



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, December 7, 2021 - 6:00 P.M.
Held Via Teleconference**

Chairperson – Susan Stewart

Vice-Chairperson William Roschen
Commissioner Asia King

Commissioner Joseph Ingraffia
Commissioner Mike Rodriguez

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-08-21, 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 Planning Commission at planningcommission@morrobayca.gov prior to 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=aWZpTzcwTHlRTk9xaTlmWVNWRWFUQT09>

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.

A-2 Approval of minutes from the Planning Commission meeting of August 3, 2021.
Staff Recommendation: Approve minutes as submitted.

A-3 Approval of minutes from the Planning Commission meeting of September 7, 2021.
Staff Recommendation: Approve minutes as submitted.

B. PUBLIC HEARINGS

B-1 **Case No.:** *Plan Morro Bay: Zoning Code Update / Coastal Implementation Plan (IP)*
Site Location: Citywide
Applicant/Project Sponsor City of Morro Bay
Proposed Project: The Plan Morro Bay update project includes a comprehensive update to the City's Zoning Code/Implementation Plan. The draft Zoning Code was released for public review in 2018 and was reviewed by the General Plan Advisory Committee (GPAC) and Planning Commission. The Public Hearing Draft of the Zoning Code has been updated to reflect Planning Commission input and state law changes from the 2018 Public Review Draft.
CEQA Determination: Environmental Impact Report
Staff Recommendation: Review staff report and draft Zoning Code as updated from PC direction, hear presentation by consultant, open public hearing and take public comment, discuss and provide feedback to staff.
Staff Contact: Scot Graham, Community Development Director (805) 772-6291

C. NEW BUSINESS

C-1 **Case No.:** CUP19-15
Site Location: 1001 Front Street, Morro Bay, CA
Project Description: Review of Special Use Permit for the annual Waterfront Market event between Giovanni's Fish Market and Stax Wine bar to take place fifteen days of the year, on specified weekends approved ahead of time. Review of permit pursuant to Planning Commission condition 13 of CUP19-15 as approved on January 7, 2020.
Staff Recommendation: Review and provide feedback to staff
Staff Contact: Alison MacCarley, Planning Intern (805) 772-6213

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting on December 21, 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 with the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is a \$277 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 for those projects that are in their appeals jurisdiction. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed. The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (805) 772-6264. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



City of Morro Bay
 Community Development Department
 Current & Advanced Project Tracking Sheet
 This tracking sheet shows the status of the work being processed by the Planning & Building Divisions
 New Planning items or items recently updated are highlighted in yellow.
 Approved projects are deleted on next version of log.

Agenda No: A-1
 Meeting Date December 7, 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	McGonagill/Mathias	690 Oliver Street	10/14/21	LLA21-001	Move lot line between two parcels	Planning review complete 11/2/21, need PW comments. Project deemed complete, LLA certificated provided to applicant for signature on November 6, 2021. Requires city signature, then applicant recording.				nh
2	Keith	500 Atascadero	10/18/21	MIN21-013	Request for 5 year renewal/ extension of Interim Use Permit for Silver City at 500 Atascadero	Under review. Project noticed for 5 year extension on 11-22-21 pursuant to Interim Use overlay zone				am
30 -Day Review, Incomplete or Additional Submittal Review Projects:										
3	Reyneveld	1060 Quintana	11/22/21	MUP21-06	Create 3 office/retail units and 1 residential security unit, and 1 warehouse/storage unit from existing commercial building with existing residential security unit.	Under review				cj
4	Fischer / Vachon	3093 Beachcomber	11/22/21	MIN21-14	Minor Mod to CP0-365 approved for new single family residence for primarily exterior architectural changes.	Under review				cj
5	Tabrizi	998 Quintana Road	11/15/21	CDP21-046/ MUP21-05	Change in use for commercial property that did not have any prior permits.	Under review				nh
6	Tallman	610 Fresno Street	11/9/21	CDP21-045	Admin CDP for New 960 sf detached ADU	Planning Comments sent 11/30/21, requires resubmittal				am
7	Morro Bay LLC (Keller)	1108 Front Street	11/8/21	MAJ21-007	Expansion and extensive remodel of second floor short term rental unit.	Planning comments sent 11/23/21, requires resubmittal				nh
8	Castillo	1055 Allesandro	11/1/21	CUP21-17	CUP to add 2 bedroom & 1 bathroom to existing single family residence.	Planning Comments sent 11/30/21, requires resubmittal				am
9	Candrell	2995 Beachcomber	11/1/21	CDP21-044	New 354 sf addition to existing home, addition of 572 sf attached ADU	Planning comments sent on 11/23/21, requires resubmittal				nh

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10	T-Mobile/ Siegel	545 Shasta Ave	10/12/21	CUP21-13/ CDP21-039	T-Mobile modification to existing facility approved under UP0-162/CP0-229. T-Mobile proposes to remove/replace and relocate existing wireless facility screened within existing church steeple and request height exception to construct new 29'0" faux bell tower for relocated wireless facility.	Under review. Project deemed incomplete 11-8-21.				cj
11	2900 Alder LLC/Knanna	2900 Alder Ave	10/7/21	CUP21-14/ CDP21-042	Proposed 4200 sf, 6 unit hotel	Planning comment letter sent 11/6/21. Requires resubmittal. Resubmittal received 11/29/21, under review.				nh
12	Allen Property Group	1260 Main St	10/4/21	MAJ21-006	Land Use & Zoning Map Amendment to change C2 zoning to C1 zoning	Application received. October 28, 2021, applicant approved moving forward with consultant contract for environmental review. Environmental Consultant engaged with notice to proceed 12/1/21.				nh
13	Guesno	220 Atascadero Rd	10/4/21	MIN21-012	Minor Amendment - Change temporary outdoor dining area to permanent outdoor dining	Application will apply for a TUP for outdoor dining. This application is on hold until 2022.				nh
14	Horstman	427 Oahu St	9/28/21	CDP21-041	Admin CDP for new SFR and attached ADU. 1096sf and 2nd floor 1335sf	Planning comment letter send 10/26/21. Resubmittal received November 10, 2021, requires minor changes.				nh
15	Nagy	646 Sequoia Ct	9/27/21	MUP21-03	Minor Use Permit for development of new upper level 2,328sf, lower level 1,030sf, and garage level 1,220sf SFR on vacant lot in area outside the coastal zone.	Application received, under review. Project incomplete, comments sent on October 18, 2021.				nh
16	Phillips	454 Tulare	9/27/21	CDP21-040	Admin CDP for ADU and remodel of existing garage	Spoke with arch & client 10/22/21 - There may be changes the plans. Waiting for response.				am/cj
17	Thai Bounty	560 Embarcadero	9/22/21	MIN21-010	Minor mod to UP0-200/UP0-244 for music.	Under review.				sg
18	McDowell	650 Sequoia Ct	9/15/21	MUP21-04	Minor Use Permit for new SFR (outside the coastal zone). 3 bedrrom 3 bath, 2776sf plus 507sf garage	Incomplete letter sent 10/13/21				nh
19	Smith/ De Barros	451 Luzon St	8/31/21	MUP21-02/ PKG21-08	MUP/Pkg Exception for 21 sf addition to an existing 770sf home w/ 220sf single car garage	Incomplete letter sent 9/29/21. Project resubmitted - but did not provide a planning plan set. Emailed applicant November 23, 2021 and requested submittal of plans. (building permit plans were submitted instead)				nh
20	Dorfman	570 Olive	7/28//21	CDP21-031	Admin CDP for 1150sf new detached ADU	Project deemed incomplete and letter sent 8/27/21				cj
21	Eisemann	541 Atascadero Road (at Hill St)	7/9/21	CUP21-09/ CDP21-029	Four unit apartment complex with attached garages	Review comments provided on July 31, 2021. Project requires resubmittal and environmental analysis. Provided applicant estimate for environmental report on September 24, 2021.				nh

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22	Luhr	1140 Allesandro Ave	6/28/21	CDP21-026/ CUP21-08	Multiple residential units with live-work options (i.e. a portion of home designated for business usage). Two scenarios submitted for PC conceptual review and feedback.	Provided review comments July 26, 2021. Requires additional information from applicant - once received, will schedule for PC conceptual review. Scheduled for conceptual review at Planning Commission on October 19, 2021. PC provided comments about the project. Need formal submittal.				nh
23	Green	1175 Scott Street	6/28/21	CDP21-025 CUP21-07	New construction of 3 hotel units including one ADA unit and a residential security unit	Review comments provided on July 21, 2021. Requires a resubmittal for review. Discussed project with applicant, expect resubmittal in November 2021.				nh
24	Perry	3230 Beachcomber	6/24/21	CDP21-024/ VAR21-002	New 1537 sf sfh with attached 380 sf garage. VAR request for roof top deck railing height. Application approval is dependent on completion of LTM21-01	Review comments sent 7/20/21, requires resubmittal. Resubmittal received 11/24/21, under review.				nh
25	Bernal	2620 Laurel	6/24/21	CDP21-023	New 1558 sf two and a half stories with 280 sf balcony and a 728 sf garage	Review comments provided on July 20, 2021. Requires a resubmittal for review. Resubmittal received 10/28/21, under review.				nh
26	Perry	3202 & 3230 Beachcomber	4/1/21	LTM21-01	Merge 3 non-conforming parcels into 2 parcels, move lot line to equalize new parcel sizes	Incomplete letter comments sent for LTM on 4/30/21 and for CDP on 5/4/21.				nh
27	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. Resubmittal received. Environmental review in process.				cj
28	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	Comment letter sent 5/14/21, requires resubmittal with responses.				nh
29	Perry	3202 Beachcomber	4/14/21	CDP21-014/ VAR21-001	Demo existing home, build new 2063 sf home with subterranean garage and storage area of 2267 sf. Application approval is dependent on completion of LTM21-01. VAR request for height variance on roof top deck railing.	Submittal received, but not complete. Balance of submittal received 4/14/21, under review. Incomplete letter comments sent for CDP on 5/4/21. Resubmittal received 6/24/21 with VAR request, under review. Review comments sent 7/20/21. Resubmittal received 11/24/21, under review.				nh
30	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
31	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
32	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. Discussed with Applicant visual simulation requirements via phone on 7/27/21				cj

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33	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. Resubmittal received September 14, 2021, under review. Incomplete letter sent on Oct 4, 2021. Resubmittal received 10/29/21. Planning comment letter sent November 10, 2021, requires resubmittal				nh
Projects Appealed to Planning Commission or PC Continued projects										
Projects Appealed or Forwarded to City Council										
34	Hsiao	205 Harbor St	5/26/21	CDP21-019/ CUP21-05	CDP and CUP approval request for new 6-unit 5,042sf blufftop hotel.	Under review. Noticed for PC review and hearing on 9-7-21. Conditionally approved by PC on 9/7/21. Appealed 9/17/21. On Council agenda for appeal decision for 11/9/2021.				cj
35	Van Beurden Investments	715 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. Scheduled for 7/20/21 PC hearing for consideration of favorable recommendation. Will also require City Council review and approval. PC continued the hearing to a date uncertain per Applicant request. Revised project plans submitted 8/30/1 and 9/29/21. PC forwarded favorable recommendation to Council on 10/5/21. Council hearing set for 11/9/21.				cj
Environmental Review:										
36	City of Morro Bay	N/A		UP0-423	MND for Chorro Creek Stream Gauges	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15. No recent activity.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj
Final Map Under Review Projects:										
Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:										

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37	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. 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 and then 5/25/21 Council meetings. Plan adopted by Council on 5/25/21. LCP Amendment application submitted to Coastal Commission for certification. Coastal Commission LCP certified Coastal Land Use Plan (LUP) on August 12, 2021. Zoning Code Update in progress - to be completed approximately winter 2021.				
38	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:										
39	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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40	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	
41	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. Notice of Funding Availability for 20222 Program Year released 9/27/21. Needs Workshops to be held virtually on 10/5/21 from 6-7pm. Application funding deadline is 11/1/2021. Council public hearing to consider draft funding recommendations to be on 12-14-2021. cj	No review performed.	N/R			cj
42	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:

