



AGENDA NO: B-1

MEETING DATE: September 21, 2021

**AGENDA CORRESPONDENCE RECEIVED BY THE
PLANNING COMMISSION FOLLOWING POSTING OF
THE AGENDA IS ATTACHED FOR PUBLIC REVIEW
PRIOR TO THE MEETING**

From: Jane Heath [REDACTED]
Sent: Wednesday, September 15, 2021 3:36 PM
To: PlanningCommission <PlanningCommission@morrobayca.gov>
Cc: [REDACTED]
Subject: Application for Project No. MAJ-20-004; Set for hearing September 21, 2021

Dear Morro Bay Planning Staff and Planning Commissioners:

This office represents Dolphin Shirt Company, a subtenant at 715 Embarcadero, in the waterfront lease space which is before you as Project No. MAJ-20-004, set for hearing September 21, 2021. Dolphin Shirt has occupied this prominent waterfront location for over twenty years. They have a current sublease in good standing with a five year option.

Dolphin Shirt Company's first knowledge of the plans for this project was when the Notice of Hearing was posted in front of their store on July 20, 2021. After Dolphin Shirt objected to aspects of that proposal, the Applicant took the project off calendar. However, though Dolphin Shirt has invited the Applicant, through his attorney and his consultant, to sit down and discuss the proposal with them several times since then, the Applicant has been unwilling to discuss any ways to mitigate Dolphin Shirt's stated concerns with the proposal. Instead, the tenant's first knowledge of the revised project was, once again, when the Notice of Hearing was posted in front of the store on September 10th. That revised proposal was prepared entirely without discussion with Dolphin Shirt.

Though the Applicant has now removed the intended remodel of the interior space from the proposal, there has been no effort to address Dolphin Shirt's concerns over the proposal to provide permanent public dining space in front of the entrance to the store. Until last summer, Dolphin shirt's roll-up door entrance was entirely unobstructed and the business benefitted from the foot traffic and the visibility from the sidewalk across the plaza.

When the pandemic hit and restaurants had to serve outside, Dolphin understood the need to temporarily provide patio dining space in the area in front of its store. The Applicant placed large, heavy planters as barriers entirely obstructing the front of the most convenient pedestrian access to Dolphin Shirt. (see Photo 1):



As can be readily seen, the patio tables and umbrellas almost completely blocked and obscured visual access to Dolphin Shirt as well. Thinking the situation was temporary, Dolphin did not object at the time. However, now the Applicant proposes the tables and chairs in the plaza in front of the store to be permanent and Dolphin has expressed concern to the Applicant, and now to the Commission, of the adverse effect on foot traffic to their business.

When the plaza was used for restaurant seating, patrons waiting for a table frequently obstructed the entire entrance to the store, requiring store personnel to ask people to move away from the entrance to allow their customers room to enter and exit. (See Photo 2):



This week, the applicant removed the ropes and stanchions (in advance of this hearing), and just today, removed the heavy planters, after the city became aware of Dolphin Shirt's concerns. Since the planters were removed, the public is once again using the wide entrance to the plaza which was completely blocked until just a few hours ago. (See photo 3):



The only other access from the sidewalk to the front of the store is a narrow walkway accessed across an adjacent driveway that frequently has delivery and other vehicles parked on it. The Applicant proposes additional tables and public seating there, further impeding access to the front of the store and effectively blocking ingress and egress by the only other entrance. It is also noted that the triangle on the plans does not account for the presence of the large tree, so the area is much smaller visually than depicted in the plans. (See Photo 4):



The Applicant has indicated its intention for the permanent table space to be open public seating rather than restaurant space but that suggests no oversight of the space at all, which implies its own challenges. Dolphin Shirt has requested written assurances from the Applicant that the space will be maintained in such a way as not to obstruct ingress, egress or visibility for Dolphin Shirt. To date, the Applicant has refused to provide any such assurances. The pathway in front of the store as proposed in the plans would barely accommodate two people walking together.

Dolphin Shirt understands the Applicant's interest in maximizing the use of the lease space. However, the subtenant's access is compromised by the proposal and no mitigation has been offered by the Applicant. Though the planters were moved today, evidently in anticipation of the city's review, there is no guarantee the Applicant will not return them to obstruct the entrance in the future. Dolphin Shirt therefore requests that the Commission direct the Applicant to reduce the footprint of the seating area, preclude return of the obstructions across the front of the plaza and provide assurances that, if approved, the plaza seating areas will be maintained in such a way as not to disrupt Dolphin Shirt's business.

