

I. INTRODUCTION

A. THE CALIFORNIA COASTAL ACT OF 1976

The California coastline has been determined by the people of California to be a resource of special statewide importance, to be protected and enhanced through the regulation of land uses and initiation of special programs. In November, 1972, California voters approved the Coastal Zone Conservation Act (CZCA, or Proposition 20). This initiative called for the preparation of a comprehensive plan to preserve, protect, restore and enhance California's remaining coastal resources for present and future generations.

Passage of the initiative was the first step on the road to halting wasteful, piecemeal coastal development. The principal provisions were to:

- (1) Create a state and six regional commissions,
- (2) Require a comprehensive study of the coastal zone and its resources,
- (3) Require the preparation of a plan for the orderly, long-range management of the coastal zone,
- (4) Regulate development by a permit system during preparation of the plan.

The plan was to include recommendations with respect to:

- Public access, recreation, marine resources.
- Ecology, land use, and maximum desirable population densities.
- Transportation, public services and facilities.
- Methodology for implementation of the plan.

Moreover, the initiative mandated that, "No development permit shall be issued unless the regional commission, or the State commission on appeal, has found that the development will not have any substantial adverse environmental or ecological effect had will be consistent with the objectives of the initiative which specify orderly, balanced preservation and utilization of coastal zone resources..."

From early 1973 to the fall of 1975, the eighty-four regional and State commissioners conducted hundreds of meetings and hearings in a major effort to involve the general public in the development of the California Coastal Plan. The completed Plan was presented to the California Legislature on December 1, 1975. The document's letter of transmittal informed the legislature and the people of California that the plan had been designed to consider two overriding objectives:

- (1) Protect the California coast as a great natural resource for the benefit of present and future generations.
- (2) Use the coast to meet human needs in a manner that protects the irreplaceable resources of Coastal lands and waters.

The California Coastal Act of 1976 evolved from the California Coastal Plan and the immense amount of work that occurred as a result of the Coastal Zone Conservation Act.

The Coastal Act sets policies and provides guidelines for preparation of Local Coastal Programs by cities and counties consisting of a land use plan and implementing ordinances.

In enacting the Coastal Act, the state legislature established the following goals for future activity in the coastal zone:

- "(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources;
 - (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state;
 - (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources, conservation principles and constitutionally protected rights of private owners;
 - (d) Assure priority for coastal-dependent development over other development on the coast;
 - (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone."
- (Section 30001.5 of the Coastal Act)

The heart of the Coastal Act is found in Chapter 3, "Coastal Resources Planning and Management Policies." These policies constitute the standards that local plans must meet in order to be certified by the State as well as the yardstick for evaluating proposed developments within the coastal zone. Topics covered by the Coastal Policies include: beach access, recreation, marine environment, environmentally sensitive habitat areas, agriculture, visual resources, and coastal-dependent and industrial development. In essence, these policies are the rules for future growth and development in the coastal zone.

The Coastal Act also established a framework for resolving conflicts among competing uses for limited coastal lands. The policies which spell out priority uses constitute this framework. The Coastal Act places as its highest priority the preservation and protection of natural resources including environmentally sensitive habitat areas and prime agricultural lands. In the case of habitat areas, only uses dependent on these resources are allowed within such areas. On lands not suited for agricultural use, coastal-dependent development (a use which requires a site adjacent to or on the sea to function) has the highest priority. Public recreational uses have priority on coastal sites which are not habitat areas and are not needed for coastal-dependent uses. For sites that are not reserved for habitat preservation, agriculture, coastal-dependent uses, or public recreation, private development is permitted. However, visitor-serving commercial recreation has priority over private residential development. These priorities must be reflected in the land use plan prepared by local governments. Specifically, the sections of the Act relating to priority land uses are given in Chapter II, Part C of this document.

The Coastal Act directed local governments, with a portion or all of their lands within the coastal zone to develop a Local Coastal Plan (LCP) and authorized the California Coastal Commission to retain permit authority over development in the coastal zone until local LCP's were adopted and certified.

A local coastal program is a local government's land use plan, zoning ordinances, zoning district maps, and implementing actions which, when taken together, meet the requirements of and implement the provisions of the Coastal Act at the local level. The precise content of each program is to be determined by the local jurisdiction in consultation with the California Coastal Commission and with full public participation.