43	Castillo	1055	Allesandro St.	6/3/2021	B21-0097	250 sf addition to rear of existing SFR, addition creates two bedrooms and one full bath.		Bldg. - Disapproved 6/10/21				sg
46	Eisemann	535-A	Atascadero Ave.	11/22/2021	B21-0209	New construction of an attached ADU	Planning disapproved with comments on 11/24/21	Bldg. - Plancheck				nh
47	Cunha	199	Azure St.	11/8/2021	B21-0200	New first story addition to master suite.		Bldg. - Approved 11/23/21				sg
48	Baines	1185	Balboa St.	8/9/21	B21-0137	14 sf 2nd story deck at rear of existing SFR and expand existing garage under deck (square footage of garage expansion is unclear).		Bldg. - Disapproved 9/20/21				sg
49	Goldstein	186	Bayshore Dr.	11/4/20	B20-0190	Remodel kitchen, dining & living area.		Bldg. - Approved 11/09/20				sg
50	Carter	2035	Bayview Ave.	8/5/21	B21-0135	New SFR, 1980 sf living, with 483 sf attached garage, 96 sf covered deck, 267 sf covered rear patio and 32 sf covered front porch.		Bldg. Disapproved 9/21/21				cj
51	Crisman	3029	Beachcomber Dr.	5/14/21	B21-0083	New single family residence (SFR), 278 sf living, 713 sf attached garage, and 130 sf deck on west side.	Planning disapproved with comments on 5/18/21	Bldg. - Approved 11/17/21				nh
52	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

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53	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 scheduled for PC hearing 11/16/21. CUP approved, applicant can proceed with building permit.	Bldg. - Approved 12/29/20			nh
54	Stanford	121-A	Easter	9/2/21	B21-0191	Conversion of existing space 336 sf bedroom to JADU and building renovations for kitchen, laundry, and bathroom.	Planning Disapproved - 10/21/21	Bldg. - Disapproved 10/22/21	Public Works disapproved.		am
55	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. Change to south elevation by adding a parapet wall will require a minor modification to the Planning permit. Coastal Commission determined no CDP amendment needed. Cj	Bldg. - Approved 10/19/21			cj
56	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.	Planning approved 7/27/21. sg	Ready to issue	Public works approved.		sg
57	Ferguson	355	Fresno Ave.	9/7/21	B21-0158	Interior bathroom remodel for wheelchair accessibility creating master bath and walk in closet, also adding guest bath and laundry closet from existing square footage.		Bldg. - Approved 11/2/21			sg
58	City of Morro Bay	625	Harbor St.	11/8/21	B21-0201	Add automatic sliding door with full break away capability to an existing interior opening that will replace an existing accordion door (Morro Bay Public Library).		Bldg. - Approved 11/9/21			co
59	Wilkie	476-A	Hill St.	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
60	Johnston	2781	Juniper Ave.	6/2/21	B21-0094	New 463 sf 2nd story deck at rear of existing SFR, also replace five existing windows with three new sliding glass doors.		Bldg. - Approved 6/15/21			sg
61	Daniels	964	Las Tunas St.	8/3/21	B21-0133	Remodel the laundry room & add a bedroom, bathroom & hallway to the back of existing home in phase I. Phase 2, build a detached garage		Bldg. - Disapproved 8/18/21			sg
62	Drenick	2530	Laurel Ave.	9/22/21	B21-0174	Reconstruction of 560 sf two-car garage, garage foundation and 560 sf rooftop deck over garage. See permit B21-0141 for separate demolition permit for these structures.	Disapproved and Correction Letter sent 10/5/21	Bldg. - Approved 9/28/21			am
63	McClish	451	Luzon St.	8/31/21	B21-0156	210 sf addition to existing 770 sf single family residence (SFR) creating a new study with bathroom, making SFR 980 sf total.	Under review. PW and Building disapproved 9/15/21, Planning and Fire OK. Letter Sent 9/29. Requires Minor Use permit - not yet approved.	Bldg. - Approved 11/17/21			sa
64	Novell	273	Main St.	9/20/21	B21-0170	Kitchen remodel (expanding) & relocating laundry room to exist bathroom location, & moving bath to laundry room.	Deemed incomplete 10/12. Waiting on plans to be resubmitted.	Bldg. - Approved 9/23/21			sa
65	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	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
77	HS, Nutmeg, LLC	2681 & 2681-A	Nutmeg Ave	6/22/21	B21-0106(SFH) B21-0107 (JADU)	2585 sf sfh stair stepped down slop with 748 sf garage and 254 sf deck. JADU is on the lower level and is 500 sf.	Planning approved 6/30/21	Bldg. - Disapproved 8/3/21			nh
78	Westbrook	939	Pacific St.	8/9/21	B21-0138	ADDITION to SFR - 374 sf ground floor addition, 470 sf second story addition, 255 sf second floor deck and 100 sf first floor deck area.	Approved 8/16/21	Bldg. - Disapproved 9/22/21			am
79	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. - Approved 6/24/21			am
80	Appel	400-A	Pico St	8/18/21	B21-0149	Convert existing garage to an ADU without changing the footprint of the garage.	Approved 8/25/21	Bldg. Disapproved 9/10/21			am
81	Gillett	320	Piney Way	11/22/21	B21-0208	Proposed interior addition to (2) existing bathrooms. Remodel (E) Bath's & adding (1) skylight		Bldg. - Approved			sg
82	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
83	Tabrizi	998	Quintana Rd.	8/12/21	B21-0142	640 sf Addition (Approx.) - Enclosed area under existing open roof structure (former Napa Autocare Center Bldg).	Under review.	Bldg. - Disapproved 8/18/21			sg
84	Giannini	750	Radcliff Ave.	7/22/19	B19-0156	Remove three existing panel antennas, three radio and replace with three radio intergrated antennas and associated 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
85	Battaglia & Winfield	1280	Scott St.	11/9/21	B21-0171	Addition and remodel - 179 sf 2nd level addition to an existing SFR creating a 809 sf primary dwelling with an existing 380 sf deck.		Bldg. - Plancheck			nh
86	Battaglia & Winfield	1280-A	Scott St.	11/9/21	B21-0172	Detached ADU - 2nd story, 780 sf ADU with front and rear decks totaling 240 sf, over a new 780 sf storage area.		Bldg. - Plancheck			nh
87	Battaglia & Winfield	1280-B	Scott St.	11/9/21	B21-0173	Attached JADU - Create 404 sf JADU from existing lower level of SFR. Also new 128 sf storage area.		Bldg. - Plancheck			nh
88	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
89	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. Permit application expired	Bldg. - Approved 3/27/19			wu

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
90	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. Project deemed incomplete, letter sent 5/25/21. Resubmittal received August 9, 2021. Planning comments sent August 23, 2021, requires resubmittal. Resubmittal received September 20, 2021. Parking exception received 10-5-21, under review. Project deemed complete and scheduled for Planning Commission hearing on November 16, 2021. Approved by PC, permit issued.				nh
91	Douleddee	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. Resubmittal received 5/3/21 and is under review. Awaiting corrections to Sheet A1. Resubmittal received June 16, 2021, planning comments sent on June 23, 2021. Resubmittal received July 27, 2021, planning comments sent on August 3, 2021. Revised plans submitted 9/29, but required corrections. Emailed applicant 10/4/21. Revised plans resubmitted electronically 10/7/21. Project deemed complete, scheduled for public notice period, following by administrative decision on or about November 23, 2021. Project approved and permit issued 11/23/21				nh

Staff Directory:
 Scot Graham - sg Chad Ouimet - co Cindy Jacinth - cj Pam Newman - pn Nancy Hubbard - nh Alison MacCarley - am

AGENDA ITEM: A-2

DATE: DECEMBER 7, 2021

ACTION: DRAFT

**ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – AUGUST 3, 2021
HELD VIA TELECONFERENCE – 6:00 PM**

PRESENT:	Vacant Bill Roschen Jennifer Ford Joe Ingraffia Mike Rodriguez	Chairperson Vice-Chairperson Commissioner Commissioner Commissioner
STAFF:	Scot Graham Nancy Hubbard	Community Development Director Contract Planner

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

Scot Graham gave a statement regarding Susan Stewart's current position as the Planning Commissions Chairperson.

PLANNING COMMISSIONER ANNOUNCEMENTS – NONE

PUBLIC COMMENT PERIOD

<https://youtu.be/V1jSmSF7ig8?t=195>

Glenn Silloway, President of Morro Bay Historical Society, stated the Planning Commission review and adopt a historic preservation ordinance, and should make this a high priority.

Betty Winholtz, Morro Bay, stated she would like to see the historic preservation ordinance passed. Winholtz noted the General Plan/LCP was going to the Coastal Commission and reminded people to submit their comments. Winholtz also stated she is sponsoring an initiative for the people of Morro Bay to ban of RV camping on the Embarcadero, and the rock. She will be at the Farmer's Market on Thursday, August 5th, 2 p.m. to 4:00 p.m. for those who would like to sign the initiative.

Ryan Garcia, Morro Bay, addressed a small structure which was built on the adjacent lot next to his lot. Garcia provided information on the issue with the structure.

Graham responded to the public comment.

Public Participation:

In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-08-21, 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=aWZpTzcwTHlRTk9xaTlmWVNWRFUQT09>
Password: 135692

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

PRESENTATIONS – NONE

A. CONSENT CALENDAR

<https://youtu.be/V1jSmSF7ig8?t=786>

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

The Planning Commission received and filed.

B. PUBLIC HEARING

<https://youtu.be/V1jSmSF7ig8>

B-1 **Case No.:** CDP21-005, CUP21-06 and PKG 21-07

Site Location: 206 Bradley Ave, Morro Bay, CA

Request: Request for Planning Commission approval of a Conditional Use Permit No CUP21-06, Coastal Development Permit No. CDP21-005 and Parking Exception (PKG21-07). The project is a 1,265 sf addition to an existing 1692sf non-conforming single-family home. The site is up-sloped from the street and the proposed addition will be three levels of living space stair-stepping up to the existing home. The new spaces include a new 970 sf living room/dining room, a 295 sf art studio, and a 791-sf deck. The project requires a parking exception because the existing garage attached to the primary dwelling is below the

required 20x20 interior dimensions. The project also includes a new 743 sf attached ADU. *In accordance with Gov. Code Section 65852.2, the approval of the ADU will be ministerial and will not be reviewed by the Planning Commission.* The site is 10500 sf and is zoned R-1 and is not in the appeals jurisdiction.

CEQA Determination: Categorically Exempt, Section 15303, Class 3a and 15301, Class 1.

Staff Recommendation: Conditionally approve

Staff Contact: Nancy Hubbard, Contract Planner nhubbard@morrobayca.gov

Hubbard presented the staff report.

The Commissioners presented their questions to staff.

Thomas Shorey, architect, addressed the questions presented by the Commissioners.

Vice-Chairperson Roschen opened the Public Comment period.

<https://youtu.be/V1jSmSF7ig8?t=1783>

Winholtz, stated her comments regarding the project.

Staff answered questions brought up in the public comment period.

Vice-Chairperson Roschen closed the Public Comment period.

<https://youtu.be/V1jSmSF7ig8?t=1964>

MOTION: Commissioner Rodriguez moved to approve the staff recommendation. Commissioner Ingraffia seconded, and the motion passes 4-0, with Ingraffia, Ford, Rodriguez and Roschen voting yes.

<https://youtu.be/V1jSmSF7ig8?t=2283>

C. NEW BUSINESS

<https://youtu.be/V1jSmSF7ig8?t=2609>

C-1 Continued Discussion on City Council Goals and Objectives Update and receipt of Planning Commission input for the upcoming 2021/2022 goals and Objectives setting process.

Staff contact: Scot Graham, Community Development Director; (805) 772-6291, sgraham@morrobayca.gov

Graham provided an overview for the discussion.

The Planning Commissioners continued the discussion on City Council goals and objectives.

Vice-Chairperson Roschen opened the Public Comment period.

<https://youtu.be/V1jSmSF7ig8?t=5246>

Winholtz, stated what the top priorities she would like to see presented to the City Council.

Vice-Chairperson Roschen closed the Public Comment period.

<https://youtu.be/V1jSmSF7jg8?t=5386>

MOTION: Commissioner Rodriguez move to approve the top five priorities the Planning Commission agreed upon, including support of priority number six (6), BID (Business Improvement District). Commissioner Ford seconded, and the motion passes 4-0, with Rodriguez, Ford, Ingraffia, and Roschen voting yes.

D. UNFINISHED BUSINESS

<https://youtu.be/V1jSmSF7jg8?t=7060>

Rodriguez asked staff to see if the Planning Commissioners could be a part of the APA (American Planning Association)

Graham will look into the matter.