Thank you for your consideration. Dolphin Shirt principals, Martie and Mark Travis, are available to discuss the matter with any interested staff or Commissioner [REDACTED]

[REDACTED] I can be reached at [REDACTED]
[REDACTED]

Jane Heath



From: betty winholtz [REDACTED]

Sent: Tuesday, September 21, 2021 12:17 AM

To: Joseph Ingraffia <jingraffia@morrobayca.gov>; Mike Rodriguez <mrodriguez@morrobayca.gov>; Bill Roschen <broschen@morrobayca.gov>; Susan Stewart <ssewart@morrobayca.gov>

Cc: Cindy Jacinth <cjacinth@morrobayca.gov>

Subject: b-1

Dear Planning Commission:

1. Support the Dolphin Shirt Company's concerns regarding permanent restaurant seating in front of their business as outlined in the Commission Correspondence. This is inappropriate and harmful to a neighboring business.
2. Have concerns regarding the continual pushing out of building envelopes toward the channel. It is bewildering why the Harborwalk is doubling in width to 20 feet, when 10 feet or less is required. Unless, there is an unstated intent to put tables and seating on the expansion to add an eating area. The 6-foot "pop out" is another push over the water, so the current seating area isn't reduced back to normal.
3. Preserve the last of the historic wharves as part of our "fishing village" heritage. It is a fine place for people to fish off of, since the fish processing is not just being reduced but eliminated. We are losing our uniqueness to a standardized look and use.
4. The quantity of eelgrass is small. Yet, it is the cumulative, piecemeal elimination on each land grant lease site that has, in essence, eradicated eelgrass from the east side of the Harbor.

Sincerely,
Betty Winholtz

From: Sean Green [REDACTED]
Sent: Tuesday, September 21, 2021 11:58 AM
To: PlanningCommission <PlanningCommission@morrobayca.gov>
Cc: CityClerk <Cityclerk@morrobayca.gov>
Subject: 9/21/21 Planning Agenda Item B-1: Dutchman's Public Access

Planning Commission and Staff,

My comments on today's project remain mostly unchanged from when I [previously submitted them in July 2021](#), but I would like to reiterate the importance of vertical access in the middle of this huge property. While we can all appreciate the improved waterfront pedestrian access being proposed, that access has much less value if the public can't find it, and if the public can't find it, the proposed waterfront open space will likely end up serving the private needs of the parcel far more than public enjoyment of the bay. For a visitor-serving city trying our best to achieve the pedestrian-friendliness that travelers expect (and that they receive in neighboring towns), every long stretch of invisible or blocked access to the bay is a step in the wrong direction. In your discussion, please consider any creative mitigating strategies designed to prevent the privatizing effect of this uninterrupted physical and visual barrier to the Bay, including awning and obstacle removal, umbrella and tenting restrictions, prominent access signage through the corridor and throughout the bayside space, even painted ground and table areas to denote public ownership of pathways, furniture, and spaces. Dutchman's may have good food, a faithful customer base, and leaseholder rights to city-owned property, but the Bay itself belongs to the people. There should be no confusion about how to freely access and enjoy it.

Thank you for your consideration,

Sean Green
Morro Bay, CA

Attached: <https://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/5698>

From: Lynda Merrill [REDACTED]
Sent: Tuesday, September 21, 2021 3:48 PM
To: PlanningCommission <PlanningCommission@morrobayca.gov>
Subject: B1 Access to the Bay Front

Dear Chairwoman Stewart and Planning Commissioners,

Access to the Bay Front along the Harbor Walk has been problem for years. Leaseholders agree to provide Access but then when they get the chance they fill the space with tables and chairs, restrict walking access from the Embarcadero and generally make use of this public area difficult. Access is often left to the honor system and as we have little oversight, almost unenforceable without a big hassle. The City must insist the Leaseholder's protection of public access areas be upheld.

Constantly trying to infringe on Public Access and open Space shows a disregard for the concept of the need for people to be able to enjoy the bay side of our waterfront. Please, uphold Jane Heath's client's need for visibility, Ms Winholtz's useful comments as well as Sean Greens thoughtful remarks.

I've lived here 35 years as the Harbor Walk area was developed, it has been disagreeable to see this splendid City Planning idea ignored by the Leaseholders.

*Sincerely, Lynda Merrill
(sorry this is so late)*



AGENDA NO: C-1

MEETING DATE: September 21, 2021

**AGENDA CORRESPONDENCE RECEIVED BY THE
PLANNING COMMISSION FOLLOWING POSTING OF
THE AGENDA IS ATTACHED FOR PUBLIC REVIEW
PRIOR TO THE MEETING**



Morro Bay Chamber Analysis and Position on Paid Parking

Background and Analysis

In July 2020 the Morro Bay Chamber of Commerce affirmed its support for paid parking in selected areas of the community. This position of support was made in the context of the Chamber's recommendations for fiscal recovery and sustainability, and to enhance access to the community's waterfront assets. Put simply, the city's current free parking lots are non-performing real estate assets that require maintenance but are being provided free of charge. The City of Morro Bay's Harbor Department and property and sales tax payors cannot afford to maintain nor upgrade essential visitor services, including coastal access. Concurrently, there are no dedicated and reliable revenue sources to provide for maintenance of the streets, sidewalks, bathrooms, sanitation facilities, parking lots and other essential facilities to support our robust visitor economy which features Tourism Occupancy Tax (TOT) growth trending at 5% annually over the last ten years.