Local coastal programs will determine future development on the coast. Where public access and urbanization will occur, where industrial facilities will be placed, and how wildlife, open spaces, and recreational areas will be protected are among the determinations local coastal programs must make. Uses that are of more than local importance are to be considered in preparing LCP's.

Presently, the Coastal Commission regulates coastal development. Once state certification of local coastal programs is accomplished, development control within the local coastal zone will revert to the local government. Certified coastal programs become legally binding on local jurisdictions and provide permanent systems of guidelines and strategies for protecting and managing the coastal environment.

Once the LCP is certified, an action taken by the City of Morro Bay on a coastal development permit application may be appealed to the California Coastal Commission. In addition, any amendments to the City's Land Use Plan must be approved by the California Coastal Commission. If the City does not wish to amend the plan, a request for amendment may be appealed to the Commission. Appeals may also be made to the Commission on any permit action taken by the City concerning any development which is a major energy project, is not the designated principal permitted use under the Zoning Ordinance, or is located in an appealable area. Appealable areas include (Section 30603 of the Coastal Act):

- "(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- (2) Developments approved by the local government not included within paragraph (1) of this subdivision located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Development approved by the local government not included within paragraph (1) or (2) of this subdivision located in a sensitive coastal resource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program.
- (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Sec. 30500).
- (5) Any development which constitutes a major public works project or a major energy facility."

The grounds for an appeal is limited in the Act to the following (Sec. 30603 [b], and the standard of review for any development reviewed is conformity with the implementing actions of the City's certified Local Coastal Program (Sec. 30603 [c]):

- "(1) The development fails to provide adequate physical access or public or private commercial use or interests with such uses.
- (2) The development fails to protect public views from any public road or from a recreational area to, and along, the coast.
- (3) The development is not compatible with the established physical scale of the area.
- (4) The development may significantly alter existing natural landforms.
- (5) The development does not comply with shoreline erosion and geologic setback requirements."

The State Coastal Zone Conservation Commission is also required to review periodically, the progress of local governments in carrying out the Coastal Act. this review is to occur at least once every five years.

Pursuant to Section 30159 of the Coastal Act, the California Coastal Commission retains permit authority after LCP certification on tidelands, submerged lands and public trust lands, whether filled or unfilled. Section 30519 (b) however specifies exceptions to this including those lands or waters granted to a local government by the Legislature providing that certain conditions exist. Section 30519 follows:

"Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the regional commission or by the commission where there is no regional commission over any new development proposed within the area to which such certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local coastal program or any portion thereof.

(b) subdivision (a) shall not apply to any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone, nor shall it apply to any development proposed or undertaken within ports covered by Chapter 8 (commencing with Section 30700) or within any state university or college within the coastal zone; however, this section shall apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority."

Within Morro Bay Harbor, the Legislature has granted certain tideland areas to the City of Morro Bay. Under Section 30519 (b) of the Act, the City will obtain coastal development authority when the following conditions are met:

- (1) The City has a certified LCP.

- (2) The certified LCP contains specific port or harbor district or authority development plans for those granted lands.
- (3) The harbor has a designated harbor authority or district which can supervise or propose development specified under the LCP.

The term tidelands has a specific meaning in public land law. Tidelands means lands which, in the last natural state of the shoreline lay between the ordinary high water mark (mean high tide line) and the ordinary low water mark (mean low tide line). Submerged lands are lands which, in the last natural shoreline state, lay below the ordinary low water mark. The term "tideland" can be used to describe both tide and submerged lands (City of Long Beach v. Mansell, 1970).

Figure 1 shows the official tidelands boundaries of 1956 and the recent change of 1981. These lands were transferred to the City of Morro Bay by the State Legislature in 1964. The City as the grantee, has primary responsibility for administering these lands. The responsibility of the State Lands Commission is to ensure that such administration is carried out consistent with the granting statutes and the public trust.

B. THE LOCAL COASTAL PROGRAM - LAND USE PLAN

Section 30108.5 defines the Land Use Plan of the Local Coastal Program as follows:

" 'Land Use Plan' means the relevant portions of a local government's general plan, or local coastal element, which are sufficiently detailed to indicate the kinds, location, and intensity of land use, the applicable resource protection and development policies, and, where necessary, a listing of implementing actions."