D-1 Planning Commission development review subcommittee update. Item provides an opportunity for the subcommittee to update the full Planning Commission on status related to evaluation and improvement of the City's development review process.

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

Graham provided an update to the Planning Commissioners.

D-2 Planning Commission Public Benefit subcommittee update. Item provides an opportunity for the subcommittee to update the full Planning Commission on the status related to evaluation and development of a public benefits master list for the City. 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

Discussion between the Planning Commissioners and Graham.

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

<https://youtu.be/V1jSmSF7jg8?t=7226>

Commissioner Ford questioned staff if the Commissioners were able to review the latest parking study completed by the city.

Graham responded.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS - NONE

<https://youtu.be/V1jSmSF7jg8?t=7321>

Graham notified the Commissioners the General Plan/LCP was going to the Coastal Commission on August 12th, as submitted with no changes.

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – AUGUST 3, 2021

Graham also notified the Commissioners there will be no meeting on August 17th due to no items on the agenda.

Graham updated the Commissioners on the hiring of new staff for the Community Development Department.

G. ADJOURNMENT

The meeting adjourned at 7:04 p.m. to the next scheduled Planning Commission meeting via teleconference, on August 17, 2021, at 6:00 p.m.

Bill Roschen, Vice-Chairperson

ATTEST:

Scot Graham, Secretary

AGENDA ITEM: <u> A-3 </u>
DATE: <u> DECEMBER 7, 2021 </u>
ACTION: <u> DRAFT </u>

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 7, 2021
HELD VIA TELECONFERENCE – 6:00 PM

PRESENT:	Susan Stewart Bill Roschen Jennifer Ford Joe Ingraffia Mike Rodriguez	Chairperson Vice-Chairperson Commissioner Commissioner Commissioner
STAFF:	Scot Graham Cindy Jacinth	Community Development Director Senior Planner

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLANNING COMMISSIONER ANNOUNCEMENTS

<https://youtu.be/B4jznr-N-Ro?t=84>

Chairperson Stewart made the following announcements:

- Wednesday, September 8th there will be a community forum regarding the power plant stacks via Zoom. Information is posted on the City of Morro Bay website www.morrobayca.gov
- Wednesday, September 29th, the City Council will be looking for community input on goals and priorities. The information is on the City of Morro Bay website at www.morrobayca.gov

Chairperson Stewart also reminded everyone to vote on Tuesday.

Commissioner Rodriguez commented on the agenda regarding the chairperson. Rodriguez stated he was confused as to who he should've have directed his comments to.

Chairperson Ford made the following announcements:

- September 11th, 12 noon, at 715 Harbor Street. The Fire, Police and Harbor departments will be hosting Patriots Day in honor of the lives lost on 9/11.

- September 11th, 2 p.m. to 4 p.m., at the Morro Bay Community Center. Morro Bay Beautiful will be hosting the 150th funding birthday for Morro Bay. There will be a \$1 dollar entrance fee, and an auction the following day for the original artwork used for the puzzle which was used to commemorate the celebration.
- September 15th, the Friends of Morro Bay Harbor department will hold a wine auction online. Visit <https://friendsofthembhd.org> for more information.
- September 15th, the Morro Bay Rotary Club will host a drive through BB-Q fundraiser. Tickets available to purchase at <https://www.morrobayrotary.org>

ELECTION OF CHAIR/VICE CHAIR (IF MADE NECESSARY BY ELECTION OF CHAIR)
<https://youtu.be/B4jznr-N-Ro?t=672>

Commissioner Ingraffia nominated Susan Stewart for chairperson, Commissioner Ford seconded, and the motion passes 4-0, with Ingraffia, Ford, Rodriguez and Roschen voting yes, and Stewart abstaining.

Roschen remains as Vice-Chairperson and turned the meeting over to Chairperson Stewart.

PUBLIC COMMENT PERIOD – NONE

Public Participation:

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Password: 135692

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

PRESENTATIONS – NONE

A. CONSENT CALENDAR

<https://youtu.be/B4jznr-N-Ro?t=854>

- A-1** Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.
- A-2** Approval of minutes from the Planning Commission meeting of April 20, 2021.
Staff Recommendation: Approve minutes as submitted.
- A-3** Approval of minutes from the Planning Commission meeting of May 4, 2021.
Staff Recommendation: Approve minutes as submitted.

Commissioner Rodriguez will abstain from approving the Planning Commission minutes for April 20th and May 4th due to not being a Planning Commissioner on those dates.

Chairperson Stewart opened the Public Comment period, and seeing none, closed the Public Comment period

<https://youtu.be/B4jznr-N-Ro?t=910>

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

B. PUBLIC HEARING

<https://youtu.be/B4jznr-N-Ro?t=974>

- B-1** **Case No.:** CUP 21-05 and CDP21-019
Site Location: 205 Harbor St, Morro Bay, CA
Request: Coastal Development Permit and Conditional Use Permit request for approval of new 6-room 5,042sf hotel on a .40 acre lot including the merger of six underlying lots located on Harbor Street between Market and Front Streets. The project includes demolition of three existing single-story residential structures on site, related accessory structures, and removal of major vegetation along Market Street at the northeast area of the property. The hotel includes the construction of two detached buildings with a view courtyard in the center of the property. The project is proposed as single story on the west elevation and designed to step up the bluff with two-story on the east elevation. Seven parking spaces are proposed with hotel driveway access to be from Market Street. The property is subject to bluff development standards found in MBMC 17.45, is located in the CVS/PD/SP zoning district and is located in the Coastal appeals jurisdiction.
CEQA Determination: Categorically Exempt, Section 15303, Class 3c
Staff Recommendation: Conditionally approve
Staff Contact: Cindy Jacinth, Senior Planner, (805) 772-6577,
cjacinth@morrobayca.gov

Jacinth presented the staff report.

The Commissioners presented their questions to staff.
Chairperson Stewart opened the Public Comment period.

<https://youtu.be/B4jznr-N-Ro?t=3316>

Cathy Novak, agent for the Applicant, stated she was satisfied with the staff report and responded to the Planning Commissioners questions.

Thom Jess, Architect, spoke about the changes made to the project and answered questions from the Planning Commissioners.

Sean Green, Morro Bay, spoke of his concerns regarding street trees.

Peter Beman, Morro Bay, stated his concerns regarding parking on Pelican Place.

Betty Winholtz, Morro Bay, stated her list of concerns regarding the project.

Chairperson Stewart closed the Public Comment period.

<https://youtu.be/B4jznr-N-Ro?t=4107>

Staff responded to questions from the Public Comment period.

The Planning Commissioners presented their questions to the applicant and staff.

Jess, Novak, and Graham responded to the Planning Commissioners questions.

Comments and discussion between the Planning Commissioners and staff.

MOTION: Commissioner Rodriguez moved to approve the staff recommendation with a condition that the retaining wall be modified to reflect the original conceptual plan shown to the Planning Commission at the March 2, 2021 meeting. Vice-Chairperson Roschen seconded, and the motion passes 5-0, with Rodriguez, Roschen, Ingraffia, Ford, and Stewart voting yes.

<https://youtu.be/B4jznr-N-Ro?t=7058>

Condition shown below was added by the Planning Commission:

The project plans dated 8/25/2021 shall be revised to remove the proposed spa area and associated retaining wall along Harbor Street. The plans, just in the area of spa, shall be modified to reflect the original conceptual plan shown to the Planning Commission at their 3/2/2021 meeting. Revised plans shall be submitted for review and approval to the satisfaction of the Community Development Director.

C. NEW BUSINESS

D. UNFINISHED BUSINESS

<https://youtu.be/B4jznr-N-Ro?t=7701>

D-1 Planning Commission development review subcommittee update. Item provides an opportunity for the subcommittee to update the full Planning Commission on status related to evaluation and improvement of the City's development review process. 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

Graham gave an update on the subcommittee.

D-2 Planning Commission Public Benefit subcommittee update. Item provides an opportunity for the subcommittee to update the full Planning Commission on the status related to evaluation and development of a public benefits master list for the City. 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

Commissioner Rodriguez gave an update on the subcommittee.

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS
<https://youtu.be/B4jznr-N-Ro?t=8006>

Future agenda item – Discussion on EV charger installation.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS
<https://youtu.be/B4jznr-N-Ro?t=8126>

Graham reminded the Planning Commissioners of the meeting for the power plant stacks, and the meeting for the City Council goal setting on September 29th.

Graham gave an update on what items were listed for the next Planning Commission meeting.

G. ADJOURNMENT
The meeting adjourned at 8:20 p.m. to the next scheduled Planning Commission meeting via teleconference, on September 21, 2021, at 6:00 p.m.

Susan Stewart, Chairperson

ATTEST:

Scot Graham, Secretary



AGENDA NO: B-1

MEETING DATE: December 7, 2021

Staff Report

TO: Planning Commissioners

DATE: November 23, 2021

FROM: Scot Graham, Community Development Director
Cindy Jacinth, Senior Planner

SUBJECT: Review of the Public Hearing Adoption Draft of the Zoning Code / Implementation Plan for Plan Morro Bay: General Plan/Local Coastal Program Update

RECOMMENDATION:

Review staff report and Public Hearing Draft of the Zoning Code/ Implementation Plan as updated from 2018; hear presentation by consultant, open public hearing and take public comment, discuss, and provide feedback to staff

Plan Morro Bay:

The Plan Morro Bay project is a comprehensive update of the City's General Plan, Local Coastal Program, and Zoning Code. The Local Coastal Program includes the Coastal Land Use Plan (LUP), Coastal Land Use Map, and Implementing Ordinance which a portion of is the City's Zoning Code. The General Plan, LUP, and Coastal Land Use Map were adopted by City Council in May 2021 and certified by the Coastal Commission in August 2021. The update of the Zoning Code/ Implementation Plan (IP) is the last step in the Plan Morro Bay update project.

The Zoning Code / IP Update portion of Plan Morro Bay was started in 2017. Multiple public meetings were held by both the General Plan Advisory Committee (GPAC) and the Planning Commission as well as community outreach, focus groups, and stakeholder meetings. This resulted in a public draft of the Zoning Code that was last reviewed by the Planning Commission in 2018. Since 2018, the Zoning Code has been updated to reflect PC direction, Coastal Commission staff comments received, and reflect updates to State law.

In addition, staff has recently received comments from both the Morro Bay Chamber of Commerce Government Affairs Committee (GAC) and the Embarcadero Master Leaseholders (EML). These comments have been compiled as Comment Summaries with corresponding staff response or edit noted (Exhibit A).

Prepared By: ___CJ___

Department Review: ___SG___

Organization of Zoning Code / Implementation Plan:

The Zoning Code is comprised of five divisions which include: Introductory Provisions, District Regulations, Citywide Regulations, Administration and Permits, and Term and Definitions. One key area of revision with the 2021 Zoning Code is the document's reorganization to separate out the Coastal Implementation Plan (IP) from the City's Zoning Code. The entirety of the City's current 1995 Zoning Code is also the City's IP which makes it difficult to amend or update Zoning without also triggering an LCP amendment approval process by the Coastal Commission. Reorganizing the document to consolidate the portions of the Zoning Code which comprise the IP allows for a more streamlined approach to fit the City's needs, especially for those minor zoning amendments which do not affect Coastal Act issues. The portions of the Zoning Code which comprise the IP are indicated with an (IP) following the chapter or section name.

Revisions to the 2018 Public Review Draft:

Planning Commission last reviewed and provided comment on the 2018 Public Review Draft on November 20, 2018 when it completed review of the various Zoning modules. (Online link #2 below). The edits received from PC are noted as track changes on the 2018 document. The 2021 public hearing draft accepts the PC edits from the 2018 document and includes track change edits to reflect feedback from Coastal Commission staff, be consistent with State law with regard to accessory dwelling units (ADU) and Senate Bill 9 which provides allowances for urban lot splits in single family zones that meet certain criteria, as well as miscellaneous refinements, some of which were prepared in response to input from the GAC and EML group.

CONCLUSION:

Staff recommends the Planning Commission review the public hearing draft, take public comment, discuss, and provide feedback to staff.

Exhibits:

- Exhibit A –Comment Summaries
- Exhibit B – Powerpoint Presentation
- Exhibit C – Draft Zoning Map

ONLINE ATTACHMENTS:

1. [Public Hearing Draft of Zoning Code / Implementation Plan, December 2021](#)
2. [Public Review Draft, 2018 Draft Zoning Code \(includes PC requested edits in track changes\)](#)

Draft Section

No. Topic

Commenter

Comment

Edits Made?

