



AGENDA NO: B-1

MEETING DATE: JULY 18, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE PLANNING
COMMISSION FOR PUBLIC REVIEW
PRIOR TO THE MEETING**

From: [John Mandeville](#)
To: [PlanningCommission](#)
Subject: Public Hearing Item B-1 July 18 Planning Commission Meeting
Date: Wednesday, July 12, 2023 3:51:00 PM

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Thank you for addressing the need for objective design standards for streamlined development approvals. These standards can be a useful component of implementing the General Plan/Local Coastal Program for the City and realizing the vision for the physical development of our neighborhoods.

After reviewing the staff reports, I do not see any evaluation or analysis of how the proposed standards specifically implement the GP/LCP community design goals. This kind of analysis is essential if your Commission and the Council are to make findings supported by evidence that the new regulations are consistent with these City plans. I also noted while reviewing the objective design standards that they appear to apply city-wide. Although the stated intent is to preserve an individual area's unique character, there are no provisions that appear to apply to any of the individual areas identified in the GP/LCP.

The General Plan/LCP, Section 3C, was written to guide the creation of design criteria to preserve neighborhood character. It contains specific objectives for different parts of the City. The Implementation section of the GP/LCP contains a list of actions for the Community Design goals, many of which relate to future design guidelines. The purpose of the proposed amendment, stated in Section 17.31.010 is to provide clear direction for expedited residential projects that "enhance an area's unique character and sense of place." I have not seen analysis that explains how the individual standards proposed achieve the goals they are intended to implement.

The analysis of effect and consistency with plans would typically include a matrix showing how each applicable goal, policy and implementation program from the GP/LCP is implemented by the proposed regulations or left to later implementation. In the case of the proposed standards, an explanation of their intended scope and relationship to the other design guidelines in the GP/LCP appears to be called for as well.

Please consider the benefits of keeping the City's plans and implementation measures well-integrated and request the staff to provide an analysis of how the proposed regulations will exist in the context of the various community design objectives in our GP/LCP.

Finally, the GP/LCP established a particular design objective for the Morro Heights community character area. The established objective for this area is that it remain a mixture of one and two story dwellings. The existing Residential Design Guidelines contains a provision for helping achieve this goal. Section b.1 of the guidelines addresses maintaining one story elements in new construction. The current draft of the Objective Design Standards does not include such a provision. The character of the Morro Heights area could transform to a predominantly two story neighborhood through ministerial approval of two story homes over time. Please consider crafting an objective standard that helps preserve the character of the Heights as envisioned by the GP/LCP.

Thank you for your attention,

John Mandeville
Morro Heights Resident

From: [Scot Graham](#)
To: [Nancy Hubbard](#); [Christina Azevedo](#)
Subject: Fwd: agenda item b-1
Date: Monday, July 17, 2023 5:30:12 AM

FYI

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From: betty winholtz [REDACTED]
Sent: Monday, July 17, 2023 3:04:47 AM
To: wroschen@morrobayca.gov <wroschen@morrobayca.gov>; Joseph Ingraffia <jingraffia@morrobayca.gov>; Mike Rodriguez <mrodriguez@morrobayca.gov>; Asia King <aking@morrobayca.gov>; Eric Meyer <emeyer@morrobayca.gov>
Cc: Scot Graham <sgraham@morrobayca.gov>
Subject: agenda item b-1

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Dear Planning Commissioners:

Here are the issues I have with this staff report and the proposed Objective Design Standards as presented.

- 1.** While the majority of Planning Commissioners expressed concerns about the Ordinance as proposed and the majority of you submitted similar written comments to staff, none of your suggestions have been incorporated. Rather the "**final draft**" is **no different** than the original draft staff gave you in May.
- 2.** I do not understand what this Whereas means: "WHEREAS, the written staff report regarding the Project are found to be true and *accurate in all respects* and is incorporated herein by this reference;" (italics mine) Is there a word missing? **Accurate in respect to what?**
- 3.** I agree that the Finding is consistent; I **disagree that the implementation is necessary**. In fact it is not necessary until SB 423 is passed by the State legislature. "Finding: The proposed municipal code amendment is **consistent** with the General Plan/LCP goals, policies, and implementation programs and are **necessary** in order to provide consistency with the 2021 General Plan / LCP." (bolding mine)
- 4.** I **disagree with** some of the bills listed under "**B. Applicability.**"

In particular, SB 35 specifically says coastal communities are exempt. As stated above, SB423 will be relevant if passed.

In particular, SB 330 can be "trumped" by the Coastal Act.

In particular, AB 2162 is about rehab housing, different from the kind of housing we are talking about.

In particular, AB 6 is not applicable to CCC jurisdiction.

In any of the bills, I did not see the number "10 residential units or fewer listed." Can this number be amended, i.e. **lowered?**

5. Normally, our documents state that the more restrict law applies if there are conflicts between them. This statement in the Introduction gives the benefit to the less restrictive. **Why?**

"17.31.010 Introduction

"D. Conflicting Standards. If there is any conflict between these objective design standards and existing City requirements, the less restrictive objective design standard applicable to the project shall apply."

6. "E. Exemptions, Waivers, or Modifications" This section lists the reason for ministerial processing is due to **SB 35. Not true.** This is a misnomer; it will be true under SB 423 if passed.

7. This sounds **unattractive.**

"17.31.020 Site Design B. new buildings shall be located to maintain the contiguous street wall."

8. All of the next references make housing **more expensive to build**, not getting the town what it needs: low/very low income housing.

Site Design "D.1.**Enhanced Paving** for Building Entrances. Primary building entryways shall provide decorative and accent paving that contrast in color and texture from any adjacent pedestrian walkway surfaces."

"E.1.b. **Visibility**

Common open space shall be located and arranged to allow visibility into the space from pedestrian walkways within the development. Fencing or barriers shall be designed with opaque, nontransparent materials for a maximum of 80 percent of the surface area, to allow some visual transparency between the common open space and pedestrian walkways."