A local government may submit its entire local coastal program (LCP) at one time or in components. The two basic components are the land use plan and the ordinances and other measures which implement the plan. The land use plan sets the policies, standards, and objectives to be applied in guiding coastal zone land use decisions. The City of Morro Bay has chosen to submit its program in components. The implementing measures will be submitted separately from the land use plan. A summary of the Local Coastal Plan Process is given in Table. 1.

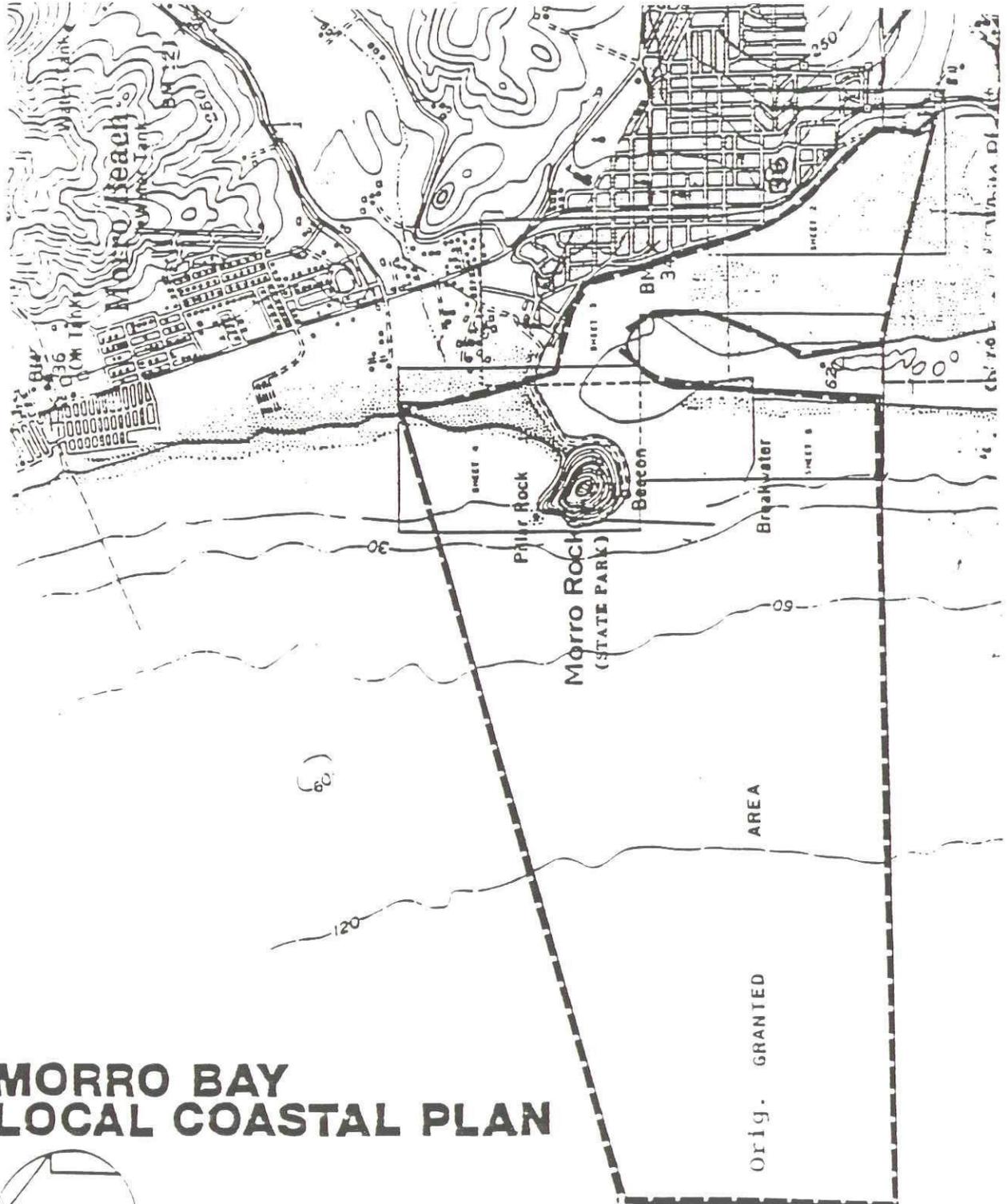
1. Methodology

This land use Plan reflects the issues and concerns of the City of Morro Bay. This plan incorporates, to the maximum extent possible, the City's plans and policies which are consistent with the Coastal Act. Where inconsistencies have been identified, modification and revisions have been made to ensure consistency. The final Local Coastal Plan, incorporating the land use plan and the implementing ordinances, will thus constitute a separate element of the City's General Plan. Where there are conflicts between policies set forth in the adopted LCP and those in any other element of the General Plan, the LCP will take precedence.