Staff Comments/Response and Updated Section No.

Plan Morro Bay Zoning Code / IP Update Project

Public Comments at Planning Commission Meetings/submitted for Planning Commission Meetings

1	Parking	GAC	Streamlining process is good. Fewer required hearings and discretionary reviews		Noted
2	Parking	GAC	Implement paid parking where designated.		Noted
3	Parking	GAC	Reduce parking requirements in the downtown.		Noted. Parking requirements have been reduced, including for example change of uses and required restaurant parking.
4	Use Matrix	GAC	There needs to be a use matrix that shows which zones permit which uses, and under what types of permits.		This is included in the use tables for each district
5	17.06.30 Development Standards; Max Height	GAC	Maximum building heights seem arbitrary and unrelated to actual building height increments. Height standards should apply on all four commercial corners of the same intersection for consistency.		PC reviewed and concurs with current policy language
6	17.06.30 Development Standards; Setback adjacent to residential	GAC	Setback adjacent to residential should be a function of commercial building height and the permitted height of permitted or existing structures next door.		These setbacks are brought forward from current code language. PC reviewed and concurs with current policy language.
7	17.06.30 Development Standards; Required Building Location in CC Zone	GAC	Having a "set-to" line in the CC district is good. Most existing structures are. The regulations appear to allow 60 percent of the building within 10 or less. A better "set-to" line may be better.		PC reviewed and concurs with current policy language
8	Minor Use Permits	GAC	Minor Use Permits (those permits that can be approved by the CD Director) should have standard conditions of approval so that they become more routine and cookie cutter. Explain the rationale for making them "use permits" at all.		Standard conditions of permits are included on all permits. Use permits are required to allow the use to fit into the zone.
9		GAC	Develop an open site plan review process to provide feedback to applicants within a week after application, with all departments participating.		City already encourages applicants to submit preliminary plans prior to full application to receive early staff comments.
10	Land Use Regulations; Residential in Commercial Zones	GAC	Mixed Use Residential uses should be a minor use permit in commercial zones, and subject to some sort of administrative design review. Delete requirement for conditional use permit and hearing. Or make them subject to administrative hearing. Or, develop design guidelines, and if the structure complies, it is approved.		PC reviewed and prefers discretionary review process for this.
11	Land Use Regulations; Residential in Commercial Zones	GAC	Requirement for residential to be "above or behind" is often impractical. There needs to be an outlet to a public way, and a "presence" on the main street. See units with "vestibules", "elevator lobbies", etc. If necessary, limit the amount of street frontage for these access points, or that an Hcap unit can be located on the ground floor. Agree with the necessity for a "retail street frontage".		PC reviewed and concurs with current policy language
12	Land Use Regulations; Drive Throughs	GAC	Why no drive throughs in DC Zone. Seems like a natural. Only in North Morro Bay?		PC discussed this issue as part of their review and directed that drive-throughs only be allowed in the Quintana area.
13	17.29.030 Minor Use Permits	GAC	"Generate substantial public controversy" should not be a reason to refer to PC. This is too open-ended and arbitrary. Some explanation of the rationale for minor use permit would be useful such as "to confirm conformance with existing city regulations, polices and design guidelines". Consider an administrative hearing for some items that can be appealed. Can a minor use permit be appealed otherwise? What are the required/expected approval time lines for a Minor Use Permit?		Staff ability to refer to PC as needed is important. Minor Use Permit are appealable. Approval timeline is approximately 4-8 weeks which includes noticing timing.
14	17.29.030 Conditional Use Permits	GAC	This section should include an explanation of why some items need to go to the PC and why some may not. Overall size and impact of the project? Desire to make it "discretionary". If projects are otherwise in conformance with zoning, LCP and GP, why would they need to go to the PC. Explain, otherwise everything goes to PC.		CUP section is in 17.40 and describes the use permit process and what they are used for. PC reviewed the allowed use tables under each district.
15	17.29.030 Required Conditions/Conditions of Approval	GAC	If the required conditions of approval are the same for a Minor Use Permit and a Conditional Use Permit, why can't they all be Minor Use Permits?		Conditions of approval are not always the same. Refer to Chap. 17.40 for difference between MUP and CUP.
16	17.29.090 Appeals	GAC	Does anyone have standing to appeal? Resident? Non-resident? City property owner? Per the definition an "aggrieved person" has to have lodged an objection or made known their objection prior to the hearing. See comments on Minor Use Permit.		The Appeals process is 17.36.140. Aggrieved person is defined in the defintion section.

Draft Section

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Edits Made?

Staff Comments/Response and Updated Section No.

Plan Morro Bay Zoning Code / IP Update Project

Public Comments at Planning Commission Meetings/submitted for Planning Commission Meetings

17	17.27.040	Non-Conforming Structures	GAC	Applaud the change so that there can be additions to non-conforming structures as long as the new construction does not increase the degree/severity of non-conformity.		Noted.
18	17.10.90	Drive Through Facilities	GAC	The setback of the drive through entrance seems arbitrary. The normal requirement is for a minimum amount of vehicle stacking, and the stacking area does not conflict with parking lot.		The setback requirements are from intersections and other driveways related to safety. Circulation plan required to ensure safety.
19	17.10.160	Outdoor Dining	GAC	Are there design guidelines for outdoor dining?		Not yet
20	17.28.040	Parking: Commercial Uses	GAC	Parking at 1/300 SF appears to be adequate, but there should be a varying requirement for CC and waterfront. CC has many pedestrian oriented trips, and joint trips.		No parking is required in the WF district. Refer to 17.27.040.A1
21	17.28.040	Parking: Eating and Drinking	GAC	Parking at 1/100 SF appears to be excessive. This probably applies to a freestanding fast food or other high volume free standing use, but not to restaurants that are part of commercial districts or shopping centers.	Yes	Parking has been revised. Refer to revision in Table 17.27.040
22	17.28.040	Parking: Waterfront District	GAC	If no onsite parking is required in the Waterfront District, how is that parking need to be met?		Waterfront is mostly built out. City previously utilized historic parking credits. Removing requirement for parking will have negligible impact. Public parking spaces are provided at various City lots in the vicinity
23	17.28.040	Parking: CC, DC zones and Shopping Centers	GAC	Why not have just one parking ratio for CC, DC and shopping centers. Then, there is no fuss about use changes over time.		There is no parking requirement for use changes over time.
24	17.28.050 (F)	Parking Reductions	GAC	The parking reductions cited here should be formulaic and not arbitrary as they appear to be written.		Staff disagrees that these are arbitrary reductions. PC has reviewed this policy and concurs.
25	17.28.060	Parking Management Plan Area	GAC	Please provide this map. It is important. It also should not be up to the PC to allow in lieu payments or not. In lieu payments would also be for all or some of the required parking. Should the parking requirement be the same for all uses (waterfront, downtown, etc.) as can be justified, but uses in specific zones may satisfy that requirement by payment of fees for offsite parking lots. All commercial uses create a need for parking. Is the City obligating itself to provide the parking where it is being waived?		This map will be included. PC has expressed desire to maintain control over inlieu fee payments.
26	17.29.080	Glare	GAC	Glare should be defined in terms of lumens, foot-candles or the visibility of the luminaire light source across a property line. "Significant" and "direct" are not definable terms.		17.14.090 Visual Resource Protection includes exterior lighting requirements
27	17.38.030	Design Review Authority	GAC	Is design review considered subject to CEQA? See recent court case.		Design review itself is not subject to CEQA. CEQA does not apply to ministerial projects.
28	17.38.030	Design Review Authority	GAC	Non-residential design review for PC seems very low. If a 4,000 SF existing building, that means a 400 SF addition has to go.		PC reviewed this and discussed in detail. And agreed with this policy.
29	17.38.030	Design Review Authority	GAC	In areas with adopted architectural or Specific Plan guidelines, should PC approval be required? See adopted Waterfront/Downtown Plan.		This could be the case, but current specific/master plan design guidelines are too general.
30	17.38.080	Design Review: Sustainable Design	GAC	What are sustainable design features. Are these LEED features, or CalGreen features already required by the building code? Is there a performance standard for this?		Sustainable design features could be all of these things. PC has previously asked for sustainable design features to be incorporated.
31	17.38.080	Design Review: Dark Sky Principles	GAC	"Dark Sky Principles" need to be defined, especially how they relate in commercial districts with commercial signage, required street and parking lot lighting, etc. This seems noble, but too vague.		PC asked for Dark Sky principles to be added. Will review options to add definition.
32	17.53.030	Clinics/Medical-Dental Definition	GAC	What is the difference between a "medical office" and a "clinic". Do we care?		They are referenced separately in the Code.

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Plan Morro Bay Zoning Code / IP Update Project

Public Comments at Planning Commission Meetings/submitted for Planning Commission Meetings

34	17.18.030	Mixed Use District	GAC	Residential appears to be allowed in all commercial districts per Table 17.08.030, but the VSC and NC zones are the only specified in the Mixed Use District section. Please reconcile. Prefer residential in all districts as stated in Table 17.08.030.		We will look to resolve this conflict with Table 17.08.020 between MUP and CUP requirements. Chapter 17.16 as an MUR overlay requires a CUP for allowed residential development.
35		CG Zone District	GAC	There does not appear to be a CG (Measure D) Zone District. "Uses allowed in Measure D are included in the zoning code" according the GP. Policy LU-4.2 refers to the zoning ordinance defining "clearly incidental".		The permitted uses in the CF district are noted at 17.11.030.
36		CG Zone District	GAC	What are the prospects for growth beyond current development footprint in the rest of the CG Zone?		Unclear what's being requested.
37		Residential Development	GAC	City allocation under the new Regional Housing Needs Allocation (2020-2030) is 390, or about 40 per year. New residents with disposable income are important to the business community both as customers and employees/workforce. City should prioritize residential development for economic, business and social reasons. What level of mixed use/multi-unit residential is permitted by right?		We are working on by-right housing polices and objective design standards.
38	17.08.20	Uses not allowed on MB Blvd	GAC	Uses not allowed on MB Blvd - unclear what is not allowed, mixed use?		Refer to bottom of table for specific limitations. Footnote #3 identifies what uses are not allowed on Morro Bay Blvd.
39	17.09.20	Colleges and Trades Schools in ICD Zone	GAC	Colleges and Trade Schools and Instructional Services are not permitted in Land Use Classification ICD - is this detrimental to the development of a wind turbine training ground or future Cuesta/Cal Poly wind energy learning institution?		ICD zoning only applies the Cayucos Sanitary District parcel near Toro Creek which is in process of being detached from the City.
40	17.09.20	Recycling in ICD Zone	GAC	Recycling facilities not permitted - venture that removes plastics from ocean recycled into some other material .		ICD zoning only applies the Cayucos Sanitary District parcel near Toro Creek which is in process of being detached from the City.
41	17.09.20	Food preparation ICD Zone.	GAC	Food Preparation not permitted, would this prevent development of some sort of commercial canning or industrial seafood venture? Or, is Food Preparation for a restaurant use?		ICD zoning only applies the Cayucos Sanitary District parcel near Toro Creek which is in process of being detached from the City.
42	17.11.20	CF Zone Permitted Uses	GAC	The conundrum of Measure D. Is this an attempt to apply prescriptive language and to what end? Inability to enlarge or expand existing operations (restaurant retail and commercial recreational fishing) on a Tidelands Lease diminishes drive to maintain a structure or operation and grow a business. ED unfriendly		Policies have been revised to allow existing non-conforming to be reconstructed and relocated. Refer to 17.11.030.A.2b. This was reviewed by joint committee of HAB and PC.
43	17.11.20	CF Zone Permitted Uses	GAC	Uses which clearly support "Ocean to Table" retailing and restaurants would appear to support the commercial fishing industry, as much as the industrial and support facilities. How can we allow those uses to expand, rather than whither?		No consensus between HAB and PC. Findings previously have been determined on a case by case basis.
44	17.11.20	CF Zone Permitted Uses	GAC	Is there an understanding of the terms "incidental" and "primarily". Is this the actual text of Measure D, or what has been added and refined.		Clearly incidental and primarily are words that are included in the text of Measure D.
45	17.11.20	CF Zone Permitted Uses	GAC	If restaurant and retail uses are going to be displaced longer term, should there be a similar prohibition on commercial fishing support facilities south of Beach Street or outside the Measure D area on the Waterfront to encourage these uses to relocate and uses to sort themselves out?		No desire by HAB or PC to ban commercial fishing facilities south of Beach Street.
46	17.11.20	Houseboats	GAC	Non-seafaring vessels not allowed by muni code per Harbor Dept? Why is this in the document. Are they permitted if with CUP. Why PC approval?		They are allowed with CUP approval.
47	17.11.20	Seafood processing and retail uses in WF Zone.	GAC	Seafood processing and retail and wholesale seafood markets feels like a good fit for CF area		Agreed
48	17.11.20	Expansion of Commercial Fishing	GAC	There is a reference to "reasonable expansion" of commercial fishing industry. This sounds like an appropriate GP policy but probably does not belong in the zoning code. What are the prospects for expansion of the commercial fishing facilities? Adequacy of existing CF area.		Identifying prospects for expansion is outside of the scope of the Zoning Code.