The City has over 1.1 million square feet of streets, parking lots, sidewalks, pedestrian pathways and bike paths along the Embarcadero from the Rock to Tidelands Park. All of these require regular maintenance and rehabilitation but have no identifiable long-term funding sources. Required maintenance and depreciation on these existing facilities is approximately \$250,000 per year. "Free" parking is not "free" to the City.

There are also many access deficiencies such as dirt parking at the Rock Beach Parking Lot (and the correlative erosion into the bay), lack of adequate sidewalks (both in terms of adequate width and extent), incomplete portions of the Harbor Walk (many of which are the City's responsibility), inadequate and unsafe access to Coleman Beach and Rock Beach, inadequate erosion control, and inadequate planting and landscaping (both for functional and ornamental purposes). Unless and until a reliable funding program is established these deficiencies will not get addressed. "Free" parking also reduces the turnover in prime customer spots that exacerbate already impacted parking areas. Paid parking also provides a funding source for pedestrian and bicycle facilities to encourage non-auto forms of transportation.

Paid parking in coastal communities is the norm, not the exception. Morro Bay is, in fact, the outlier amongst the group having no paid parking and no adopted policies and programs to fund beach access strategies. A review of waterfront and beach communities on the Central and South Coast (Monterey County, San Luis Obispo County, Santa Barbara County, Ventura County, Los Angeles County and Orange County) indicates that at least the following communities have paid parking as part of their beach and waterfront access programs: Pismo Beach, Malibu, Pacific Palisades, Venice, Capitola, Playa Del Rey, San Pedro, Huntington Beach, Seal Beach, Long Beach, Hermosa Beach, Manhattan Beach, Santa Monica, Port Hueneme, Avila Beach, Monterey, Pacific Grove, Isla Vista, Del Mar and Pacifica.

Locally, both Avila Beach and Pismo Beach have paid parking as part of their beach and waterfront access programs, with each having gross parking revenues of \$500,000 to \$550,000 per year. The draft Parking Study prepared for Morro Bay believes that full implementation of a paid parking program would net over \$200,000 per year. Based on actual operating results for Avila Beach and Pismo Beach, the Chamber believes that those estimates are conservative.

There is an existing policy of the Chamber to support paid parking along Embarcadero Road, at City beach parking lots, and at premium locations. The draft General Plan/LCP contains Policy Circ-4.2 stating that the City "...may seek a Coastal Development Permit to establish paid public parking spaces with reasonable rates in appropriate places." The draft parking study prepared for the City has affirmed that this is a desirable strategy from the parking supply management standpoint.

To be sure, there have been numerous suggestions for the institution of paid parking in the community. Arguments made against paid parking have included the enforcement costs, merchant resistance, a belief that there is no net revenue for park parking, or that the city is legally obligated (by the Coastal Commission or others) to provide free parking to any and all persons. The 2007 Parking Management Plan commented that paid parking "...was determined to be ineffectual as a component of the parking management strategy because the most critical demands for parking occur for very brief periods (over 1-hour periods mid-day) and in very limited locations (the core blocks within the Embarcadero). When utilized in areas such as these, metered or paid parking can create the unintended consequence of actually deterring needed commerce. Second, pay-for-parking may not offset the costs associated with the acquisition and maintenance of devices and equipment, or related personnel and operational resources, and could have negative impacts on the City budget." The Chamber believes the 2007 parking study is now outdated and the current parking study is better suited to meet the city's current and future needs.

Position

Free public parking is in fact not free. There is a direct cost to maintain parking and accessibility, and without the necessary funds, existing access and parking facilities will only continue to diminish and degrade. The lack of funds to provide for access and maintenance of existing parking can be remedied via a paid parking program which will result in the funding to provide for necessary service and facilities in order to maintain and enhance coastal and waterfront access and parking areas.

Paid parking should be part of an overall waterfront and beach access improvement program, with net revenues dedicated to the waterfront. Under such a program premium Embarcadero parking and parking at The Rock should all be paid parking. Free access could continue to be provided from free outlying parking lots with shuttle service to ensure affordability. Avila Beach and Pismo Beach have successfully implemented such programs. The City's draft parking study is the first important step in making this happen.

Therefore, the Chamber continues to support paid parking on the Waterfront area, including off-street lots and on-street spaces, with a pricing program that has higher rates at the premium locations, with some lower cost and free spaces at locations that are served by the local transit Trolley. Current parking fee programs can also have dynamic pricing with high pricing during peak days, seasons or hours. It can fund access improvements and fund maintenance that are now unfunded. Based on the number of existing and potential off-street parking spaces in comparison to those in Pismo Beach and in

Avila, the revenue received from those agencies from their paid parking programs, and rates that the Coastal Commission considers “affordable” and “non-discriminatory” potential gross revenue from a paid parking in prime off-street lots in Morro Bay could be \$225,000 to \$400,000 per year. This would close the gap for required maintenance of existing facilities, and provide construction funds and/or matching funds for needed improvements. Now that the Parking Study has affirmed the feasibility and desirability of this approach, an Access Management and Enhancement Plan should be commenced to start the next phase of this process.