Originally, the City was required to review Coastal Act issues as they related to the City and prepared a list of relevant issues. This list is called a Work Program and this program laid out those issues that needed to be discussed in its land use plan.

TIDELANDS BOUNDARIES

Figure 1



**MORRO BAY
LOCAL COASTAL PLAN**

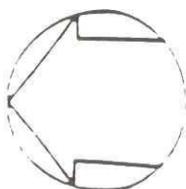


TABLE 1

LOCAL COASTAL PLAN PROCESS

PHASE I	<ul style="list-style-type: none">-Issue Identification-Phase II Work Program-Local, Regional and State Hearings-Approval
PHASE II	<ul style="list-style-type: none">-Resource Analysis-Distribution of Working Papers-Local Public Workshops and Meetings-Preparation of the Draft Land Use Plan-Local Public Workshops and Meetings-Preparation of Hearing Draft Land Use Plan-Local Public Hearings-Local Adoption of Land Use Plan-State Coastal Commission staff review and recommendations-State Coastal Commission Hearings-Certification of City's Land Use Plan-Phase III Work Program-Local and State Hearings
PHASE III	<ul style="list-style-type: none">-Preparation of draft Implementation Plan-Local Public Workshops and Meetings-Revisions-Local Public Hearings-Local Adoption of Implementation Plan-State Coastal Commission Staff review and recommendations-State Coastal Commission Hearings-Certification of Implementation Plan-Certified Local Coastal Program

The method of the Land Use Plan preparation is based on the Issues and Identification and work program. This work program and Chapter 3 of the Coastal Act are contained in Appendix B.

Precise term definitions are based on those found in the Coastal Act of 1976 or are those used by the City in its planning processes.

2. Land Use Plan Contents

The LCP Land Use Plan consists of two major portions: the land Use Plan map and text, and the policies necessary to ensure protection of coastal resources and the regulation of development.

These policies are the basis for the Land Use Plan. they establish the criteria for evaluating future development within the community and et forth the measure s the City should take to achieve the protection of coastal resources as required by the Coastal Act.

The major topics as established by the Coastal act and applicable to the City of Morro Bay as identified in the Issues and Identification Work Program (Appendix B) are listed as follows:

- (1) Shoreline Access and Recreation
- (2) Visitor-serving Facilities
- (3) Archaeology
- (4) Public Works
- (5) Energy (Industrial Development)
- (6) Agriculture
- (7) Commercial Fishing
- (8) Hazards
- (9) Environmentally Sensitive Habitat
- (10) Diking, Dredging and Filling
- (11) Visual Resources and Neighborhood Character

These topics are discussed in the order they are presented above but are not necessarily listed in order of their importance. All of the topics are an important part of coastal land use planning, and all of the topics have been considered in the development of the Land Use Plan map.

3. Implementing Ordinances

The implementing ordinances will be prepared once the Land Use Plan has been approved by the California Coastal Commission. the implementing ordinances include necessary zoning ordinance revisions, revisions to the zoning map, categorical exclusions, permit procedures, necessary amendments to the City ordinances and regulations and preparation of new ordinances and programs necessary to implement this Land Use Plan. The implementing ordinances will require review and approval prior to certification of the entire city Local Coastal Plan by the California Coastal Commission.

C. PLANNING AREA CHARACTERISTICS

As shown on Figure 2, almost all of the Morro Bay city limits are within the Coastal Zone. For ease in issues and policy discussion, the City has been divided into ten planning areas. These planning area designations are used throughout the Land Use Plan. Figure 3 shows the locations of the planning areas. The existing characteristics of each planning area are described in the following discussions. Included also is a summary of potential development and the major coastal issues relevant to the planning area. Table 2 summarizes coastal issues by planning area.