F. Landscaping

"17.31.030 **Building Design**

A. Purpose. Building design incorporating variations in form, massing and façade articulation provides human scale and visual interest to a building and contributes to Morro Bay's eclectic character and architectural diversity.

B. Building Form, Massing, and Façade Articulation. Building form, massing and façade articulation facilitate the distinction of individual units, or

groups of units, through varied heights, projections, setbacks, and recesses."

17.31.050 **Parking Structures**

I encourage the Planning Commission to table this Program until it is required by State law.

If you cannot bring yourselves to that, then correct the inaccuracies, include your suggestions, and make the Program friendly to low/very lower income housing.

Sincerely,
Betty Winholtz

From: [patticake801](#)
To: [PlanningCommission](#)
Subject: B-1
Date: Monday, July 17, 2023 11:49:01 AM

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Please vote this item down. Do not amend the zoning ordinance. We do NOT want to give the power to one person to approve multi family units administratively and also No CEQA????? What the heck?? I'm also very concerned that this could impact our downtown. Say NO!!!
Patti Anderson

[Sent from the all new AOL app for iOS](#)

From: [Terry Simons](#)
To: [PlanningCommission](#)
Cc: [Betty Winholtz](#)
Subject: Objective standards for project review
Date: Monday, July 17, 2023 3:56:30 PM

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Council, Commissioners and Staff,
Here are my thoughts regarding the proposed Objective Standards modifications to the Morro Bay Zoning Ordinance:

Cook Book Approach-

In general, most of the standards seem to be promoting a "cook book" approach to design and review of designs. My concern is that this will be a recipe for sameness in our built environment. I believe that this is contrary to the historic development pattern(s) for Morro Bay. And, because these projects seem to be larger than a single residence or commercial project the cumulative result will be something that most local residents may object to being developed. How and When will local residents be heard in the process?

Consolidation of Authority-

By vesting the final authority in one person, the Community Development Director, the objective standards promote not only "sameness" but eliminate the options of different opinions.

I would propose that the final review of projects being brought for approval by use of Objective Standards, be done by a 3 person Project Review Body. This would occur after the Community Development Director has rendered an Opinion/Staff Report but before final approval of a project. This review body would be comprised of the Community Development Director, the Chairperson of the Planning Commission (or designee) and the Mayor (or designated Council member. This review would be a Pass/Fail review wherein if all members do not agree that the project meets the Objective Review Standards, then the project would be returned to the Standard Review Process.

Thank you for your consideration,
ts

From: [Susan Flewelling](#)
To: [PlanningCommission](#)
Subject: Opposed to the administrative approval of multi family units in Morro Bay
Date: Monday, July 17, 2023 5:04:40 PM

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I understand there is an item on the agenda tomorrow that would allow for administrative approval of multi family units. Multi family units would no longer go before the public, the planning commission or the city Council. I strongly oppose this idea and believe anything built in Morro Bay should be scrutinized by the public, the commission and the council. I asked that you vote no on this item.

Sincerely

Susan Flewelling



Morro Bay.

Formally Susan Mullen, and a former city Council member.

Sent from my iPhone

From: [Renee](#)
To: [PlanningCommission](#)
Subject: Proposed amendment of zoning ordinance
Date: Monday, July 17, 2023 5:08:07 PM

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Hello:

I want to express my concern about something that I recently became aware of.

My current understanding is staff wants the Commission to vote in favor of amending the Zoning Ordinance to include Objective Design Standards, Item B-1. Specifically, approving multi-family units administratively, not through public review at Planning Commission and City Council meetings as currently happens.

In my view, this should be the right of residents of our town to be able to be informed and consulted, through public view, what proposed projects are taking place and all details related.

This should not be something done administratively, without the input of the public, which are affected by decisions of this nature.

Renee Metoyer



From: [Tim Matchette](#)
To: [PlanningCommission](#)
Date: Tuesday, July 18, 2023 8:23:36 AM

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We oppose any item before the planning commission where one person dictates the future of this community.

This community needs and must have input on any issue affecting the complexion of this city.

Tim & Donna Matchette
Morro Bay.

From: [Carole Truesdale](#)
To: [PlanningCommission](#)
Subject: Planning Commission Meeting Agenda Correspondence
Date: Tuesday, July 18, 2023 11:26:21 AM

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Dear Commissioners:

To have one person be in charge of Administrative Power (Community Development Director) is not positive. We have already seen what has happened to our ESH areas. We citizens need to have input as to what is being designed around our neighborhoods. Why is this so critical to silence the citizens and give power to one signature?

To quote others who may have responded:

This is the third time this item has been before the Commission. The first time (May 16, 2023) was an introduction with no content discussion. The second time (June 6, 2023) was a discussion. Concerns by the Commissioners and Public were expressed at the meeting as well as suggestions from the Commissioners sent to Staff. The third time will be this Tuesday (July 18, 2023). The current staff report lists the items of concern and suggestions of three commissioners; however, no attempt is made to incorporate suggestions. What is presented is the "Final Draft" as proposed by staff at the first meeting.

Why is Our input important?

1. You, I, the Planning Commission, and the City Council will have no say in future multi-family buildings which qualify for ministerial approval, "streamlining," or "use by right."
2. The final decision about multi-family buildings will be made by one person, the Community Development Director.
3. Passing Objective Design Standards for multi-family housing is not a necessary legal requirement for coastal communities. It may become a requirement by the end of the year (if SB 423 passes as is), but why turn power over to one person before it is necessary?
4. The proposed standards are expensive. They are not conducive to building low/very low housing, the kind of housing that Morro Bay lacks.
5. They promote one style of architecture, while stating they want "unique...neighborhood compatibility."
6. There is no CEQA; environmental review is eliminated.

7. These kinds of multi-family developments can be approved for business districts, not just residential areas, altering the face of Downtown without public input.

I have lived in Morro Bay since 1995 and am a homeowner/voter of record. My voice is important as those of my fellow property owners in Morro Bay.

I am asking you all to consider how this is going to affect all of the residents in Morro Bay. You have a voice/choice:

Vote this down, Amend the contents, Table this until SB 4234 is passed or vetoed, do a continuance to see how things shake out.