Draft Section

No. Topic Commenter Comment Edits Made? Staff Comments/Response and Updated Section No.
Plan Morro Bay Zoning Code / IP Update Project
Public Comments at Planning Commission Meetings/submitted for Planning Commission Meetings

49	17.24.030	In Lieu Housing Fees	GAC	How do these line up with region?		It's being looked at as part of the update of the fee structure.
50	17.24.030	In Lieu Housing Fees	GAC	Suggest that there be a re-look at fee structure and effectiveness. Why should this not apply to all development projects? Residential projects do not create the demand for affordable housing and the nexus here is weak. Consider applying across the board at a more manageable level for all uses. The current approach seems like a completely ineffective one.		It's being looked at as part of the update of the fee structure.
51	17.28.040	WF Parking	GAC	Waterfront District - On site not required. Predating this document did or did not pay in lieu? Is this a complete change in policy and how interacts with projects underway? Coastal Commission demanding parking on "managed retreat" for projects like Rose's use change (hotel rooms requiring parking up the bluff)		The use change by Rose's did not trigger an increase in required parking. Parking provided was desired by the Applicant.
52	17.31.140	Nonpermanent Vendors	GAC	Food Trucks? Can take up to 3 parking spaces provided that's not more than 25% of total parking spaces available?		Correct.
53	17.31.160	Outdoor Dining	GAC	Attempt at encouraging development of outdoor dining areas. Support.		Noted
54	17.31.170	Outdoor Displays and Sales	GAC	Approximate cost to display outside is special use permit \$1500-2000 and does not expire? (How) Will this be enforced?		Correct, these permits do not expire. Enforcement matters would be handled the same as any other permit.
55	17.36.40	Review of Applications	GAC	30 days to determine completeness, is state maximum. Suggest that this be reduced locally to provide better responsiveness, or at least such a policy be established. Also suggest a shorter site plan review process.		Will consider.
56	17.36.40	Review of Appeals	GAC	Appeals should be heard at the soonest possible date unless waived by the applicant. Appeals should be on the next available hearing date that is available with the hearing notices. Ordinance specifies 60 days for appeal determination. Suggest 30 days.		Timing is predicated by existing Council agendas for available hearing space. Also, appeals typically include issues that require a response from Applicant which dictates allowing time for a response prior to appeal hearing.
57	17.36.110	Permit Expiration and Extension	GAC	Permits and approvals. Building permit issued or city business license pulled = permit or approval is inaugurated and have 2 years before expires if not inaugurated or extended. Is 2 years too long? Why would a project take this long, Coastal?		We regularly get requests for permit extension based on Applicant's ability to carry forward the project and coordinate with hired architect/engineering services.
58	17.38.030	Review Authority	GAC	How does this relate to PC wish to do commercial design guidelines. Would that effort be redundant/superfluous, and add review time? B 2. Director discretion on what appears before commission outside of criteria in section A		Unclear what's being asked. PC is interested in commercial design guidelines as guidance for commercial development not as a method for by-right development.
59	17.11.020	Land Use Regulations - Permitted Uses	EML	"or moved" language added - EML concerned with limitations for projects with including this language. See section 17.28 - parking concerning calculations.	Yes	PC specifically requested that "or moved" be added. Removed parking requirement. Refer to 17.11.030.A2b
60	17.11.020	Land Use Regulations - Conditionally Permitted Uses	EML	Add aquaculture?	Yes	Aquaculture added. Refer to 17.11.030.B2a
61	17.11.020	Land Use Regulations - WF District Conditionally Permitted Uses	EML	Does this need to be here with the CF District in place? Does not seem appropriate for areas south of Beach Street. Reference to section that says "ensure new recreational boating facilities will not preclude reasonable expansion of commercial fishing facilities and other coastal dependent uses"		No change. Carry forward from current Zoning code.
62	17.11.030	Development Standards - Conformance with Harbor Master Plan	EML	Why is this Conformance with Harbor Master Plan section in here? What purpose does it serve in this section? Would it be better to put in the WMP?	Yes	Deleted this section. This was also requested deleted by Coastal staff. Refer to 17.11.040.B

Draft Section

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Plan Morro Bay Zoning Code / IP Update Project
Public Comments at Planning Commission Meetings/submitted for Planning Commission Meetings

63	17.11.040	Supplemental Regulations - Architectural Treatment	EML	This section on Architectural Treatment seems as though this should be in the WMP instead.		No change. It's appropriately located here since the WMP is outdated; and will need to update Waterfront Master Plan in the future,
64	17.11.040	Supplemental Regulations - Development Priorities, WF District	EML	Paragraph C Development Priorities: What are the constraints and priorities that could be determined by the City?	Yes	This section deleted. Refer to 17.11.050.
65	17.14.060	Development Within Coastal Commission Permit Jurisdiction - Concept Plans	EML	No more Precise Plan?	Yes	No. This section was deleted because of the goal to minimize the number of hearings previously.. A minor or major modification process is added that would capture projects where big changes are made by Coastal Commission on their CDP. Refer to deleted 17.14.070
66	17.14.060	Development Within Coastal Commission Permit Jurisdiction - Conformance Review	EML	Why the requirements for another hearing? What if there are no changes or minor modifications done by Coastal Commission? Why not have an exception for minor or no changes?	Yes	This section deleted. Refer to 17.11.070.
67	Chapter 17.19	Waterfront Master Plan (-WMP) Overlay District (IP)	EML	What will be in this section? When will we see it? his section is likely to have more comments when we see the complete version.		Chapter 17.17 is the WMP Overlay district. This section directs one to refer to the Waterfront Master Plan for proposed development.
68	17.25.020	Applicability	EML	Includes Embarcadero? LCP - replacement of shoreline protective devices should not apply to Embarcadero. Target Rock to Tidelands Park	Yes	This is now in 17.14.100. Applicability section revised to state this does not apply to Embarcadero. 17.14.100.C.2
69	17.25.040	Shoreline Development - Applicability	EML	Embarcadero included?	Yes	This is now in 17.14.100. Applicability section revised to state this does not apply to Embarcadero. 17.14.100.C.2
70	17.25.040	Shoreline Development - Geologic Report	EML	Same comment		Same as above. Does not apply to Embarcadero.
71	17.25.040	Shoreline Development -Shoreline Development - Non-bluff Coastal Setbacks	EML	Non-bluff Coastline setback section?. Any impact to waterfront projects?		Does not apply here.
72	17.25.040	Shoreline Protection Restrictions	EML	How does this impact redevelopment on the Embarcadero? This doesn't include Visitors Serving Uses - Embarcadero	Yes	A portion of this section deleted and edited to refer back to the LUP Hazards policies (which exempts the Embarcadero area). Refer to 17.14.100.
73	17.28.040	REQUIRED NUMBER OF PARKING SPACES	EML	Eating & Drinking Establishments. This is not consistent with 17.31.160(e). That section has 350 sq. ft. What about historic parking credits?	Yes	Edit to clarify parking requirement for outdoor seating is in excess of 350 square feet. Table found at 17.27.040. Regarding historic parking credit, parking would not be required on the waterfront.
74	17.28.040	Calculation of Required Spaces - Floor Area	EML	See parking calculations for sample projects.	Yes	17.27.040 Gross floor area changed to total floor area. Our understanding of this issue relates to seating for restaurants. One option for PC to consider would be to just require parking for restaurant seating area which is current practice.
75	17.28.040	Calculation of Required Spaces - Employees	EML	Explain this? Where is the code section where this would apply?		This refers to uses which are parked by # of employees (Refer to 17.28.040) such as family day care or emergency shelters.

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Plan Morro Bay Zoning Code / IP Update Project

Public Comments at Planning Commission Meetings/submitted for Planning Commission Meetings

76	17.28.050 Parking Reductions - Harbor, Port, Marina Facilities	EML	Should "Waterfront" be included here?		Waterfront not included because it is not a use but items in this definition are uses that are found on the waterfront.
77	17.28.050 Parking Reductions - Intensity of Use	EML	How does this work with parking calculations and requirements? Parking calculations are based upon square footage?		No conflict. This is just a definition. Does not equate to parking requirements.
78	17.28.050 Parking Reductions - Lot Width	EML	Doesn't seem to address seawalls		We will look into this regarding the "nonbearing wall" reference.

Exhibit B

Planning Commission

December 7, 2021



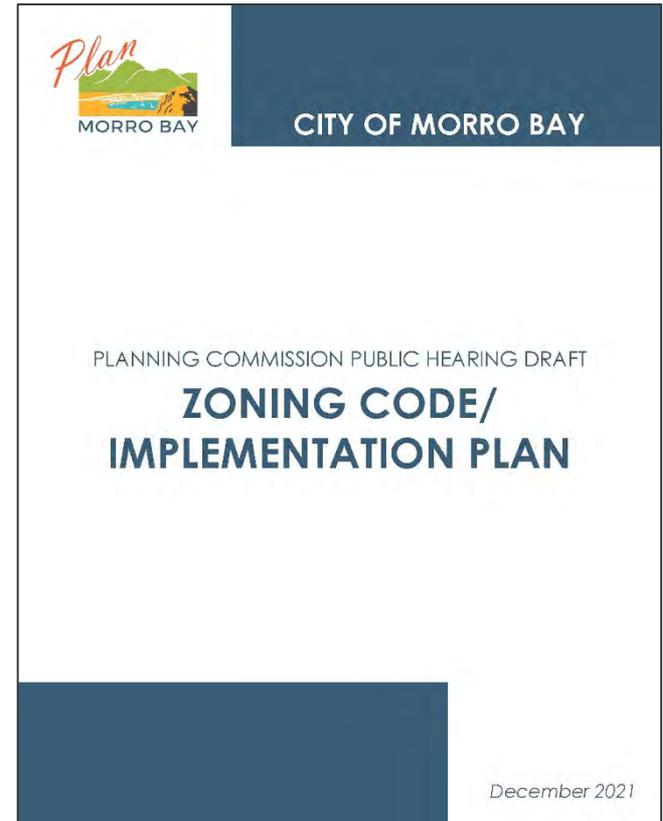
Presentation Agenda

Overview of the Zoning Code/ Implementation Plan Update

- Purpose, Objectives, Process

Summary of Draft Zoning Code/ Implementation Plan

Discussion



Project Objectives

To craft an updated Zoning Code/ Implementation Plan that:

- Is consistent with and implements the General Plan/Coastal Land Use Plan;
- Promotes high quality design;
- Responds to community concerns about neighborhood character and project design;
- Is modern and reflects the City's current uses, practices, and development patterns;
- Provides clear decision-making protocols and streamlined review processes, where appropriate;
- Complies with State and federal law; and
- Is clear, concise, understandable, and easy to use.

Process Overview

- ✓ Research and reconnaissance
- ✓ Consultant assessment
- ✓ Zoning Code Diagnosis Memo
- ✓ GPAC, PC, and Public Review of Draft Regulations:
 - ✓ Administration and Permits
 - ✓ Interpretation Provisions, District Regulations, General Site Regulations
 - ✓ **Use Regulations**
 - ✓ Citywide Regulations
- ✓ Public Review Draft Zoning Code (2018)

Coastal Commission Review of Coastal Land Use Plan

- ✓ Revisions to reflect Certified Coastal Land Use Plan, Coastal staff input

- Hearings and Adoption

Zoning Code/ IP Components

Zoning Code/IP Update

The new Zoning Code is comprised of five divisions:

- Division I – Introductory Provisions
- Division II – District Regulations
- Division III – Citywide Regulations
- Division IV – Administration and Permits
- Division V – Terms and Definitions

Portions of the new Zoning Code make up the Implementation Plan (IP):

- Section 17.01.050, Local Coastal Program Implementation Plan (IP)
- Chapter 17.11, Waterfront and Harbor Area Districts (IP)
- Chapter 17.14, Coastal Resource Protection (CRP) Overlay District (IP)
- Chapter 17.36, Coastal Development Permits (IP)
- Section 17.30.220, Short-term Vacation Rentals (IP)

Division I – Introductory Provisions

Division I establishes the authority and applicability of the Zoning Code/IP, and its relationship to the General Plan and Coastal Land Use Plan.