1. Area 1 - North Morro Bay

This area is bisected by State Highway One and comprises the northernmost portion of the community. Island and Azure Streets are the southern boundaries, and the City limits are the northern, eastern and western boundaries.

a. Existing Land Use

The area includes the Atascadero State Beach, the Chevron Marine Terminal, the Navy Fuel Storage Facility, single family and multifamily residential development and some strip commercial uses along Main Street. The majority of the area is developed in residential uses.

b. Potential Development

The majority of the existing residential areas are developed; vacant lands adjacent to Del Mar Park would allow considerable residential development. There is commercial infill potential in the strip commercial areas. Future changes in type of energy-industrial use is possible in the existing industrial use areas.

c. Major Coastal Issues

The major issues facing this area include potential hazards, visual concerns, energy considerations, locating new development, provisions of coastal access, housing rehabilitation and neighborhood character considerations. Refer to the area discussions in the appropriate issues chapters.

FIGURE 2
COASTAL ZONE
BOUNDARY

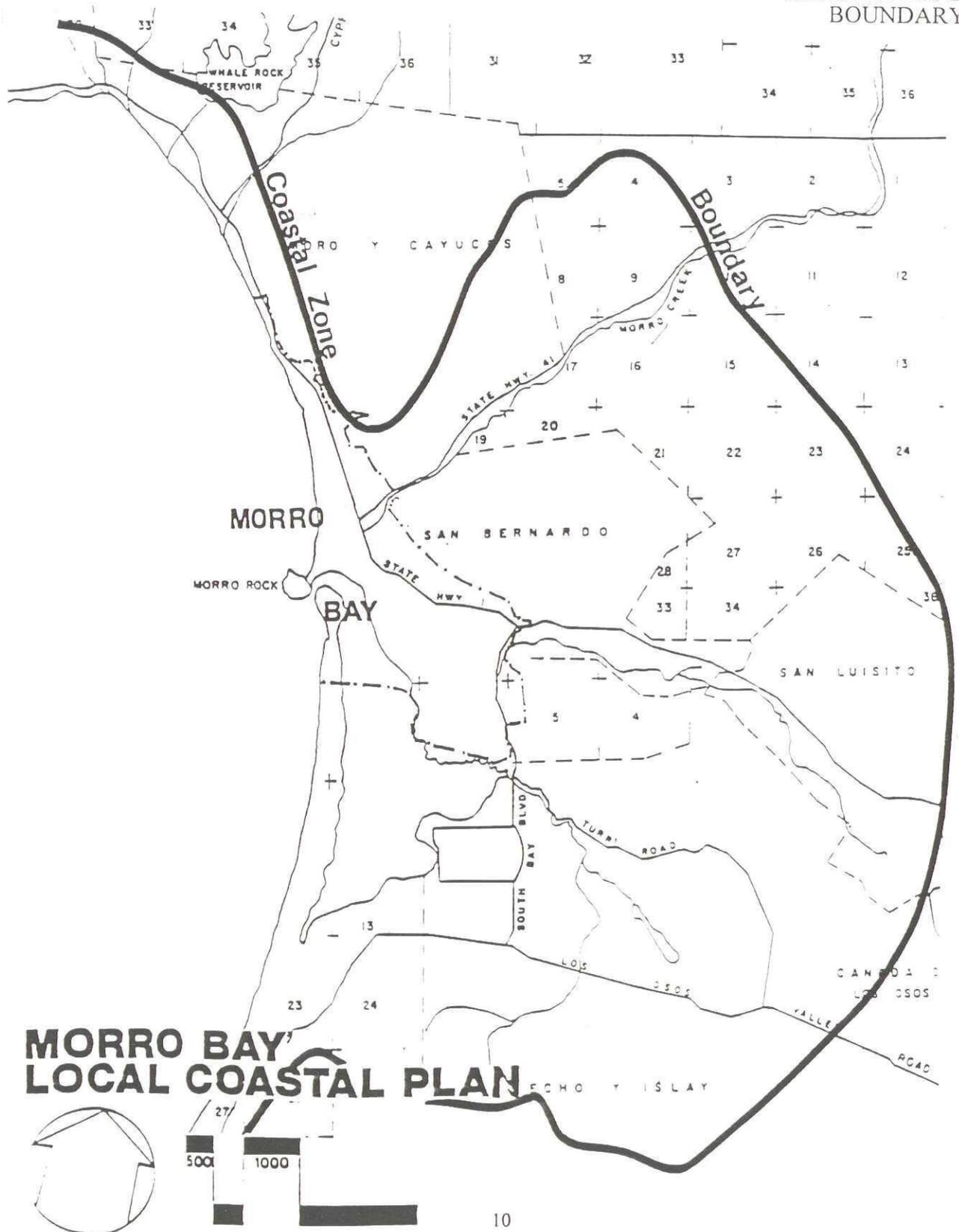


FIGURE 3

PLANNING AREAS

- 1-North Morro Bay
- 2-Atascadero Beach
- 3-Del Mar
- 4-Morro Highlands
- 5-Morro Rock
- 6-Bayfront
- 7-Central Morro Bay
- 8-State Park
- 9-Harbor and Navigable Ways
- 10-Sand Spit