We have precious little land here available in Morro Bay, protect and preserve what we have.

Thank you.

Carole Truesdale

"Food without wine is a corpse; wine without food a ghost. United and well matched, they are as body and soul; living partners!" chef...Andre Simon (1877-1970)

From: [Erik Justesen](#)
To: [PlanningCommission](#)
Subject: Please support and adopt the Objective Design Standards
Date: Tuesday, July 18, 2023 11:24:15 AM
Attachments: [image002.png](#)

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Dear Commissioners,

Objective Based Design Standards have been prepared in dozens and dozens of California cities including here on the central coast. This is being done to help objectify and streamline project review and improve the standards for quality and consistency of design review on all projects. In particular it is aimed at enabling our cities in California to build more housing to meet the critical needs of our population.

If you have ever been a project applicant and have experienced a subjective and capricious project review process, you will appreciate the value of this form of zoning and design standardization. This will change the applicants process from a subjective, lengthy, costly and often frustrating “trial and error” style where tremendous time, money and resources can be wasted, to a consistent clear, objective based process where objective project design expectations are specified from the start. Much creativity remains this process to deliver high quality designs that fit the community, but critical guidance is provided at the beginning.

The process to prepare these ODS, gather comments and review them has been valuable and I commend your staff, community and the Commission for your diligence. I have committed my professional career to community planning and design and have prepared many design guidelines and objective based standards. More importantly, as project architects and designers, we have used many ODS documents to guide our design processes. It makes a world of difference for our clients, the community we are working in and in the final project outcome. Clarity and common expectations are essential in this environment and ODS are the exact tool to deliver these important values.

I encourage you to recommend approval of the ODS to the City Council.

Sincerely,

Erik Justesen



Erik P Justesen, ASLA, LEED AP

President + CEO
(805) 431-6032 C
(805) 543-1794 O
rrmdesign.com





Please consider the environment before printing this e-mail

From: [Peggy Mandeville](#)
To: [PlanningCommission](#)
Subject: Objective Design Standards
Date: Tuesday, July 18, 2023 11:21:14 AM

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Please consider adding these objective design standards to address neighborhood compatibility and privacy.

Residential Entrances: Residential building entrances shall incorporate at least one of the following transitional space entry features:

- <!--[if !supportLists]-->• <!--[endif]-->Stoop (at least four feet by four feet and no higher than five feet in height)
- <!--[if !supportLists]-->• <!--[endif]-->Porch (at least six feet by eight feet for common entries and at least five feet by eight feet for individual entries)
- <!--[if !supportLists]-->• <!--[endif]-->Overhang (if building has a shared lobby) with a recessed depth of at least three feet.

Building Orientation: All residential structures shall be oriented toward the public right-of-way, framing and facing the public realm. Direct pedestrian access is provided between the street and the building entry.

Upper Story Massing: Upper story floor area (including interior and exterior areas) shall not exceed 75 percent of the floor area of the first floor.

Exterior Staircases and Roof Decks (to preserve privacy): Exterior staircases and roof decks shall be located a minimum of ten feet from any non-street side or rear yard.

Upper Story Windows (to preserve privacy): Where a new interior residential space will have an uninterrupted line of sight to non-street yard windows of an interior space of another residence on an adjacent property, utilize one of the following options:

- <!--[if !supportLists]-->• <!--[endif]-->**Window Type-** Opaque or clerestory windows are used.
- <!--[if !supportLists]-->• <!--[endif]-->**Window Location-** Windows are located at least five feet above the finished floor, as measured from the bottom of the window/windowsill.

Thank you for your consideration.

Peggy Mandeville, Morro Bay resident

From: [Nancy Bast](#)
To: [PlanningCommission](#)
Subject: Agenda Item B-1
Date: Tuesday, July 18, 2023 10:57:27 AM

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Please add to correspondence

From: Nancy Bast [REDACTED]

Date: July 18, 2023 at 7:53:45 AM PDT
Subject: Agenda Item B1

Dear Commissioners,

PLEASE VOTE THIS ANTI-DEMOCRATIC, ANTI-TRANSPARENCY
HEINOUS LEGISLATION INTO THE TRASH BUCKET!

We know all about Administrative Permits as they have been disastrously used for single family residences for years!

First, most cities use Administrative permits for non-controversial projects ie. fences, vegetation, maintenance, etc. as they were appropriately designed to do. Administrative permits were not meant for **demolitions and total new development!**

Second, there is **no free** public review for neighbors and neighborhood to participate in a discussion that might possibly mitigate undesirable conditions or even disallow inappropriate development! This ability to inform and mediate residents differences of opinion is exactly why the Planning Commission, consisting of resident peers, exists.

Thirdly, in order to have a hearing before the public, a neighbor must pay an escalating fee for an APPEAL HEARING before the Planning Commission, currently \$326!

It can be assumed that many neighbors are priced out of their free speech. Residents must PAY TO PLAY in decisions that affect the way **their** town develops!

Forth, any appeal before the Commission has no chance of succeeding - there is an inherent bias to support the Administrative permit since the Director has already determined the project is 'conforming to the rules'.

Public discussion always reveals the *human side* of development, revealing situations that the one decision maker may not be aware of.

Fifth, the use of administrative permits has created animosities between neighbors and greatly affected their quality of life and home investment - which possibly could have been avoided by openness and transparency with the inclusion of residents in the process.

Sixth, another fee of \$325 must be paid if the appellant chooses to pursue the appeal to the City Council, also a usually futile attempt at having valid concerns recognized.

Seven, if coastal communities are presently excluded from state compliance, why is this issue even being discussed at this time???? It may never be required!!

NIP THIS ANTI-DEMOCRATIC, ANTI-COMMUNITY POLICY IN THE BUD, AND RESCIND THE ABILITY TO ISSUE ADMINISTRATIVE PERMITS FOR MAJOR CHANGES TO RESIDENTIAL PROPERTIES WHILE YOU'RE AT IT!