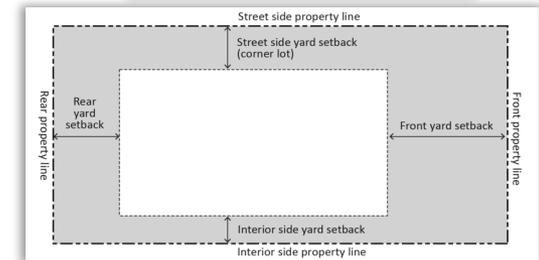
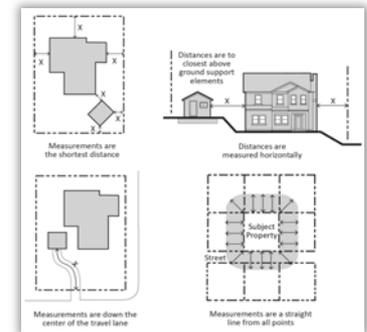
It also provides rules of interpretation and measurement.

- **Rules of Interpretation**

- Relation of text to figures/illustrations/diagrams
- Mandatory vs. permissive words
- Past, present, and future tenses
- “And”, “and/or”, “or”, “either... or”

- **Rules of Measurement**

- Fractions and rounding
- Measuring Distance, Height, Stories, Lot Width and Depth
- Determining Floor Area, FAR, Lot Coverage, Lot Frontage, and Setbacks



Division II - District Regulations

Base and Overlay Districts implement General Plan/Coastal Land Use Plan Land Use Designations. Division II establishes land use and development standards for each district.

• Base Districts

- Agriculture District
- Residential Districts
- Commercial and Mixed Use Districts
- Industrial Districts
- Public and Semi-Public Districts
- Waterfront and Harbor Area Districts

• Overlay Districts

- Coastal Resource Protection (CRP) Overlay District (IP)
- Cloisters (-CL) Overlay District
- Mixed Use Residential (-MUR) Overlay District
- Waterfront Master Plan (-WMP) Overlay District
- Planned Development (-PD) Overlay District

Organization of District Regulations

Purpose Statements

- Explains purpose and intent of each district and how it fits into the City's General Plan land use policy
- Serve as a guide for administering regulations

Development Standards

- Dimensional requirements for lot and density standards, building form and location, and open space
- Supplemental standards

Land Use Regulations

- Utilizes modern **use classification** system
- Use allowances are presented in tables as the following:
 - *Permitted (P)*
 - *Minor Use Permit Required (M)*
 - *Conditional Use Permit Required (C)*
 - *Use not allowed (-)*

Division III - Citywide Regulations

Division III includes regulations which apply across all districts.

- General Site Regulations
- Affordable Housing, Density Bonuses, and Other Incentives
- Landscaping
- Nonconforming Uses, Structures, and Lots
- Parking and Loading
- Performance Standards
- Signs
- Standards for Specific Uses

Division IV - Administration and Permits

Provisions for the administration of the Zoning Code/ IP

- Explains who is responsible for making zoning decisions
- Establishes standard procedures

Provisions Include:

- Common Procedures
- Zoning Clearance
- Design Review
- Coastal Development Permits
- Use Permits
- Temporary Use Permits
- Modifications
- Reasonable Accommodation
- Variances
- Development Agreements
- Amendments
- Zoning Upon Annexation
- Enforcement

Division V – Terms and Definitions

Use Classifications

- Modern classification system places land uses and activities into categories based on common function, product, and physical characteristics
- Consolidates long lists of use allowances zone-by-zone
- Broad use groups allow for future amendments and addition of new, unanticipated uses

Terms and Definitions

- Defines specific terms related to zoning and land use that are found throughout the Code

Revisions to the 2018 Public Review Draft

Overview

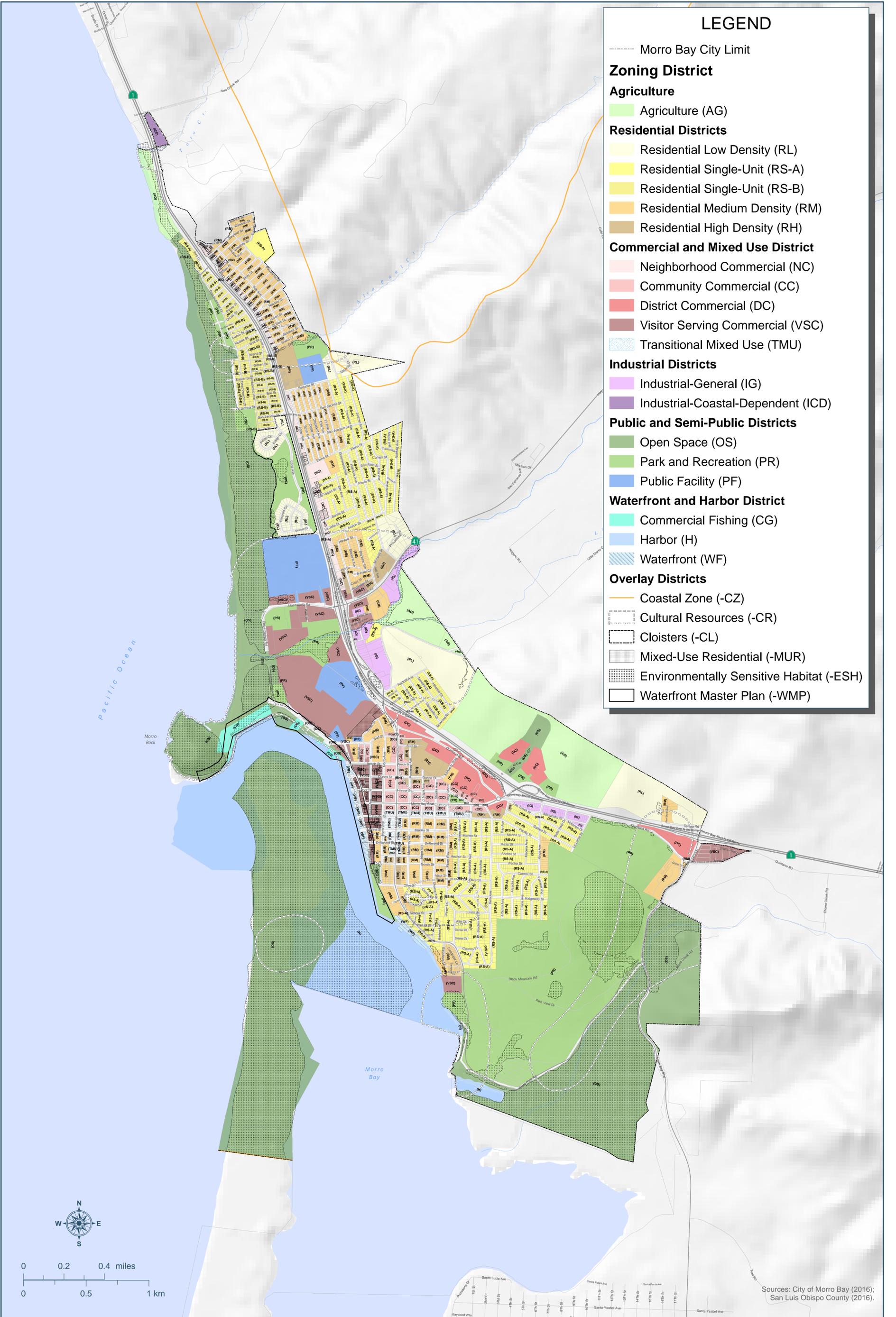
Revisions to the Public Review Draft Zoning Code/ IP:

- Reflect revisions to Plan Morro Bay through Coastal Commission Review
- Feedback from Coastal Staff on the Draft Zoning Code/IP
 - Clarify and consolidate the portions of the Zoning Code which comprise the IP.
 - IP provisions are consolidated into three main groups:
 - *Introductory provisions,*
 - *Coastal resource protection standards, and*
 - *Coastal Development Permit procedures.*
 - Portions of the Zoning Code which comprise the IP are indicated with an (IP) following the chapter or section name

Overview, continued

Revisions to the Public Review Draft Zoning Code/ IP:

- Consistency with State law
 - Accessory Dwelling Units
 - SB9 allowances for two units and 'urban lot splits' in single family zones that meet certain criteria
- Miscellaneous refinements





AGENDA NO: C-1

MEETING DATE: December 7, 2021

Staff Report

TO: Planning Commissioners **DATE:** November 30, 2021

FROM: Alison MacCarley, Planning Intern

SUBJECT: Update on Special Use Permit (CUP19-15) for the annual Waterfront Market event between Giovanni's Fish Market and Stax Wine Bar.

PROJECT HISTORY

On January 7, 2020, the Planning Commission approved a Special Use Permit (CUP19-15) for the annual Waterfront Market event at 1001 Front Street between Giovanni's Fish Market and Stax Wine Bar. The market typically consists of 24-30 local vendors offering a mix of arts, crafts, information, food booths and food trucks. The CUP 19-15 included



Planning Commission condition #13 (Exhibit B) which requires a report back to the Planning Commission related to how the market functioned prior to the end of 2020. The full condition is listed below:

13. ***Waterfront Market Analysis Report:*** *The applicant shall schedule with staff a follow up meeting with the Planning Commission, prior to the end of 2020, where detailed information will be presented to the Planning Commission related to how the market functioned, including vendor lists for each event.*

On June 30, 2020, the Waterfront Market applicant submitted a request to postpone the Market to 2021 due to impacts of business closures and possible

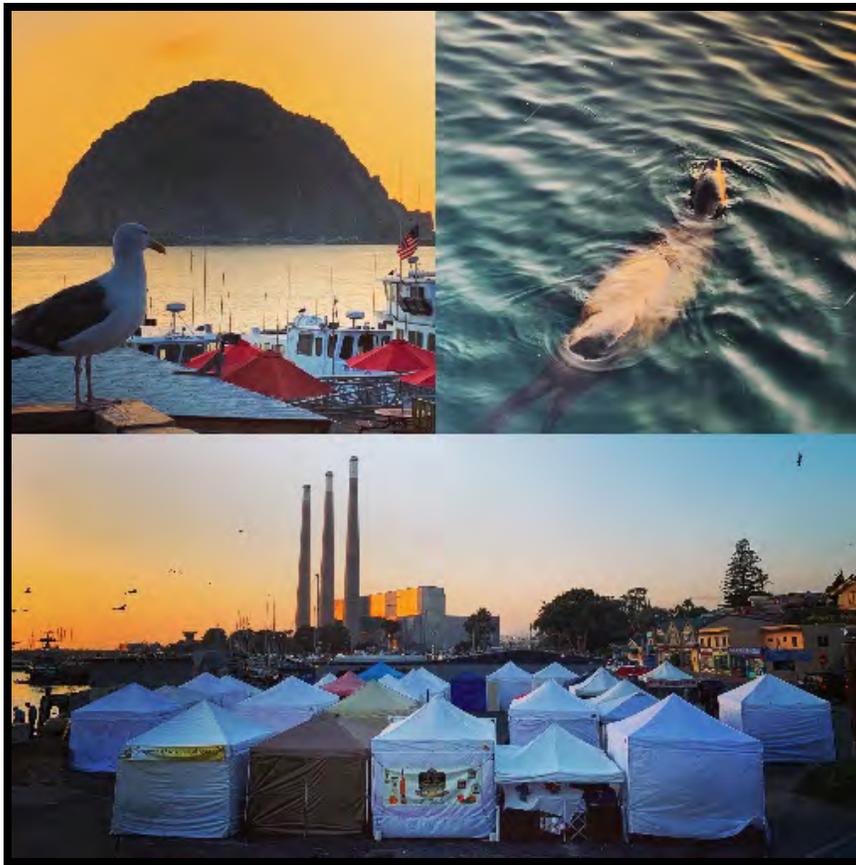
Prepared By: AM

Department Review: CJ/SG

safety issues as a result of the Covid-19 Pandemic. Staff approved the request to have the 2021 dates replace the 2020 dates and all other conditions of approval of the permit (CUP12-15) remain and apply.