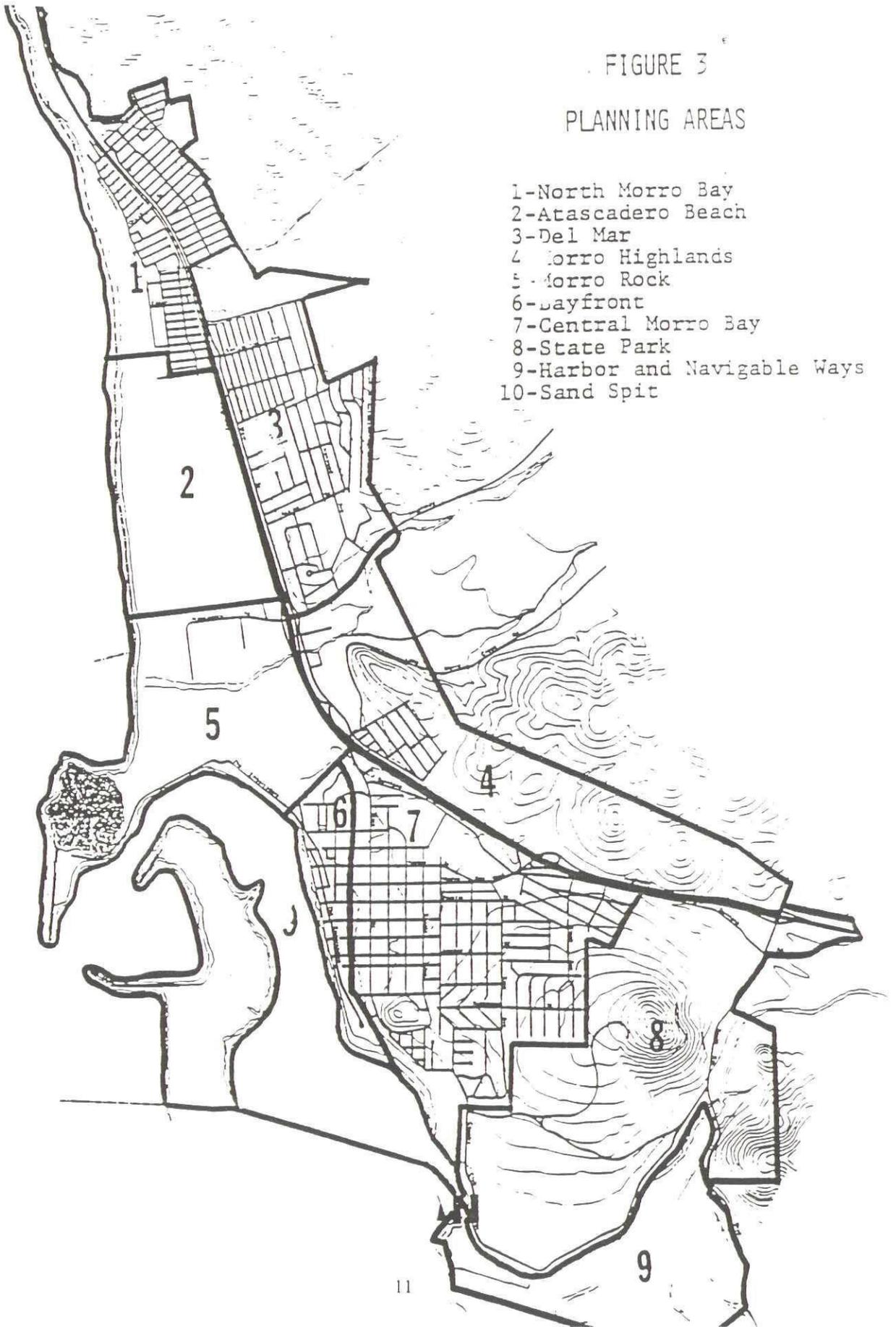


TABLE 2

MATRIX OF COASTAL ISSUES
 BY PLANNING AREA*

MAJOR COASTAL ISSUES	AREA 1 North Morro Bay	AREA 2 Atascadero Beach	AREA 3 Del Mar	AREA 4 Morro Highlands	AREA 5 Morro Rock	AREA 6 Bayfront	AREA 7 Central Morro Bay	AREA 8 Morro Bay State Park	AREA 9 Harbor Navigable Ways	AREA 10 Morro Bay Sand Spit
Access & Recreation	X	X			X	X		X	X	X
Visitor Serving Facilities			X			X				
Archaeology	X	X	X	X	X	X	X	X	X	X
Energy	X		X		X	X			X	
Commercial Fishing					X	X		X	X	
Agriculture				X						
Environmentally Sensitive Habitat		X							X	
Hazards	X	X	X	X						
Diking, Dredging & Filling	X	X			X	X		X	X	X
Visual and/or Neighborhood Character	X	X	X	X		X	X			
Public Works & New Development	X	X	X	X	X	X	X	X		

*Refer to Appendix B for description of coastal issues as they relate to Morro Bay. Refer also to the coastal issues discussions by area in the appropriate issues chapters.

2. Area 2 - Atascadero Beach

This area consists of two large parcels bordered on the east by State Highway One, on the south by the Morro Bay High School, on the west by the Pacific Ocean and on the north by a westerly projection of the Sienna Street alignment.

a. Existing Land Use

The area is vacant. A portion of the vacant property is covered with sand dunes.

b. Potential Development

Development proposals have included planned residential development and motel development. No development plans have been approved by the City. The State of California recently acquired the area known as the Cloisters for Parks and Recreation purposes.

c. Major Coastal Issues

The major coastal issues within this area include: access and recreational use, hazards, (flooding and drainage), visual impacts, locating and planning new development including consideration of coastal priority uses and protection of sensitive dune habitats. Refer to the area discussion in the appropriate issues chapters.

3. Area 3 - Del Mar