Sincerely,
Nancy Bast



Morro Bay

From: [Heide Bea](#)
To: [PlanningCommission](#)
Subject: Do Not Amend Zoning Ordinance - Objective Design Standards, Item B-1
Date: Tuesday, July 18, 2023 9:44:51 AM

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To Whom It May Concern,

I am a Morro Bay resident, who is out of town at the moment. I am writing to register my objection to the Planning Commission's consideration of amending the Zoning Ordinance to include Objective Design Standards, Item B-1.

I object to approving multi-family units without public review at Planning Commission and City Council meetings.

Thank you,
Heide Bea


Morro Bay, CA 93442

From: [Metzger Tina](#)
To: [PlanningCommission](#)
Cc: [Scot Graham](#)
Subject: Planning Commission Agenda Item B-1 (July 18, 2023)
Date: Tuesday, July 18, 2023 12:01:05 PM

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear Planning Commissioners,

Concerning the July 18, 2023 Planning Commission Agenda Item B-1, please send back to staff, with the strong recommendation to specifically address the comments of Commissioners Ingraffia and Meyer, in the B-1 staff report of the Plan Morro Bay: Zoning Code Amendment/Objective Design Standards.

Sincerely,

Tina Metzger

From: [Jim Curnutt](#)
To: [PlanningCommission](#)
Subject: Item B-1
Date: Tuesday, July 18, 2023 11:50:45 AM

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Planning Commission Members,
I urge the Commission to Vote No on this amendment to the Zoning Ordinance. Putting the approval of multi-family units in the hands of one administrative staff person is a bad idea for so many reasons. I'm sure the Commission understands this. Keep the review and approval process of such projects under the purview of the Planning Commission and our duly-elected City Council.
Thank you for Voting No on Item B-1 and keep the residents in the loop of the future of Morro Bay.

Jim Curnutt
Morro Bay



From: [Ruth Hooper](#)
To: [PlanningCommission](#)
Subject: Tonight: VOTE IT DOWN
Date: Tuesday, July 18, 2023 11:53:00 AM

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One person is not going to decide the future of our city, public opinion and council must be heard on every development decision!!!

Sent from my iPhone

From: [KC Caldwell](#)
To: [PlanningCommission](#)
Subject: Item B1- Zoning Code Amendment
Date: Tuesday, July 18, 2023 12:43:23 PM

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear Planning Commissioners,

I am a 20-year resident of Morro Bay and a 45-year resident of SLO County. As such, I have seen a great deal of change in our communities. One cannot live here and be unaware of the shortage of affordable housing. The situation is not unique to Morro Bay.

However, what impacts all of us, regardless of income and whether we own or rent, is the squeezing out of valuable community input.

Most of the new State law surrounding housing seeks to streamline the permitting process while limiting local discretion.

- S. Graham

This statement in the staff report that pertains to Item B1 bothers me a great deal. It also bothers me that none of the council members' suggestions have been included in the final draft version. Let's take another harder look at what is being proposed here.

This issue needs to be tabled for further discussion. Are coastal communities exempt? If not, what are other coastal communities doing about this? Without additional information, it seems Mr. Graham is proposing that Council revise our Zoning Code based on a law he anticipates coming into effect - a law that has not even passed at the State level. Let's respond when and if it happens.

I urge you to take another look at this staff recommendation on objective design standards. Go back and read the text of the bills at the State Legislature level. Ask the important questions and trust yourselves to make intelligent decisions. Amending our City codes should only be done with the greatest of care. Our zoning code is the bedrock of city planning and the future desirability of Morro Bay life.

Thank you for your attention to my concerns.

KC Caldwell
Morro Bay resident



July 18th, 2023

RE: Agenda Item B-1

Dear Commissioners,

Housing is an urgent need and issue in the City of Morro Bay, as well as the state in general. Solutions to address this include adopting Objective Design Standards that are customized for and appropriate to Morro Bay. We should ensure that our housing policy (or lack thereof) does not drive us to the same fate as other coastal communities by becoming a community of only wealthy retirees and visitors. That is not a good model to achieve economic vitality, one of the City's major goals. The lack of housing in our community that is appropriate in price and features to meet the needs of residents and the workforce has a significant negative impact on our environment, on the social cohesion in the community, and on the economic development of the community.

The environmental reasons for housing are air quality and climate change. Vehicle travel represents approximately 75 percent of the ozone precursor and 75 percent of the greenhouse gas emissions in SLO County, and they are the number one source of avoidable emissions. Housing production and improving the local jobs-housing balance is good for the environment.

The social reason is to allow those who work in the community to live in it as well. This "social justice" reason was the impetus for the requirement for Housing Elements as a special required part of the General Plan. Cities were routinely "down-zoning" properties for higher-end housing at the expense of affordable or attainable housing in the moderate- and lower-income categories. Hence, the emphasis in housing law for providing specific minimum quantities of housing in each income category.

According to the City's Economic Development Strategic Plan from 2016, 80 percent of employees in the community live somewhere else, and our reliance on housing built in Los Osos, Paso Robles, Atascadero, and elsewhere in the County creates economic risk and uncertainty. It also limits the attractiveness of the community to those seeking to establish new businesses here. Especially given the lower-wage, service nature of our economy, commuting costs are not sustainable over the long run. Turnover is expensive for businesses, and a reliable labor force is essential to business success. Local businesses also recognize that their success relies on a year-round local population to sustain them during the "shoulder" and off-seasons.

Housing gets built if the project is in an attractive and marketable community or neighborhood, where there are adequate sites, and where the entitlement process is consistent and predictable. Quality development occurs because of good, written development standards that are developed through an inclusive public process. These development standards answer the question about what performance

and operational issues are associated with different scales and sizes of development, and what are the appropriate development conditions.

Where there are purely subjective design issues, an architectural review is possible but is not required nor desired for every project. Cities and Counties in California hire professional planners to apply publicly vetted codes and policies. We should let them.

We have all seen that when communities fail to address the housing issue themselves, the state has imposed unpopular housing mandates on them, and taken away much of the “home rule” and sovereignty that cities believed they had on this issue. The writing is on the wall: we can solve this problem, or the state will solve it for us. The Chamber prefers the former.

