

CALIFORNIA COASTAL COMMISSION

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Prepared September 18, 2014 for October 10, 2014 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, District Manager
Katie Butler, Coastal Planner

Subject: De Minimis Amendment Determination for City of Morro Bay LCP Amendment Number LCP-3-MRB-13-0219-1-Part A (North Main Street Parking)

City of Morro Bay's Proposed Amendment

The City of Morro Bay is proposing to modify Local Coastal Program (LCP) Implementation Plan (IP) Section 17.44.020 related to parking in the North Main Street Commercial Parking Area (Area). The North Main Street Commercial Parking Area is a specifically mapped area that consists of land zoned for a broad range of commercial and residential uses along North Main Street, which is a frontage road located immediately east of Highway 1 within an existing urbanized part of the city. Specifically, the amendment would exempt commercial uses in the Area from the requirement to provide additional onsite parking when there is a change in commercial use in an existing building. The exception would not apply to new commercial construction or the enlargement of an existing commercial building. See Exhibit A for the text of amended IP Section 17.44.020.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is "de minimis." In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP ten days after the date of the Commission meeting (in this case, on October 20, 2014).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is de minimis. Each of the de minimis criteria is discussed briefly below:

- 1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:** The North Main Street Commercial Parking Area that is the subject of this amendment is an approximately 1.5-mile long stretch of North Main Street, a frontage road on the east side of Highway 1 in Morro Bay. It is comprised of neighborhood retail services (dry cleaners, convenience stores, self-storage, car repair, etc.) with some motels and residential uses. The intent of the proposed amendment is to foster redevelopment along this built-up corridor by not requiring additional off-street parking when there is a change between commercial uses (e.g. when a restaurant moves into a building formerly occupied by a retail store). The City has indicated that existing parking requirements have been burdensome for businesses to redevelop and hopes that eliminating the requirement to increase parking will encourage revitalization of this corridor and improvement of neighborhood character.

While a reduction in required parking can potentially result in impacts to public coastal access, in this case, the North Main Street corridor is located several miles to the northeast of the popular visitor destinations in Morro Bay, such as Morro Rock, the Embarcadero, and Morro Bay itself. North Main Street does not provide easily accessible shoreline or beach parking given its location on the east side of Highway 1 and the lack of highway crossings in this area. As such, parking for shoreline and beach access would not be affected by the proposed amendment. Additionally, ample, underutilized street parking exists along North Main Street that could accommodate increased parking needs, and the corridor's adjacency to residential neighborhoods means that commercial uses can be easily accessed via non-vehicular modes.

The amendment does not preclude or prohibit additional parking from being provided; rather, it allows for more flexibility in project siting and design and offers a tool to allow for more commercial uses within existing developed areas, both of which are Coastal Act priorities. Additionally, the allowed parking exemption does not apply to new commercial construction or when a commercial building must be expanded in order to accommodate the new commercial use, thereby ensuring that new or major intensifications of commercial uses and structures are still required to provide necessary parking.

Therefore, the proposed amendment will not adversely affect coastal resources, and it is consistent with the policies of Chapter 3 of the Coastal Act.

- 2. Provision of public notice:** The City provided public notice in advance of the Planning Commission hearing (held on April 18, 2012) and the City Council hearings (held on May 22, 2012 and June 12, 2012) where the proposed amendment was considered. Public notices for all meeting dates were posted at City Hall, the Public Services Department, and the City Library information kiosks, all in advance of the City's hearings. The hearings were also noticed in the Telegram-Tribune, a newspaper published and circulated by the City of Morro Bay. The amendment submittal was subsequently received by the Central Coast District office of the Coastal Commission on October 24, 2013 (and filed as complete on August 14, 2014), and therefore, the 21-day noticing requirement has been satisfied.
- 3. No change in use of land or allowable use of property:** No change in use is proposed by this amendment.

California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. The City prepared a Mitigated Negative Declaration for the proposal on March 14, 2012. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its October 10, 2014 meeting at City Hall, 100 Civic Center Drive, in Newport Beach. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Katie Butler at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by October 3, 2014.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on August 14, 2014. It amends the IP only and the 60-day action deadline is October 14, 2014. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until October 14, 2014 to take a final action on this LCP amendment.

Exhibit

Exhibit A: Proposed amendment to IP Section 17.44.020

ORDINANCE NO. 578

**AN ORDINANCE OF THE CITY OF MORRO BAY ANNOUNCING FINDINGS AND
ADOPTING AMENDMENTS TO TITLE 17 OF THE MUNICIPAL CODE AMENDING
SECTION 17.44.020.1**

**THE CITY COUNCIL
City of Morro Bay, California**

Case No. A00-014 (Local Coastal Plan/Zoning Ordinance Amendment)

WHEREAS, it is the purpose of the Zoning Ordinance of the City of Morro Bay to establish a precise and detailed plan for the use of land in the City based on the General Plan; and

WHEREAS, the proposed amendment will provide specific regulations as to when additional onsite parking will be required for existing commercial building(s) converting from one use to another without new construction or new additions for the mapped specific North Main Street Commercial Area; and

WHEREAS, it is important to have clear, consistent, easy to use regulations within the Zoning Ordinance; and

