Requirements for Severely Restricted Water Supply Conditions if the Governor of California declares a state of emergency due to drought.

BACKGROUND

The Public Works Department staff, pursuant to Morro Bay Municipal Code (MBMC) Section 13.20, has prepared the Annual Water Report highlighting any significant changes in water availability and reporting the water equivalency units (WEU) from the previous year. A WEU is defined as a unit of measure for water use equal to the average amount of water used by a single-family residence over the period of one year. Since 2016 this amount is 8,732 cubic feet of water or 90 gallons per capita per day (GPCD). This amount was lowered from previous years due to the historical trend of lower water use compared to previous years. The intent of the WEU allocations is to regulate the addition of new water users to the City's water system and to ensure the demand for water shall not exceed available water supply.

In 1984 the citizens adopted Measure F (Codified as Ordinance 266 in MBMC as Chapter 13.20), a "Growth Management System". This measure set a maximum population of 12,200 by the year 2000. To accomplish the housing needs of this population growth, Measure F set a maximum number of housing units to a limit of 70 new units per year with a maximum variation in the number of units in a year cannot exceed 10 percent or 77 WEUs for residential units. City Council acted on August 27, 2007 to reduce the number of allocated housing units to 50 new housing units. Ordinance No. 266 requires allocation mix of 60-percent SRF and 40-percent MFR. Since housing and population growth has not increased as projected, i.e., the City has yet to reach Measure F population of 12,200, new

Prepared By: DH

Dept Review: _____

housing units can still be issued. The population growth estimates in the proposed General Plan predict reaching the Measure F established population in 2040.

DISCUSSION

Projected Water Supply FY21/22

State Water Supply

The City of Morro Bay's primary water source is surface water from the State Water Project (SWP). The SWP is administered locally by the San Luis Obispo County Flood Control and Water Conservation District. The water available from the SWP (allocation) is determined every year by the State Department of Water Resources (DWR) and is based on rainfall and snowpack in the watersheds that serve as a source for the SWP. Due to persistent dry conditions, In April 2021 DWR has set the SWP water deliveries at five percent. DWR based this determination on the continued low precipitation and runoff, and an assessment of overall water supply conditions. The City's SWP annual delivery is contractually limited to 1313 acre-feet per year (AFY). Morro Bay also contracted for a drought buffer of 2290 AFY. With the drought buffer and when the SWP allocation be above 36-percent, the City's drought buffer will bring the City back to 100-percent delivery. Should DWR set the delivery allocation at 36-percent or below, the City relies on stored water in San Luis Reservoir and locally available groundwater to make up the difference between delivery and demand. Currently, the City has approximately 1019 acre-feet (AF) of water stored in San Luis Reservoir. This allocation in combination with the City's available drought buffer and storage in San Luis Reservoir along with the Countywide excess availability and local production; is enough to make up the difference between delivery requests and the City's estimated demand of 1,080 AF. For additional information on the SWP in San Luis Obispo County visit the County's [website](#).

State Water is an interruptible source of water. If there is a line break/repair or other emergency, Morro Bay could be without water from this source. Additionally, there are scheduled "shutdowns" once a year for routine maintenance, typically in October and/or November and has typically been anywhere from 1-2 weeks to a month. During this time the City's water supply comes from the Morro Valley wells and is treated at the Brackish Water Reverse Osmosis plant.

Local Water Supply

The City's other sources of water are constrained as well, by a variety of water quality, and permitting issues. To use the Chorro Valley wells requires stream flows in Chorro Creek must exceed 1.4 cubic feet per second (cfs) per the City's water rights license/permit; additionally, water pumped from these wells are high in nitrates and cannot be used without treatment or blending. The City would need to perform upgrades to the water system in order to treat this water from the Chorro Valley. The Morro Valley wells are also high in nitrates and are treated at the City's Water Treatment Plant, the Brackish Water Reverse Osmosis (BWRO) is used to remove nitrates. There are also upgrades needed at the BWRO plant if this plant was to be used on a continuous basis. The Morro Valley water rights are only for 581 AF of water per year and the City demand is estimated at 1080 AFY.

Water Conservation Summary

In 2014 a State of Emergency was declared in California due to severe drought conditions. The State was required to reduce potable water usage by 20%. In 2015 the State Water Board imposed strict water conservation requirements on all urban water suppliers. Morro Bay was required to reduce potable water consumption by 12% compared to 2013 consumption amounts. In 2016, Morro Bay completed the “stress test” and reduced our mandatory water conservation requirements from 12% to 0%. Over 83% of the State had 0% conservation after the stress test was completed. Morro Bay has continued to reduce water use over the years when compared to the base year, 2013.