If we don't seriously address the housing issue in Morro Bay, we will continue our precarious reliance on a workforce that lives someplace else in the County; we will keep degrading the environment through excessive greenhouse gas emissions and other emissions associated with commuter travel; and, we will become a community that is composed solely of older retirees and visitors with no resident workforce, families, or middle class.

Thank you,

A handwritten signature in black ink, appearing to read 'Erica Crawford', written in a cursive style.

Erica Crawford

President/CEO

Morro Bay Chamber of Commerce

Eric Meyer's 6-7-23 comments on:

Residential and mixed-use draft objective design standards comments:

PAGE 1

•17.31.010 Introduction

As a preamble... there needs to be more information explaining the exact reasons for these guidelines... we need to more comprehensively explain how these ODS are required by the State... and that we run the risk of projects usurping our ability to control them if we do not create these ODS.

We need to explain how these ODS are responding to new state law around housing and how they are only applicable to those projects that meet those new state laws... and NOT to all projects. This is a very confusing and sometimes alarming situation for the general public and thus more clarification is better.

B 2 and B4 both use terms like "Emergency", and "Farmworker" which are not included in our Definitions Chapter 17.53. All "wonky" planning terms like these not already defined should be defined in the definitions so that their meaning is clear to the reader.

•B 5 line 4 reads "...no part of the project is designated for hotel, motel, or other transient use." Projects submitted and permitted under these senate bills will be designed as residential... and not hotel motel or transient use and thus will receive preferential treatment by this process. What happens if a project permitted through this process later attempt to become "hotel, motel, or transient" use. They might be in a zone that allows such use... but have received special entitlements via the senate bills because they were residential in nature.... How are they dealt with upon request for later conversion away from residential to transient use? How are they flagged to prevent this?

PAGE 2

17.31.010 F. No Design Review

The word "Eligible" is not clear enough... and this paragraph is far too expansive. It currently includes all housing under 10 units. This paragraph should read as follows:

Housing development projects eligible under SB 35, SB 330, AB 2011, AB 2162, SB6 complying with the objective standards in this chapter shall not be subject to the provisions of Chapter 17.38 Design Review.

This paragraph SHOULD NOT include “projects complying with the objective standards in this chapter”. Projects NOT covered by the various new laws should still be required to go through the Design Review process.

17.31.020 Site Design

C.

This comment actually applies to both chapter 17.27 in general but specifically to 17.31.020 Site Design... and that is that **parking should not be located between the primary building frontage and the street**. I realize our code doesn't allow it in the setback... but as far as I can tell it doesn't speak to the area behind the setback.

Additionally our 2022 code 17.27.110 B. Electric Vehicle Charging doesn't speak to the rating standard level of Electric Vehicle Charging for residential use. It Ab should... and that level should be nothing less than LEVEL 2 charging. This should be re-affirmed in this section 17.31.020 here I think... stating that all spaces designated for Electric Vehicle Charging should be capable of LEVEL 2 charging. (level 1 is useless for automobiles that are actually used for any real travel.) SO... we should change this omission in the code based on the recent demands by the federal government and state government to have some great percentage of new cars be all electric.

PAGE 3

17.31.020 Site Design

2. Number of access points.

There needs to be a D. here... discussing gates to parking areas and that any such gates shall have a minimum of 25' between the gate and the back of the sidewalk to minimize conflicts between pedestrians and vehicular queuing. I think this also needs to be added to 17.27 in general but this may not be the time to do that. This is sort of discussed in 17.27.100.F.2. with driveway lengths of 10' and 15' but my concern is more specific to residential multi family parking (and even more specifically in non residential districts) as allowed by the various senate bills... where the sidewalks are in busier areas...

PAGE 4

17.31.020 Site Design

- C 3 b. refers to “evergreen trees at least 10 feet high” but does not specifically call out what types of evergreen trees. We should refer to F3 on page 5 right here... to make it simple for people to find which varieties they should be looking for. Having said that... perhaps limiting the loading area screening to “trees” might be

innappropriate... as trunks of many trees, Palms for instance... do nothing to screen when they are tall.

I would suggest swiping the language from E2b on page 5 where it says “landscape buffer or dense evergreen shrubs/vines” and add “trees” in a way that states clearly that we do not want to see the loading area. Thi needs more discussion with the entire commission.

•D 1 discusses “enhanced paving for building entrances”

Paving is not the only solution. There are other useful surface types. Tile for instance. Instead, perhaps this should say “enhanced paving or other treatments for building entrances” and then go on to define what those might be... such as stone, stamped concrete, tile, exposed aggregate in concrete, and so on. This should also define what NOT to use, like AC paving, plain concrete, gravel, Decomposed granite. Etc.

E 1a Common Open Space Amenity types should state that the Common Open Space is to be on the southerly or easterly side of the building. Where the sun will shine on it and where it will be protected from the NW wind. Northerly open space is never used because it is shady and cold.... and the west side of buildings in MB often is subject to the NW wind and 10 degrees colder than the east side.

This chapter point should also explain that we are looking for open space that is open and not shaded by the buildings, landscape or topography. Open Space should NOT be along arterial streets as the noise and danger for children is higher... as is the noise levels. Open space should be peaceful sunny and quiet. This should be discussed... as it also may lead to more expensive units... and there may be differing opinions on the priority.

PAGE 5

E2b Screening with landscaping and Structural elements

The first sentence says a private open space “may” be screened by....

Should this not say “shall” instead of “may”? May is not required, rather it is optional. Shall is required. We should discuss.

E2B continued... currently it is written thus:

“A private open space may be screened by a landscape buffer or dense evergreen shrubs/vines of a minimum 5 feet in width and 4 feet height...” but this is essentially saying all of these buffers must be 4 feet tall... exactly. It should say “and a minimum 4 feet height”... adding **minimum** again. But beyond this... why 5 feet wide and 4 feet tall. 4’ tall does not provide privacy for a private space. I would say

6" tall at a minimum. And why 5' wide... is a greater number better? This should be discussed by the full planning commission and staff.