WHEREAS, the Planning Commission of the City of Morro Bay, on April 18, 2012 after a duly noticed PUBLIC HEARING, did forward a recommendation, by adoption of Planning Commission Resolution #19-12 that the City Council amend Title 17 (Zoning Ordinance) Section 17.44.020.1 "Facilities Required"; and

WHEREAS, on May 22, 2012, the City Council of the City of Morro Bay did hold a duly noticed PUBLIC HEARING to consider the amendment regulating parking in the specific North Main Street Commercial Area; and

WHEREAS, the City Council finds that a Negative Declaration was prepared to evaluate the environmental impacts of the proposed ordinance amendments, and determined that no significant impacts would result from the adoption of these amendments; and

WHEREAS, following the PUBLIC HEARING, and upon consideration of the testimony of all persons, both written and oral, the City Council accepted the Planning Commission recommendation and approved the following amendment:

17.44.020 PARKING FACILITIES

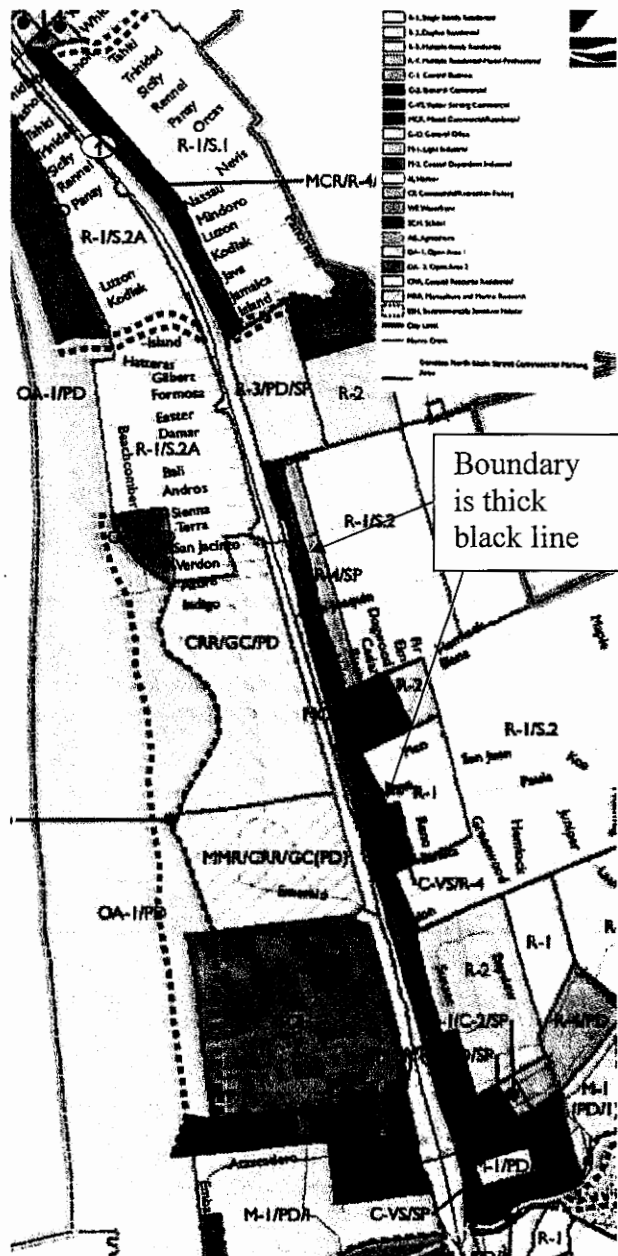
A. Off-Street Parking — General Requirements

1. Facilities Required

For every structure erected or enlarged, and for all land devoted to a new use, and for any structure or land changed to a more intensive use that would require the provision of more

parking spaces over what already exists, off-street parking spaces shall be provided in accordance with the requirements and standards of this chapter, a change, expansion or intensification of land use which would increase the number of parking spaces required as provided in this title shall be based only upon the number of spaces required for the change or expansion. **Except in the North Main Street Commercial Parking Area as defined in Figure 17.44.020(3) as codified at the end of this chapter where all changes in commercial uses including more intense uses not including new construction or new additions will not be required to provide additional onsite parking.**

Figure 17.44.020(3) North Main Street Commercial Parking Area Boundary Map



Based on the following findings:

1. The proposed Zoning Ordinance Amendments will not be injurious or detrimental to the health, safety, comfort, general welfare or well being of the persons residing or working in the neighborhood.
2. That the proposed amendment is in general conformance with the City's General Plan and Local Coastal Plan.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Morro Bay, California, as follows:

SECTION 1: Title 17 of Morro Bay Municipal Code (Zoning Ordinance) is amended as contained in this Ordinance and made a part of this ordinance:

SECTION 2: To implement the amendment adopted herein, the City Council of the City of Morro Bay, California, hereby directs as follows:

1. That the above recitations are true and correct and constitute the findings of the Council in this matter; and
2. The City Council of the City of Morro Bay hereby finds that the Local Coastal Program Implementation Program (Zoning Ordinance) Amendments are in compliance with the intent, objectives, and all applicable policies and provisions of the California Coastal Act; and
3. Pursuant to Section 17.64.080 No amendment to Title 17 shall be legally effective in the coastal zone until the amendment is certified by the Coastal Commission.