Since the 2020 dates were postponed to 2021, Planning Condition 13 was deferred to the end of 2021.

With the easing of Covid-19 restrictions, the 2021 Waterfront Market events were able to move forward. In Exhibit A, Permittee, Ms. Jolene Tench, says that the market went extremely well, and many vendors broke all time high record sales. Permittee also says the market followed all COVID-19 Public Health conditions. Staff received no complaints about any of the 2021 events. City Staff passed by on one weekend afternoon at one of the events and observed it as running smoothly. No other department reported any problems or issues either.



Waterfront Market Event Details

As explained in the January 2020 PC staff report, the Waterfront Market is coordinated by Jolene Tench with the SLO Vendors Association and managed by Casey Tench. According to the Applicant, “the purpose of this project is to open up a vending location to local businesses to grow and promote their legally established businesses in Morro Bay.” The event was open to all ages and was free to the public. The site was limited to a maximum of 34 vendors providing a mix of arts, crafts, information, food booths, and food trucks. The event was limited to two vendors selling food, and all food booths will be designated to spots previously approved by the City. Setup for the event began no earlier than 7:00am on permitted days, and event clean-up was completed by no later than 8:30pm on permitted days. All vendors were required to have tents, tables, and weights to secure the tents. The Vendor List for each event is provided in Exhibit C of this Staff Report which shows a wide variety of vendors.



COVID Impacts to 2020 Market

For safety and health concerns due to the Covid-19 pandemic, the 2020 market was postponed to 2021. When the public health authorities advised that events could safely take place again, the Waterfront Market went along in 2021. Since the event was a success, the applicant has provided staff with proposed 2022 dates as required by planning condition 3 which determines event dates for future years.

Future Proposed Event

The proposed 2022 Waterfront Market event details will be similar as previous event details. Permittee's letter (Exhibit A) includes a request to extend the Market an additional 5 days, bringing the total amount of days to 20 in 2022 due to popularity and record sales from the market this year. The extension is with permission from Giovanni deGarimore of Giovanni's Fish Market and Stax Wine Bar. The request will be approved as a modification to the permit by staff upon receipt of the specific 5 extra days.

Proposed 2022 Event Dates		
May 28-29, 2022	10:00am – 5:00pm	(2 Day)
June 18-19, 2022	10:00am – 5:00pm	(2 Day)
July 2-4, 2022	10:00am – 5:00pm	(3 Day)
July 16-17, 2022	10:00am – 5:00pm	(2 Day)
September 3-4, 2022	10:00am – 5:00pm	(2 Day)
September 10-11, 2022	10:00am – 5:00pm	(2 Day)
October 1-2, 2022	10:00am – 6:00pm	(2 Day)
Total Days:		15

CONCLUSION:

The Waterfront Market was a success, vendors had record breaking sales and there were no known complaints made.

RECOMMENDATION:

Staff recommends the Planning Commission review the Staff Report and provide feedback to staff as appropriate.

EXHIBITS:

- Exhibit A – Letter dated 11/10/2021 received from Jolene Tench
- Exhibit B – Copy of Approved CUP Permit #19-15
- Exhibit C – Vendor Lists and 2021 Market Pictures received
- Exhibit D - Powerpoint

Alison MacCarley

From: Jolene Tench
Sent: Wednesday, November 10, 2021 7:40 PM
To: Alison MacCarley; Cindy Jacinth
Subject: Waterfront Market 2021
Attachments: IMG_8428.jpg; sept 11-12.pdf; WFM Aug 14-15.odt; Vendor roster june 19-20.odt; Vendors Oct 2-3.odt; IMG_8799.JPG; WFM July 17-18 Vendors.odt; IMG_8428.jpg; IMG_8803.JPG; IMG_8429.jpg; WRVB4082.JPG; July 3-5 Vendors.odt; IMG_8793.JPG; F724FBCC-085E-466A-9011-60A6C6B3B733.jpg; Sept 4-5 WFM Vendors.odt

Good Afternoon Ladies,

I am so sorry for the delay!

Without further ado. Attached are the vendor lists and some photos I took of the Market this year.

Our findings:

We would like to thank you once again for allowing us to operate our market in this beautiful city. In 2020 our market was unable to operate as we were in the middle of the COVID 19 Pandemic. We were hopeful that we would get the opportunity to operate, but we finally made the decision in July to cancel all 2020 Shows.

We couldn't happier with the success of the market for 2021. Not knowing what to expect, we were given the green light from the health department to operate, and we did Fathers day Weekend. We made certain we followed all COVID Restrictions, such as wearing masks and having sanitizer at the booths. Most vendors were vaccinated. The vendors were thrilled. Everyone did extremely well. Most breaking all time high sales records to date. It was such a blessing that everyone this year was successful. This was pretty consistent though out the market dates. The only Date we postponed was the Memorial Weekend show, which we moved to August 14-15.

We would like to propose the same dates

May 28-29
June 18-19
July 2,3,4
July 16-17
Sept 3-4
Sept 10-11
October 1-2

Please note per our contract if weather of any kind becomes an issue dates may be postponed to another weekend.

With the success of our market catching traction from a lot of local bloggers such as Enjoy Slo and even getting radio mentions from KPIG and KJUG. We would like to ask if we are able to extend our market by another 5 days, bringing our total from 15 shows a year to 20.

Jolene "Jojo" Tench
SLO Vendors Association
email:
website: <http://www.slovendorsassociation.com>



Exhibit B

CITY OF MORRO BAY

COMMUNITY DEVELOPMENT DEPARTMENT

955 Shasta Avenue
Morro Bay, CA 93442

January 9, 2020

Jolene Tench

Los Usos, CA 93402

Giovanni Degarimore

1001 Front Street

Morro Bay, CA 93442

SUBJECT: Case No.: CUP19-15

SITE: 1001 Front Street

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

Dear Ms. Tench and Mr. Degarimore:

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

The Morro Bay Municipal Code provides for an appeal of the action by the Planning Commission within ten (10) days of adoption and anyone wishing to appeal may do so in writing by delivering such letter to the office of the City Clerk. There is a fee for processing appeals except for those coastal permits in the coastal appeals jurisdiction.

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

Section 15062 (d) of The California Environmental Quality Act (CEQA) provides:

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

Sincerely,

Scot Graham
Community Development Director

By:

Willow Urquidi, Assistant Planner



CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT

Special Use Permit

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

CASE NO: CUP19-15

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 1001 Front Street

APPLICANT: Jolene Tench

APN/LEGAL: 066-033-004

DATE APPROVED: January 7, 2020

APPROVED BY: Planning Commission

CEQA DETERMINATION: Categorical Exemption, CEQA Guidelines Section 15304, Class 4(e)

DESCRIPTION OF APPROVAL:

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

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

YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION APPEALS JURISDICTION: THE FOLLOWING COASTAL COMMISSION APPEAL PERIOD APPLIES TO YOUR PROJECT: This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) *Working days* following Commission receipt of this notice and after expiration of the City of Morro Bay appeal period. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 415-427-4863. If you have any questions, please call the City of Morro Bay Community Development Department, 772-6264.

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: January 21, 2019

ATTEST:  DATE: January 9, 2019

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



CITY OF MORRO BAY NOTICE OF EXEMPTION

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

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

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

Project Title: Waterfront Market

Project Location - Specific: 1001 Front Street (APN 066-033-004)

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

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

Name of Public Agency Approving the Project: CITY OF MORRO BAY, 955 SHASTA AVE, MORRO BAY, CA 93442
Contact: wurquidi@morrobayca.gov, Willow Urquidi, Assistant Planner, 805-772-6270

Name of Person or Agency Carrying Out Project: Jolene Tench,

Exempt Status: (Check One)

Reasons why project is exempt:

Minor temporary use of land having negligible or no permanent effects on the environment.

Ministerial (Sec. 21080(b)(1); 15268);

Categorical Exemption:
Type and Section Number: 15304, Class 4(e)

Declared Emergency (Sec. 21080(b)(3); 15269(a))

Declared Emergency (Sec. 21080(b)(3); 15269(a))

Statuary Exemption Code No. _____

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

Contact Person: Willow Urquidi, Assistant Planner

Telephone: 805-772-6270

Email: wurquidi@morrobayca.gov

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

Certification:

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

Signature: _____

Title: Assistant Planner

Date: 01/09/2019

Exhibit B

RESOLUTION NO. PC 01-20

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION SPECIAL USE PERMIT CUP19-15 FOR THE WATERFRONT MARKET AT 1001 FRONT STREET

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on January 7, 2020, for the purpose of considering approval of Conditional Use Permit CUP19-15; and

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

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

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

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

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. CUP19-15 is exempt under Class 4(e), Section 15304 for minor temporary use of land having negligible or no permanent effects on the environment. Furthermore, none of the exemptions to this Categorical Exemption set forth in CEQA Guidelines Section 15300.2 apply to this project.

Conditional Use Permit Findings

- A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that temporary events on private property is allowed and appropriate use in the Waterfront zoning district.
- B. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the proposed Waterfront Market is consistent with the allowable uses on the waterfront.
- C. The project will not be unreasonably incompatible with the uses permitted in surrounding areas and will not cause damage or nuisance from noise, smoke, odor, dust, or vibration; hazard or nuisance from explosion, contamination, or fire; hazard

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

Section 2. Action. The Planning Commission does hereby approve Special Use Permit (CUP15-19) for the Waterfront Market located at 1001 Front Street subject to the following conditions:

Conditions shown below in bold and italics were added by the Planning Commission at the January 7, 2020 Planning Commission meeting.

STANDARD CONDITIONS

1. This permit is granted for the land described in the Staff Report dated December 20, 2019 for the Waterfront Market event at 1001 Front Street depicted on plans date stamped November 25, 2019, on file with the Community Development Department, as modified by these conditions of approval. The Waterfront Market event shall be located and designed substantially as shown on Planning Commission approved plans submitted for CUP19-15, unless otherwise specified herein.
2. ***Inaugurate Within Two Years:*** Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Director (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. ***Changes:*** Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. ***Compliance with the Law:*** (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
5. ***Hold Harmless:*** The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees,

from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or Applicant's failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

Planning Conditions:

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

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

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

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

4. Clean-up: The site shall be restored to its original condition no later than 8:30pm on specified dates including, but not limited to: the removal of all signs, posters, and booths.
5. Trash. The site shall be kept free of trash and debris, and the provided trash cans and dumpsters on-site shall be emptied when full.
6. Sidewalk Clearance: The applicant shall maintain sidewalk clearance at all times for accessibility of pedestrians. Booths and queues shall not encroach on the sidewalk or public right of way. This permit allows the Waterfront Market to take place only on the private property located at 1001 Front Street.
7. Access to Adjacent Businesses: The temporary use shall not interfere with access to or conduct of any adjacent business.
8. Bayfront Lateral Access: All booth and Waterfront Market activity shall remain on the private parking lot, located outside the bayside lateral access area as specified in Exhibit D in the Staff Report dated December 20, 2019. Bayside lateral access shall remain open during the Waterfront Market.
9. Waterfront Market Annual Renewal: Applicant must submit proposed dates and times prior to January 1 of the year of which the Waterfront Market will occur. Written approval of those dates and times is required by the Community Development Director prior to event occurrence. Any proposed changes to the event may require modification of the original permit.
10. Permit Authority: Staff may modify or change this permit at any time to include other conditions deemed necessary.
11. Condition Compliance: Staff may suspend this permit if these conditions are not adhered to or if the City of Morro Bay finds the Waterfront Market to be detrimental to the health, safety or welfare of others.
12. **Vendor Parking: Applicant, in association with each event, shall provide informational materials to the vendors directing them to park in the triangular lot on Embarcadero.**
13. **Waterfront Market Analysis Report: The applicant shall schedule with staff a follow up meeting with the Planning Commission, prior to the end of 2020, where detailed information will be presented to the Planning Commission related to how the market functioned, including vendor lists for each event.**

Building Conditions:

1. Toilet Facilities: Applicant is required to provide toilet rooms available to the public and shall have at least one toilet and lavatory fixture that is accessible to people

with disabilities. NOTE: Public accommodation in adjacent buildings or sites is acceptable. If this is the case, Applicant must provide directional signage to these facilities.