E2b currently conflicts with F4 Privacy where F4 states that "landscaping shall obscure direct sight lines". F4 also states "Plant selection and landscape screening container size shall be selected to achieve at **least 50% of this height** within three years of installation". But it fails to refer to exactly which height "this height" is. I presume this height is to "obscure direct sight lines" ... but it isn't clear. Nor is it clear whether direct sight lines into what areas... first floor windows, second floor windows, third floor windows? Private areas? "Sight lines" need more explanation/definition.

- F1 pedestrian walkways states that walkways shall be "flanked on both sides with landscaping" and also that "Both sides of walkways shall provide trees spaced to shade at least 25% of the overall walkway length at maturity." I am not certain why it states that "both sides" of the walkway shall provide trees? Could this be 1 side? What is the purpose of "both sides" when I think it is the outcome of shading 25% of the walkway that we are looking for. It could be that requiring "both sides" really limits the... thus making it more difficult to find enough space to have trees on "both sides" thus rendering the project less viable. As to interpretation... it is a tad unclear if the trees on each side are required to provide 25% shade... for a total of 50% shade... or whether both sides together shall provide 25% shade. The figure 17.31.020 (F) (1) explains.... But since the intent is for a total of 25% shade... then perhaps for clarity it should be re-written as: Both sides of walkways shall provide trees spaced "that together" shade at least 25% of the overall walkway length at maturity. But really... I don't see the reasoning to require trees on "both sides".

Walkways with landscaping on both sides may mean smaller open space areas... or smaller private open areas. I think further definition is required here... perhaps with some overall dimension width of landscaping that is desired... which can be split between both sides... or all to one side might be better... for the sake of open space for play... etc... but we should discuss.

- F4 Privacy

Who determines the "50% of this height within 3 years mentioned here under plant selection. What is the standard used to confirm that the given plant meets this unknown height? This is not objective.... This area feels really loose to me and needs more specificity.

See also my comments above on E2B of this same 17.31.020 and how it appears to conflict with this F4

F4 could use a Figure to illustrate the desired outcome and make it more clear.

SO... in sum... this F1 needs more Planning Commission discussion.

PAGE 6

17.31.030 Building Design...

general note:

The Building Form and Vertical Hierarchy illustrations show only one type of architecture. (in fact all the figures in the draft ODS show the exact same architectural typology) It would be safer to show a variety of architectural styles so as to encourage more than just one typology. I worry the illustrations will direct the applicants to follow the singular referenced style as a sort of accidental design guide.

A. Purpose

This paragraph uses the term “human scale” and also “visual interest”. While these terms are common with architects and planners.. they are not objective... and in truth they are a tad Wonky. I believe these terms should have definitions in 17-53. What exactly is human scale?... it can be presumed... but it should be defined. What is visual interest?... Visual interest is subjective... not objective. I think we should use more objective terminology or and or carefully define what it is we mean with terms like these.

B. Building Form, Massing, and Façade Articulation.

This section scares me the most as I read it we will be encouraging a sort of what I call “push pull” type of building... where facades are pushed and pulled so as to make larger buildings look like they are broken up into fake little buildings. Everyone knows that the building is one giant building... and this “push pull” on the CAD program just makes the buildings look sort of 1990’s through 2010’s apartment modern.

PAGE 7

B2. Wall Plane Variation. The second sentence in this section references the same section you are then reading.... 17.31.030 This is awkward and somewhat weird and confusing. This entire paragraph B2 should be flipped around as follows:

Wall Plane Variation. For building façade articulation on mixed use projects use this chapter. For building façade articulation in residential zoning districts see Section 17.07.040 Supplemental Regulations.

B4 Corner architectural features

The word... “hierarchy” needs a tad more objectivity. As written this can be debated... what is superior... what is inferior. It is a bit too ambiguous. Something along the lines of “prominent” might be more objective.

PAGE 8

B6 Roof Line Variation.

Here is our opportunity to eliminate certain typologies that may be undesirable without design review. For instance Mansard roofs. In general I believe Mansards require a very thoughtful design to look good. Most fail. Eliminating this typology from the catalog here eliminates the issue. The developer is still free to chase a mansard roof... but only through design review. Same goes for any other roofing or siding or window... etc that we think has a much higher likelihood for design failure without design review.

B7 flat roofs and parapets.

As written B7 specifically requires a parapet on a flat roof. Instead... Parapets should only be required on flat roofs that carry any rooftop equipment. The function of the parapet is to hide the equipment. There is no function to the parapet minus the equipment... it only adds unnecessary height. The State requires solar... and I believe there is some law around parapet requirements for solar equipment wherein it may be illegal to require parapets around solar systems. This should be addressed.

As written B7 essentially disallows flat roofs... which in turn accidentally disallows any flat roof mid century “international style” some art deco, and some streamline architecture.

B7b states that parapets shall be capped with **precast treatment...** What is this? Is there a definition for “precast treatment”? Without a definition... this could be interpreted in many arbitrary non-objective ways.

17.31.030 C. Building and Unit Entrances

C1a Street Facing Entrances.

This paragraph states: “**Residential Buildings located adjacent to the primary street shall have a ground-level common entry facing the primary street unless units are accessed by individual entries.**”

See my notes on 17.31.030 C2b and make sure they are addressed here as well for locations on streets with no street parking.

PAGE 9

C1bi. Building entry Architectural Treatments

Roof above the entry incorporating a change in roof line of at least 18 inches.

What does this mean? A horizontal change? A vertical change? A change from the plane of the façade is the implication... but it isn't absolutely clear. This needs specificity and objectivity. Implication is subjective. It can be construed as ambiguous as written. The next "ii" discusses a 2 foot projection or recession from the wall plane... so this complicates the understanding of "i" even more. "i" and "ii" need more clarity. I suspect the intent of "i" is to create a rain cover... So this should just be stated.... "the intent of this roof line dimension is to protect the person at the door from the elements" or something like that.