Local Conservation Requirements:

In 2018 City Council revised the mandatory water conservation requirements to implement the Moderately restricted water supply water conservation requirements. This is a step down from the previous Severely Restricted Water Supply Conditions. Due to the low snowpack and persistent dry conditions, it is anticipated Governor Newsom will declare a State emergency due to drought and require stricter water conservation measures. The City of Morro Bay could implement Mandatory Water Conservation Requirements for Severely Restricted Water Supply Conditions at this time or at the time a State of Emergency due to drought is declared. These requirements restrict when outdoor watering can occur, requires restaurants to only serve water when requested and all visitor-serving facilities shall prominently display the water conservation requirements.

Morro Bay’s water usage on average is low when compared to the average water use in the State. City water usage has decreased from 2013 to current. The lowest water usage during this time was in 2016 and has slightly increasing since, but still below 2013 base year. Water Conservation rebates are available to Morro Bay water customers. To view the various rebates, visit www.morrobayca.gov/waterconservation.

Future Water Supply: Water Management Planning

The OneWater plan was adopted by City Council in November of 2018. As part of the OneWater scope, all the City’s water resources potential (Potable Water, Wastewater and Stormwater) were holistically reviewed to develop a complete water resource picture. The OneWater plan did a complete study of the City’s water portfolio and determined that due to the restrictions on the Chorro Valley water rights this is not a reliable water source for the City. Additionally, due to the costs associated with seawater desalinization, recommended discontinuation of this as a water supply. On November 27, 2018 City Council adopted Resolution 92-18 approving the OneWater Planning document which documented one of the Council’s major goals:

“the OneWater planning effort (Plan) has continued as a City Goal since 2016 and the following was included in the 2018 Council’s approved Goal and Objectives document:

Goal 2: Water Reclamation Facility (WRF) and OneWater Review and Implementation...The City is also working on a comprehensive plan looking at all

the city's systems that address water, from sewer to potable water to stormwater. The OneWater Plan establishes a plan to secure our water future and establish a long-term capital improvement plan to improve water and sewer infrastructure;"

and provided the following direction regarding water supply:

"Staff is directed to use the recommendations for water supply options section of the Plan as guidance in the consideration, development and implementation regarding the composition of the City's future water supply portfolio.

Staff is directed to take the following actions regarding specific water supply options:

A. Begin the decommissioning of the City's seawater desalination facility, including but not limited to inactivation of the sea water wells, removal of the seawater pumps and removal of the sea water reverse osmosis pressure vessels, and

B. Begin the process to relinquish water rights in the Chorro Valley, including the discontinuation of stream flow monitoring."

The new Water Reclamation Facility will provide the City with the ability to provide up to 800 AFY of water through (indirect) potable reuse (in accordance with Title 22 of California's Code of Regulations) by injecting this highly purified water into the Morro Valley groundwater basin and recovering that water with its existing extraction wells. This water source was determined to be a more reliable, sustainable and cost-effective water source than other options analyzed in the OneWater plan.

Potable Water Production Summary

As shown in Attachment 2, Water production from 1980-2020, no water was extracted from Chorro and Morro Basins for direct distribution into the water supply, 1019 acre-feet were delivered from the State Water Project (SWP), and 61 acre-feet of treated Morro Basin well water from the BWRO treatment plant. Attachment 3 provides an historical record of water production and use from 1960 through 2020.

Water Equivalency Unit program:

A WEU is defined as a unit of measure for water use equal to the average amount of water used by a single-family residence over the period of one year. WEUs are issued to new projects based on the projects potential water use. In past years WEUs have been issued at building permit final. After reevaluating the WEU program staff will be issuing WEUs at the time of Planning permit approval moving forward. For fiscal year 2020/21 all approved planning and building projects have been included.

Summary of WEU FY 2020-21 activity:

The Council authorized 115 WEUs for FY 2020-21. Thirty WEUs to be used for single-family dwellings and 20 for multiple-family dwellings with 65 allowed for commercial/Industrial uses. Those WEUs were allocated on a first-come, first-served basis. The tracking of the WEUs utilized for FY 2020-21 indicates 84.81 of the 115 WEUs

allocated were used as follows:

- Single-Family Residential: 8
- Multi-Family Residential: 21.7 (3-unit and 35-unit apartment building, and Multi-family duplex)
- Commercial: 55.11 (several new hotels and a few smaller commercial projects)

This is not a comprehensive list of all building activity, but rather a list of those activities which required a WEU allocation. The larger number of issued WEUs this year is due to including all planning and building projects, compared to previous year only including the projects at building permit final. Looking at the planning projects in the “que” staff does not see a need to adjust the number of WEUs for next fiscal year.