This area is located east of State Highway One, north of State Highway 41, south of Island Street and west of the City limits.

a. Existing Land Use

Existing land uses include commercial strip development along Main Street which serve both community and visitor needs, motels and multifamily and single family residential uses, and Del Mar Park. There are conflicts existing between the General Plan and zoning ordinances which require resolution.

b. Potential Development

The commercial and residential areas have considerable vacant infill parcels.

c. Major Coastal Issues

The major issues facing this area include visual and hazard concerns, housing rehabilitation, locating and planning new development, and community character considerations. Refer to the area discussions in the appropriate issues chapters.

4. Area 4 - Morro Highlands

The Morro Highlands planning area is bounded on the north by State Highway 41, on the west by State Highway One, and on the east and south by the City limits.

a. Existing Land Use

Land uses vary from manufacturing, neighborhood and visitor-serving commercial, mobilehome development and some single family development. Approximately two thirds of this area is vacant and is used for marginal cattle grazing.

b. Potential Development

Approximately 200 acres are vacant and available for development. Much of Morro Bay's future growth may occur within this area. It is desirable to designate a nominal amount (approximately 30 acres) of District Commercial use in this area near the freeway interchange. Prior to approval of any use of this land use designation the City shall require a detailed market analysis to demonstrate the need for such use.

c. Major Coastal Issues

Major coastal issues to be addressed in this area include agricultural land uses, locating and planning new development, visual and hazard (hillside protection) concerns. Refer to the area discussion in the appropriate issues chapters.