C1biii discusses porches a bit. Typically porches would be carefully discussed in a design review process. The intent of design review being to eliminate useless 3' deep porches in front of sliding glass doors often seen on multi family projects that only really serve to store old chairs and bicycles and bird cages etc. and essentially cause blight in a way.

I believe we should create an iiiii here... that specifies the minimum depth and width or minimum depth and minimum square footage of porches such that they can actually be used by humans. I would suggest that an 8 foot minimum depth creates a comfortable space... but that 6 feet is the bare minimum depth to creating a usable porch. Additionally I would suggest that Porches should incorporate a cul de sac seating area. Porches which act as hallways... where you approach the porch from one side and have to traverse the entirety of the porch to get to the door... do not actually function as porches and are instead a sort of architectural appendage to be avoided that only appears to look like a porch. I would also suggest that covered porches of a depth larger than 6 feet should be able to encroach into the front setback to do so... with a maximum encroachment of 2' so as to achieve more quality of life. I would also suggest that porches be encouraged to be at least 18" above the level of the public street/sidewalk.

I believe there should also be a iiiiii that governs second story uncovered deck cantilevers. These should be allowed to protrude into the setback 2'. In commercial zero setback locations these should be allowed to protrude over the sidewalk 2' so long as they are located a minimum of 12 feet over the sidewalk and are some minimum distance away from the curb

General thoughts here on Building Design:

It is ok for a building to look like a building. It is ok for a big building to look like a big building... so long as it's architecture is pure and appropriate. This is where objectivity gets into trouble... And I fear that the current language proposed is too specific and accidentally doesn't allow certain types of buildings... and that we also accidentally raise the price of low income housing with the requirements for all the articulation. If a project meets certain very low income thresholds... and if that threshold is guaranteed through deed restrictions or with a binding agreement for

rents affordable to very low income residents etc... I think that the architectural standards for these projects might not have to be as high as they would be for a moderate level or higher. This is a VERY controversial discussion though... and needs to reach consensus or be tossed out. There really needs to be a comprehensive Form Based Code to take all these issues into account.... But that effort is for another day... so how do we proceed here given the limited nature of the projects that will actually qualify for these SB/AB laws?

In any case, as stated before, we need several styles of architecture represented in the illustrations... not just one. Be it Deco courtyard apartment, Spanish colonial revival courtyard apartment, craftsman, modernist shed roof (as already illustrated)... Whatever. In fact most any architectural styles... including mid century modern... aka international style, deco, modern farmhouse would work here. There are actually many older small bungalow courts and smaller courtyard apartment buildings here now... many of which are quite charming... in a “je ne sais quoi” old morro bay sort of way. Most of them would not meet the standards of the current suggested objective guidelines.

Our Chairman once mentioned controlling the plate height of the first floor (in commercial spaces) as a way to keep the small town charm in MB. This suggestion should be incorporated into these guidelines. What he was referring to was the standardized “mall” type of high ceiling first floors... where all the AC and controls are up high and the spaces are super high ceiled to accommodate this... think Starbucks... or the Apple store. When stores have this high ceiling the town begins to feel like anywhere USA... it homogenizes the architecture. Morro Bay is a town of small buildings... with lower ceilings than modern malls.. This is a very important detail. So when Mixed Use projects come forward... we need to be prepared with objective standards that prevent the commercial spaces from looking like generic mall suites.

This is where form based code comes in. FBC can deal with all of these form and massing and design topics at a much finer level. I think whatever objective design standards we come up with should be temporary and apply only to projects governed by the Senate and assembly bills... to protect us immediately... but we should also embark upon a Form Based Code program within our commercial districts... most especially our downtown commercial district.

17.31.030 C2b Individual Unit Entrances.

C2b This paragraph fails to take into consideration cases where there is no parking allowed on the street. In this situation the guests and occupants of the units will not be accessing the unit from the street unless they are walking there. When riding a bike or driving they will be accessing the unit from the bike parking or vehicular parking area. We have all seen front doors on units... that are never used by anyone. For this reason there should be a carve out here allowing a different pattern if there

is no street parking allowed along that street façade. The pattern should place the entrance and main approach to the entrance along and at the terminus of the natural “desire line” used by a person approaching the unit entrance given the constraints.

17.31.040 additional mixed use standards

vacant commercial zones are often an attractive location for vagrancy. Recessed commercial storefronts in vacant units become a public nuisance when used as living space by vagrants. They fill with trash and other detritus. We should really discuss the 2’ recessed storefronts in 17.31.040 D2 with respect to this. Same goes for secondary entrances and service/utility entrances in mixed use zones that are often unused. We do not want to accidentally create areas that will become a police/public nuisance issue in the future. I would suggest a discussion with law enforcement would be useful on this topic.

17.31.050

Electric Vehicle charging should be addressed here... specifically that level 2 chargers (or higher) are to be used... and the frequency/quantity/location of these required.

17.31.060 Utilitarian elements

A. Bicycle Parking.

Many people, including renters, use electric bicycles. We should expect this trend to stay the same or grow. As such, there should be a requirement here (and in the balance of our Bicycle code) to provide electrical outlets immediately adjacent to the bike parking such that a bicycle user can lock his electric bike to the rack and also plug that bike into the outlet which is close enough to the rack that the user does not need an extension cord.

B. Refuse storage.

We should include a requirement for the refuse area to be lockable. These areas are often an attractive nuisance. I would again suggest a discussion with law enforcement around this subject.

Lastly,

There must be other jurisdictions in CA also developing Objective Design Standards. We should have a look at those standards for further ideas prior to approving our own.

Thanks

Eric Meyer

A Few Thoughts Concerning Proposed Objective Design Guidelines

Joe Ingraffia - 6/7/23

Let me begin by stating that I enthusiastically support the enactment of objective design guidelines. I'm also heartened by the development office's revelation that most of the objective details in the draft report are exactly the kinds of details and definitions that the office has been using informally for years to give practical meaning to design requirements. However, I am apprehensive when objective guidelines, rather than being a valuable addition, are enacted at the cost of the planning commission being excluded from considered decision making.