Conclusion:

1. Recommend that City Council allocates 50 Water Equivalency Units (WEUs) for residential development and 65 for commercial development for a total of 115 WEUs for FY2021/22.
2. Planning Commission forward a recommendation to Council to implement Mandatory Water Conservation Requirements for Severely Restricted Water Supply Conditions if the Governor of California declares a state of emergency due to drought.

ATTACHMENTS

1. Resolution No. PC12-21
2. Table 1: Water Production by source
3. Table 2: Per Capita Water Use

ATTACHMENT 1

RESOLUTION NO. PC 12-21

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, RECEIVING THE ANNUAL WATER REPORT ADOPTING THE WATER ALLOCATION PROGRAM FOR FY 2021/22

WHEREAS, Chapter 13.20 of the Morro Bay Municipal Code calls for the City Council of the City of Morro Bay to adopt a yearly Water Allocation Program based on a report by the Public Works (Services) Director after review by the City of Morro Bay Planning Commission and Public Works Advisory Board; and

WHEREAS, the Local Coastal Program Land Use Plan and Ordinance Number 266, require the City Council to set an annual limit on new residential units and to prescribe the mix of multi-family and single-family residences allowed within that limit; and

WHEREAS, in March 2021, the California Department of Water Resources informed the State Water Project contractors the allocations for 2020/21 would be 5-percent of the contracted amount; and

WHEREAS, the City has approximately 1019 acre-feet (AF) of water stored in San Luis Reservoir. This allocation in combination with the City's available drought buffer and storage in San Luis Reservoir along with the Countywide excess availability and local production; is enough to make up the difference between delivery requests and the City's estimated demand of 1,080 AF; and

WHEREAS, if persistent dry conditions and low snowpack conditions continue and the California Governor declares a State of Emergency due to drought, the City will implement Mandatory Water Conservation Requirements for Severely Restricted Water Supply; and

WHEREAS, on May 18, 2021, the Planning Commission did hold a public meeting on the Annual Water Report and the proposed FY 2021/22 Water Allocation Program; and

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

SECTION 1: Based upon evidence, the Commission makes the following recommendations to City Council:

- A. Allocate 115 WEUs in FY2020/21, 50 WEU for residential purposes, 30 SFR 20 MFR and 65 for Commercial/Industrial purposes.
- B. Implement Mandatory Water Conservation Requirements for Severely Restricted Water Supply Conditions if the Governor of California declares a state of emergency due to drought.

ATTACHMENT 1

SECTION 2: Applicability

Each development project that requires an allocation of new Water Equivalency Units shall be subject to this revised allocation program, unless a building permit has been issued prior to the date of adoption of this Resolution.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 18th day of May 2021 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Susan Stewart, Chairperson

ATTEST

Scot Graham, Community Development Director

The foregoing resolution was passed and adopted this 18th day of May 2021.

ATTACHMENT 2

TABLE 1

WATER PRODUCTION PER SOURCE 1980 - 2020
(Acre Feet - AF)

Year	Chorro Basin	Morro Basin	** BWRO	State Water	TOTAL (AF)
1980	1079	672	*	*	1751
1981	1143	584	*	*	1727
1982	1061	526	*	*	1587
1983	995	537	*	*	1532
1984	1097	572	*	*	1669
1985	1108	582	*	*	1690
1986	1059	552	*	*	1611
1987	1124	531	*	*	1655
1988	1120	528	*	*	1648
1989	1047	512	*	*	1559
1990	963	564	*	*	1527
1991	808	449	*	*	1257
1992	1049	270	*	*	1319
1993	994	397	*	*	1391
1994	954	460	*	*	1414
1995	986	420	*	*	1406
1996	1261	240	*	*	1501
1997	985	249	*	301	1535
1998	38	*	*	1288	1326
1999	34	*	*	1359	1393
2000	4	*	*	1396	1400
2001	11	*	*	1399	1410
2002	1	32	48	1373	1454
2003	1	28	13	1379	1421
2004	49	213	10	1205	1477
2005	204	150	0	1007	1361
2006	257	80	25	1009	1371
2007	276	35	19	1116	1446
2008	184	52	28	1175	1439
2009	235	80	64	1069	1448
2010	74	54	258	873	1259
2011	14	0.5	84	1144	1243
2012	0	3.9	70	1129	1203
2013	0	27	107	1137	1271
2014	0	0	41	1141	1183
2015	0	0	138	952	1088
2016	0	0	36	958	994
2017	0	0	106	925	1031
2018	0	0	93	960	1053
2019	0	0	101	968	1070
2020	0	0	61	1029	1090