5. Area 5 - Morro Rock

This area is located west of State Highway One and south of Atascadero Beach Planning Area, and includes the PG&E Morro Bay Power Plant property line as the southernmost boundary.

a. Existing Land Use

The land uses include the Morro Rock and beach areas in recreation and wildlife preservation uses, the power plant, two City park areas, the high school, the City wastewater treatment plant, some visitor-serving commercial uses and a recreational vehicle park.

b. Potential Development

Potential development in this area is varied and could include increased commercial fishing uses, increased energy development-related uses, increases or changes in recreational uses, and some potential for increase in commercial visitor-serving uses. Extension of State Highway 41 - Embarcadero Road is possible.

c. Major Coastal Issues

Major coastal issues within this area include expansion of the commercial fishing industry, power plant expansion and energy-related development and shoreline access. Refer to the appropriate issues chapters.

6. Area 6 - Bayfront

This area is bounded generally on the north by the PG&E Morro Bay power plant property, on the east by Morro Avenue and the Tidelands Park eastern boundary, on the south by Morro Bay State Park and on the west by the bay.

a. Existing Land Use

The majority of this area is used for harbor-related, commercial fishing, and tourist commercial uses. There is some residential development in this area.

b. Potential Development

Most of this area is developed. Potential development includes increase in efficiency of the commercial areas along the Embarcadero, including additional visitor-serving commercial uses, increase in public access opportunities, and increase in commercial fishing uses. The Tidelands Park is planned for improvement.

c. Major Coastal Issues

The major coastal issues within the Bayfront Planning Area include commercial fishing, visual resources, recreation (boating) and access. refer to the area discussions in the appropriate issues chapters.

7. Area 7 - Central Morro Bay

This area is bounded on the north by Scott Avenue and the PG&E property, on the east by State Highway One, on the south by the Morro Bay State Park, and on the west by Morro Avenue.

a. Existing Land Use

This area includes residential and commercial uses. Some visitor-serving uses are located in this area, particularly along Morro Bay Boulevard and Main Street north of Morro Bay Boulevard, and in the area adjacent to the Embarcadero.

b. Potential Development

Most of the residential areas are fully developed. There is potential for expansion of commercial services.

c. Coastal Issues

The major coastal issues are limited to housing rehabilitation, visual and community character concerns. Refer to area discussions in the appropriate issues chapters.

8. Area 8 - Morro Bay State Park

This planning area incorporates the Back Bay of Morro Bay and Morro Bay State Park. The boundaries are the existing line of residential development to the north, State Highway One to the northeast, and the bay to the west and south.

a. Existing Land Use

Morro Bay State Park and Black Mountain comprise the majority of this area. Along Quintana Road and South Bay Boulevard north of County Club Drive are a trailer park, some single family residences and visitor-serving commercial uses.

b. Potential Development

There is a possibility for limited commercial fishing, recreational boating or visitor-serving uses adjacent to the tidelands area.

c. Major Coastal Issues

The major coastal issues in this planning area are protection of commercial fishing and coastal access and recreation.

9. Area 9 - Harbor and Navigable Ways

This planning area incorporates the area within the city limits covered by bay water, wetlands areas and tidelands.

a. Existing Use

The harbor is being utilized for a variety of harbor dependent uses which include dockage, moorage, government, commercial and recreational navigation, swimming, commercial and recreational fishing, mariculture and other similar uses. The harbor serves as de facto safe moorage during inclement weather.

b. Potential Development

It is anticipated that existing uses will be expanded. It is possible that the harbor could be utilized for some coastal- dependent energy uses in the future.

c. Major Coastal Issues

The major coastal issues in this planning area are commercial fishing, energy, access and recreation, diking, dredging and filling, environmentally sensitive habitat protection and locating and planning new development.

10. Area 10- Morro Bay Sand Spit

The Morro Bay Sand spit planning area is that area of the sand spit extending north from Montana de Oro State Park to its northerly terminus.

a. Existing Land Use

The existing land use is open space and recreation. No structures exist on the sand spit.

b. Potential Land Use

Based on governmental and private ownership decisions, there is the potential for development, but environmental and policy constraints may limit the potential for development.

c. Major Coastal Issues

The major coastal issues are the protection of environmentally sensitive habitat, visual and scenic value, access and recreation, and locating and planning new development.

Figure 4
LAND USE MAP