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

AYES: Lucas, Stewart, Barron, Ingrafina, Luhr

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Gerald Luhr, Chairperson

ATTEST

Scot Graham, Planning Secretary

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

Exhibit C

WFM Father's day Weekend June 19-20 2021

Both days

Blaze of Sparkle
Solshine Jewelry
Fun Jewelry by Reggie
Alli's Enchanted

TRN
Dock Girl Creations

Barefoot Gardens
Hambly Farms
Argan Oil
Gaias Garden

California Incense
Jennifer Boutique
Ace Glass Etching

Uppittees & Tiedye Fashion
Scarlet Carnation
Ashley Jalving

Hand Crafted Accents
Material Girls

Aebelskivers
Brick House BBQ

Munch & Grub
Papa Joes

Weebee Crafters
Off the Wall Creations
Damzel in Defense

Color Street
Lipsense
Cutco
Richard
A dogs Life

Exhibit C

SAT ONLY

Oh Slo Good
Taffy

Sunday ONLY

Oliveto Ranch / Tiera missu

Exhibit C

Waterfront Market 2021
July 3-5

All 3 days

Blaze of Sparkle
Solshine
Adornable you

Central Coast Artisan
TRN
Dockgirl Creations
Gaias Garden

Argan Oil
Hambly Farms
Barefoot Gardens

A dogs Life
California Incense
Robyn Burgess Metal Art
Jennifers Boutique
JoJo' Candle Co

Scarlet Carnation
Uppities Fashion (2 spots each day)
Ashley Jalving
Larry Molina (1 spot sat, 1 Spot Sun, 2 spots mon)

Material Girls

Papa Joes Spicy Products
Beccas Sweet tooth

Lipsense
Richards Custom Creations
Color Street
Peruvian Imports
Cutco
Damzel in Defense

Sat – Sunday Only

Western Rock Creations
Back Country Crafters
Painter of Faces

Exhibit C

Sunday – Monday Only

Hand Crafted Accents

Saturday & Monday Only

Aebelskivers

Oh Slo Good

Sunday Only

Frozen Treats

Monday Only

Oliveto Ranch

Exhibit C

WFM July 17-18

Blaze of Sparkle
Alli's Enchanted

TRN
Gaias Garden

Barefoot Gardens
Argan Oil
Lipsense
Hambly Farms
Farmasi

Jojo's Candle Co
Cal Inc
Jennifers boutique
Mosaics by G & C Designs
A Dogs Life

Uppities
Scarlet Carnation
Larry Molina (2 spots)
Flower & Feather

Material Girls
Aebelskivers

Munch & Grub
Papa Joes
Taffy

off the wall
back country crafters

Richard
Damzel
Glass Etching
Color Street
Cutco

Exhibit C

Saturday Only

Oh Slo Good
Becca's Sweet Tooth
Endless Summer
Santa Margarita Succulents

Sunday Only

Hand Crafted Accents
Ashley Jalving
Oliveto Ranch
Airbrush me silly

Exhibit C

WFM August 14-15

Adorable You
Blaze of Sparkle

TRN
Central coast art
Dock Girl
Gaias Garden

Barefoot Garden (mingling herbs)

Argan Oil
Lipsense
Hambly Farms

JoJo's Candle Co
Calif Inc
Robyn Burges Metal Art
Glass Etching
Flower & Feather
Jennifer boutique

Uppities Fashion
Larry Molina
Scarlet Carnation

Oh Shirt & More
Material Girls

Aebelskivers

Munch & Grub
Papa Joes

Back Country Crafters
Lonely Oaks
Off the wall
Cutco

A dogs Life
Richards Custom
Peruvian Import
Color Street

Exhibit C

Sat Only

Farmaci
Western Rock
Oh Slo Good Caramels

Sunday Only

Fun Jewelry By Reggie
Oliveto Ranch
Ashley Jalving

Exhibit C

WFM List Sept 4-5

Blaze of Sparkle (5:30)

Solshine Jewelry (5:00)

Alli's Enchanted (6:30)

TRN (5:00)

Gaias Garden

DockGirl Creations (5:00)

Lipsense (6:30)

Argan Oil (5:00)

Jojo's Candle Co

California Incense (5:00)

A Dogs Life (7:00)

Vshell Treasure (5-5:30)

Glass Etching

Jennifer Boutique

Uppities Tyedie Fashion (5:00)

Ashley Jalving (sat Morning)

Larry Molina (2 spot sat, 2 spot sunday) (7:00)

Flower & Feather (5:30)

Hand Crafted Accents (Carol Early bird special Saturday)

Material Girls

Mom's Tissue Box (4:30)

Oh Shirt & More (Sat Set up)

Aebelskivers (5-5:30)

Papa Joes

Back Country Crafters (6:00)

Off the Wall (5:00)

Color Street (5:00)

Scarlet Carnation(5:00)

Richard Custom Creations (5-6)

Peruvian Import (Sat Morning Set up)

Damzel in Defense (sat Set up)

CutCo (sat morning)

Exhibit C

Sat Only Vendors

Gypsy Soul Boutique (Sat Morning)
Western Rock (5:00)

Sunday Only Vendors

Mingling Herbs
Just bee Wood (Sat Night Set Up)

Exhibit C

Waterfront Market Sept 11-12

Blaze of Sparkle
Adornable you
allis Enchanted

TRN
Gaias Garden

Argan Oil
Hambly Farms
DCB
Lipsense

Jojo's candle Co
Calif Incense
Jennifer Boutique
Flower & Feather
Birdhouse

Uppities
Larry
Keith Campbell

Material Girls
Moms Tissue Box

Papa Joes
Groves on 41
Munch & Grub

Damzel in Def
Off the Wall
Back Country Crafters
Just Bee Wood

Richards
Peruvian import
seweed Prints
Color Street
A Dogs Life

Exhibit C

Sat Only Vendor:

Aebelskivers
OhSloGood

Sunday Only Vendors:

Ashley
Carol
Sheri
Lonely Oak

Exhibit C

WFM Vendors October 2-3

Blaze of Sparkle
Alli's Enchanted
Solshine

TRN
Gaias Garden

Argan Oil
Barefoot Garden

Jojo's Candle Co
Calif. Inc
Jennifer boutique
You made from what?
Flower & Feather
Just Bee Wood

Western Rock
Campbell's Tees
Uppities TyeDye Fashion

Material Girls
Hand Crafted Accents
Children's Quilts
Glass Etching

Los Poblanos Tamales
Papa Joes Spicy Products

Wilbert's Way
A Dogs Life
Danzel in Def
Off the Wall

Richards Custom
Peruvian Impt
Color Street
Bill Enterprise

Exhibit C

Sat Only

OH Slo Good
Lipscense
Oh Shirt & More

Sunday Only

Ashley Jalving
Cutco
Mom's Tissue Box

Exhibit C

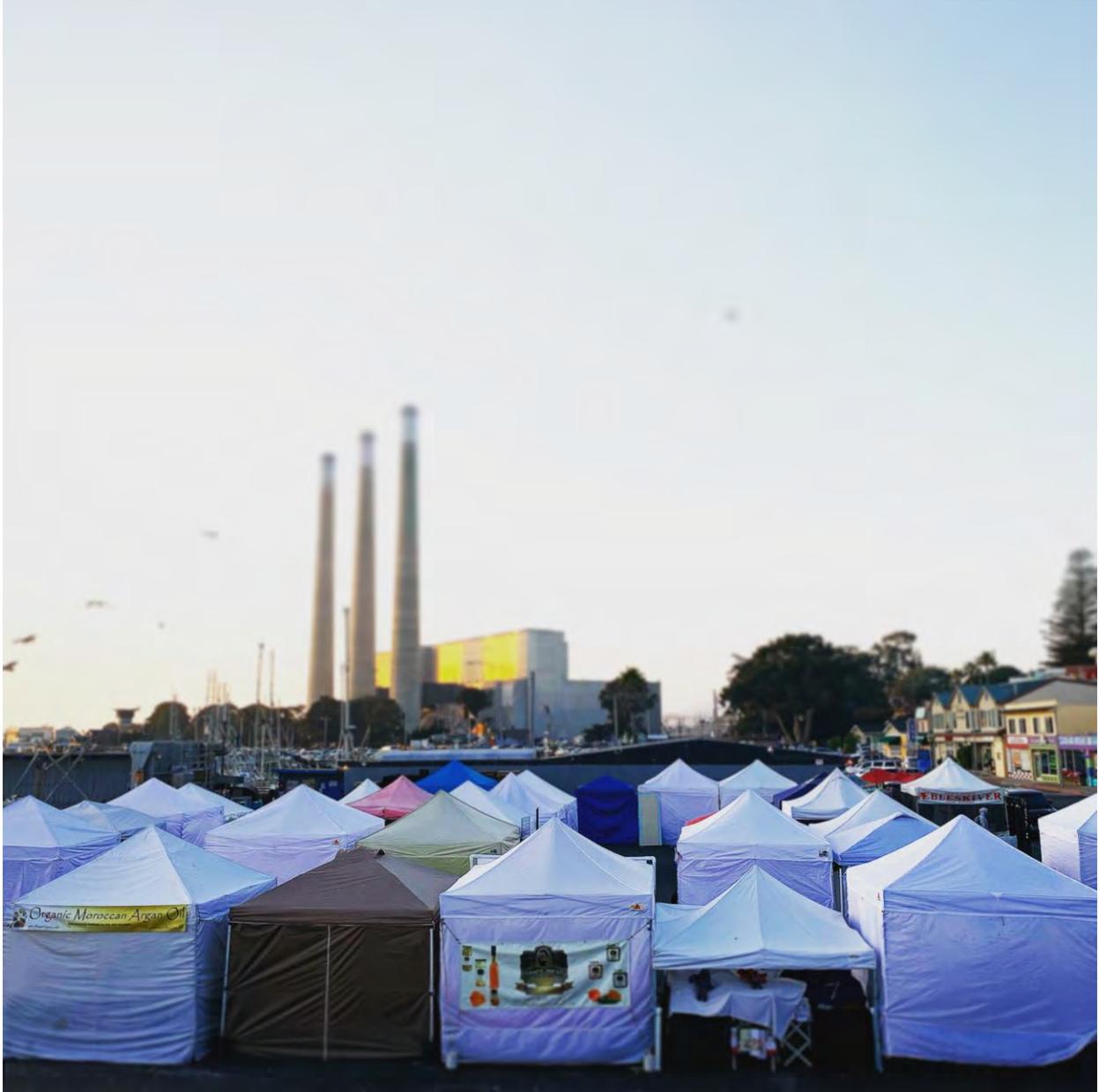


Exhibit C



Exhibit C



Exhibit C



Exhibit C



Exhibit C



Exhibit C





City of Morro Bay ^{Exhibit D} Planning Commission

**1001 FRONT STREET
UPDATE ON
SPECIAL USE PERMIT,
CUP19-15**

WATERFRONT MARKET

APPLICANT:

JOLENE TENCH

DECEMBER 7, 2021



MORRO BAY
PUT LIFE ON COAST

Description of Event

Exhibit D

On January 7, 2020, the Planning Commission approved a Special Use Permit (CUP19-15) for the annual Waterfront Market event at 1001 Front Street between Giovanni's Fish Market and Stax Wine Bar. The CUP requires a report back to the Planning Commission related to how the market functioned prior to the end of 2020.

Due to the Covid-19 Pandemic, the Waterfront Market events were postponed to 2021. With the easing of Covid-19 restrictions, the 2021 Waterfront Market events were able to move forward. Permittee, Ms. Jolene Tench, says that the market went extremely well and many vendors broke all time high record sales.



Photo from 2021 Markets Event



Exhibit D



Proposed 2022 Dates

Exhibit D

Proposed 2022 Event Dates		
May 28-29, 2022	10:00am – 5:00pm	(2 Day)
June 18-19, 2022	10:00am – 5:00pm	(2 Day)
July 2-4, 2022	10:00am – 5:00pm	(3 Day)
July 16-17, 2022	10:00am – 5:00pm	(2 Day)
September 3-4, 2022	10:00am – 5:00pm	(2 Day)
September 10-11, 2022	10:00am – 5:00pm	(2 Day)
October 1-2, 2022	10:00am – 6:00pm	(2 Day)
Total Days:		15



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Conclusion

Exhibit D

The Waterfront Market was a success, vendors had record breaking sales and there were no known complaints made.



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Recommendation

Staff recommends the Planning Commission review the Staff Report and provide feedback to staff as appropriate.



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