** BWRO Production numbers include both Morro Groundwater treated via Brackish Water Reverse Osmosis (BWRO)

ATTACHMENT 3

TABLE 2						
TOTAL HISTORIC WATER PRODUCTION & PER CAPITA USAGE FOR THE CITY OF MORRO BAY						
Year	Rainfall	City Population	Production in acre feet	Production in millions of gallons	Average daily production in millions of gallons	Average use in gallons per capita per day
1960	10.48	5,599	894	291	0.8	142
1961	8.6	*	842	274	0.75	*
1962	17.22	*	999	326	0.89	*
1963	18.52	*	840	274	0.75	*
1964	11.26	*	881	287	0.79	*
1965	16.08	6,400	1000	326	0.89	140
1966	11.24	6,500	1188	387	1.06	163
1967	20.09	6,600	1194	389	1.07	161
1968	9.64	6,750	1298	423	1.16	172
1969	28.74	6,900	1255	409	1.12	162
1970	9.84	7,109	1534	500	1.37	193
1971	14.2	7,450	1533	500	1.37	184
1972	7.41	7,517	1547	504	1.38	184
1973	27.51	7,725	1424	464	1.27	165
1974	22.35	7,942	1482	483	1.38	167
1975	14.43	8,165	1510	492	1.35	165
1976	11.38	8,394	1574	513	1.41	167
1977	8.35	8,525	1249	407	1.12	131
1978	29.68	8,625	1430	466	1.28	148
1979	17.06	9,150	1614	526	1.44	157
1980	20.99	9,064	1651	538	1.47	162
1981	13.11	9,206	1727	563	1.54	168
1982	20.01	9,297	1586	517	1.42	152
1983	35.01	9,435	1534	500	1.37	145
1984	10.08	9,599	1669	544	1.49	155
1985	10.02	9,747	1691	551	1.51	155
1986	17.17	9,881	1614	526	1.44	146
1987	12.29	9,819	1655	539	1.48	150
1988	15.01	9,975	1648	537	1.47	147
1989	10.88	10,133	1559	508	1.39	137
1990	8.78	9,664	1527	498	1.36	141
1991	16.01	9,806	1256	410	1.12	114
1992	19.63	9,736	1319	430	1.18	121
1993	24.21	9,979	1391	452	1.24	124
1994	11.05	10,071	1414	462	1.26	126
1995	40.01	9,518	1418	462	1.27	133
1996	15.47	9,687	1501	462	1.34	138
1997	18.56	9,696	1535	489	1.37	141
1998	18.01	9,845	1326	432	1.18	120
1999	13.11	9,871	1393	454	1.24	126
2000	19.63	10,410	1400	456	1.25	120
2001	16.04	10,486	1410	459	1.26	118
2002	9.36	10,510	1454	474	1.3	123
2003	13.75	10,485	1421	466	1.28	122
2004	9.48	10,522	1477	481	1.32	125
2005	30.19	10,270	1361	444	1.22	118
2006	18.9	10,491	1371	447	1.23	117
2007	7.24	10,436	1446	471	1.29	118
2008	13.34	10,548	1439	469	1.23	122
2009	12.25	10,555	1448	472	1.29	120
2010	17.26	10,608	1259	410	1.12	106
2011	12.99	10,234	1243	405	1.11	108
2012	10.16	10,327	1203	392	1.07	105
2013	4.05	10,370	1349	440	1.21	117
2014	12.62	10,234	1183	385	1.05	103
2015	8.55	10,544	1088	354	0.97	92
2016	18.79	10,284	994	324	0.88	86
2017	18.73	10,284	1031	336	0.92	89.5
2018	15.1	10,439	1053	342	0.94	90.0
2019	19.32	10,439	1039	339	0.93	89.0
2020	7.73	10,188	1090	355	0.97	95.5

a: [average] determined from metered water sold, not water produced