Clearly, the object of the initiative for objective guidelines is to simplify and expedite the development process in the hope that speed will result in more housing. That is certainly a worthwhile and paramount goal. I recently attended an online seminar sponsored by the League of Women Voters of SLO focused on increasing affordable housing. A basic finding presented is that the greatest contributor to increasing housing costs is time spent in the entitlement processes to comply with zoning, environmental studies, permit, utilities, etc.. Additional time means longer times for bridge loans with expensive interest rates and more funds allocated to armies of designers, consultants and planners. One can add to this the time spent in meetings trying to discern what are the actual required exterior design elements. However, I suspect that the cost of actually installing the design elements is far outweighed by the expense of time spent by government officers and development representatives negotiating and arguing over the meaning of subjective requirements. Objective design guidelines might sharply reduce that expense.

1. I support amending the report to focus more clearly on informing the public that the initiative for explicit objective design guidelines and severely limiting the discretion of the planning commission comes by mandate of state law. It is not the initiative of the planning commission or the city council. If we do not have such guidelines in place when the relevant laws become effective, a developer will be at liberty to design without any oversight by the development office or the planning commission. Obstruction by the city in the absence of objective guidelines will simply promote lawsuits, filed or threatened.
2. Small and moderately sized cities on the California coast are all dealing with this design priority currently. Unquestionably, we would be wise to see what other communities are contemplating and learn from their research and perhaps from their mistakes. I would like to see specific municipal examples or their links appended to the report. Do the various guidelines differ significantly in categories of details, in the number of choices offered for a specific design detail and in the number of alternatives for a specific detail that the developer is required to select? As an example, should corner facades have three

possible choices or five. Should the building corner facade require one choice be selected or two or perhaps three. In addition, I would also like to see a recommended reference from one or two well-regarded architects or academics on the subject.

3. Morro Bay is currently vulnerable because several state laws require objective design guidelines and Morro Bay, as of this date, has not enacted those guidelines. However, it would be wise to adopt guidelines that only address the state laws that have been enacted thus far and now constitute mandates. By delaying guidelines that apply to other types of developments not yet mandated to have objective guidelines, we will provide time to learn how successfully these guidelines operate in other communities and what are the unintended negative consequences to be avoided. To be sure, the draft should address the requirements of proposed state laws at this time so we are prepared, but bifurcate what needs to be enacted now and what can be deferred.
4. I agree with Commissioner Meyer when he suggests that the design draft report should include more variety in its architectural illustrations of specific design details. We want to suggest diversity within the guidelines and not encourage any sort of "safe harbor" mentality whereby a builder would tend to replicate one architectural style often seen in the guidelines.
5. Amending my previously expressed opinion, I no longer think that there's a need for a low cost housing category in the design guidelines. Elements that make housing more affordable, for the most part, are embedded into such things as reduced dwelling square footage, number of bathrooms, interior amenities etc., which can adequately reduce the cost of housing units without resorting to the sacrifice of adequate exterior design.
6. I'd like a minimal discussion as to what might be the interplay between the enacted objective design guideline, now and in the future, and the proposed, and as yet undrafted, downtown design district. Does the guidelines draft require any special inclusion or accommodation for the downtown area? Also, the draft of objective guidelines is still another step in making plans to significantly and thoughtfully alter the future development of Morro Bay through design, yet the "one size-fits-all," 37 feet downtown height maximum without any design criteria is still the actual law on the books. My concern is that the longer the old law remains in effect, the more likely that clever investors who bought early, will defeat, by lawsuit or lobby, any attempt to make new design laws retroactive. We will be faced with various "islands" free of the design restrictions or design requirements that apply to the rest of the downtown area.
7. Finally, I offer some thoughts about the quantity of design categories, the quantity of options within a given design category and the quantity of option selections required by a

developer. I would expect that guidelines will naturally get increasingly comprehensive over time with options added as “best practices” emerge. I imagine that drafters of the design guidelines are sensitive to a criticism that initially too many required selections will burden the entitlement process and subvert the intent of the objective design laws. In addition, I imagine a criticism that too many design options and required selections will produce “warring” details and/or result in excessive “mere decoration” of building exteriors. A final criticism might be that too many details will undermine the production of genuine affordable housing. These understandable concerns could lead to a drafting approach I characterize as “less is better.” I believe we should reject this conservative approach. It’s beyond dispute that the objective guidelines will produce a very serious consequence. They will produce a virtual “automatic” result devoid of review judgment. As with any “automatic” response, things can go wrong. I would hope the guidelines would take a more cautionary approach, mindful of how options and selections when glowingly described on paper can be disappointing and inadequate when they materialize on the construction site. My experience over the years on the planning commission is that projects are rarely criticized for having too much detail or that the details are in conflict. Very common is the complaint that the details offered are insufficient. Requiring more details rather than less will mitigate unintended “gaming” of design details, visual disappointments and the community damage from projects for which there would be no effective appeal. Additionally, there will always exist an option later as we learn more about objective guidelines, to prune details from the guidelines that prove ineffective or unnecessary. Also, a generous sampling of applicable details ensures that *affordable* housing is not created by sacrificing good exterior design. It states an obvious, but critical truth that we must live with exterior design, good and bad, expensive or affordable, as a community for 75-100 years. To the suggestion that a comprehensive list of design details would be too burdensome for the cause of affordable housing, I repeat that in the assessment of a project’s affordability, square footage, interior components, interior amenities and entitlement processes are far more significant than the cost of one or two additional exterior detail requirements. Lastly and ironically, a more comprehensive list of details “automatically” assigned to a project by objective guidelines might also bolster the role of the planning commission in the design process. If a developer truly found numerous design details as “warring” with each other or simply too burdensome in totality, he could opt for a conceptual presentation to the planning commission. Assessing the list of details in the context of the entire project and/or assessing the details in the context of the project’s financial constraints, the commission might agree that some of the required details should be eliminated for best effect. Such an approach would not be available at the administrative level where all the objective design requirements are explicit and must be satisfied.

