

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
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SANTA CRUZ, CA 95060
(408) 427-4868

HEARING IMPAIRED: (415) 904-8200

Th 9c



February 15, 1996

TO: Commissioners and Interested Persons

FROM: Tami Grove, District Director
Diane Landry, District Legal Counsel
Steve Guiney, Coastal Program Analyst

SUBJECT: City of Morro Bay De Minimis LCP Amendment No. 1-96. To be reported to the Commission at its meeting of March 12 - 15, 1996, to be held at the Radisson Hotel - Santa Barbara, 1111 E. Cabrillo Blvd., Santa Barbara 93103.

CITY'S PROPOSED AMENDMENT

Currently, the City's certified zoning ordinance limits the number of single family dwellings in the R-1 zone district to one dwelling per lot, regardless of lot size. The certified Land Use Plan, in contrast, allows a density range of from 4 - 7 dwellings per acre (1 dwelling/10,890 sq.ft. - 1 dwelling/6,223 sq.ft.) in the Low to Moderate density land use designation, which is coterminous with the R-1 zone district. There is an obvious inconsistency between the density allowed by the zoning and that allowed by the land use plan designation. Practically, this means that any R-1 zoned lot which has more than one dwelling on it, excluding second dwellings allowed under Government Code section 65852.2, is non-conforming as to its use. The City is proposing to amend Section 17.24.030 of the zoning text with the addition of the following language, in order to bring the zoning into conformance with the land use plan and to recognize that multiple dwellings on a lot may not be used in violation of the Subdivision Map Act:

C. In the R-1 district, if located on 1/2 acre or greater, the number of single-family residential units allowed is 1 per lot or the number of units allowed in accordance with the density range of the land use designation contained in the General Plan and Coastal Land Use Plan. The maximum number of residential units shall not exceed four (4) per lot.

D. If more than one single-family residence is located on a lot in the R-1 district, any residential unit that has not been authorized as a secondary dwelling in accordance with State and local regulations, shall not be used in violation of the Subdivision Map Act.

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Section 17.32.030, the table specifying minimum lot size, setbacks, lot coverage, etc., would be amended by adding language to the Minimum Lot Area per Unit column in that table that would refer the reader back to Section 17.24.030.

**DE MINIMIS LCP AMENDMENT PROCEDURES
APPLIED TO THE CITY'S PROPOSED AMENDMENT**

Coastal Act section 30514(d) provides for the designation of certain proposed amendments to a Local Coastal Program (LCP) as de minimis amendments by the Executive Director and reporting of that designation to the Commission for review. If three or more commissioners object to the de minimis designation the amendment shall be set for public hearing; if three or more commissioners do not object to the de minimis designation, then the amendment shall become part of the certified LCP 10 days after the date of the Commission meeting.

In order to qualify as a de minimis amendment, the following three criteria must be met:

- 1) The Executive Director must determine 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 must provide 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.

1. Executive Director's determination of no impact to coastal resources and consistency with Chapter 3 of the Coastal Act: The proposed amendment would simply allow the density under the R-1 zoning, for parcels over 1/2 acre in size, to be consistent with the Low/Medium residential land use designation. Nine (9) lots are potentially affected by this amendment. All of the nine lots are within the urban services line and are currently zoned and designated for residential use. Any new or additional construction on them would have to comply with the City's building permit process including such things as an annual limit on water hookups and provision of appropriate drainage. None of the affected parcels are in highly visible or scenic areas where new or additional construction beyond more than one single family dwelling would impair public views. One of the lots is adjacent to an environmentally sensitive habitat area, Little Morro Creek; that lot is developed, the City's LCP provides for protection of the creek, and any further development there would be appealable to the Commission. None of the lots are in an area where further development

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could impede public access to the shoreline. The proposal would not have any impact, either individually or cumulatively, on coastal resources, and it is consistent with the policies of Chapter 3 of the Coastal Act.

2. Provision of public notice: The City of Morro Bay provided public notice by newspaper advertisements on December 13, 1995 and January 4, 1996 and also by direct mail to owners and occupants of contiguous properties; the amendment submittal was received by Commission staff on January 18, 1996. Public notice was provided at least 36 days prior to submission, thus satisfying this requirement.

3. No change in use of land or allowable use of property: No change in use is proposed by this amendment. It would simply allow for the density under the certified zoning ordinance, for R-1 parcels over 1/2 acre in size, to be the same as the density allowed by the certified Land Use Plan for parcels designated Low/Medium density, which designation is coterminous with the R-1 zone district.

ORDINANCE NO. 449**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
ANNOUNCING FINDINGS AND ADOPTING AMENDMENTS TO
SECTIONS 17.24 AND 17.32 OF THE ZONING ORDINANCE,
TITLE 17 OF THE MORRO BAY MUNICIPAL CODE****THE CITY COUNCIL****City of Morro Bay, California****CASE NO. ZOA 01-95****SECTION 1:**

WHEREAS, the Planning Commission of the City of Morro Bay, on January 16, 1996, by adoption of Resolution 01-96, after a duly noticed **PUBLIC HEARING**, did make the recommendation to the City Council for approval of amendments to Sections 17.24 and 17.32 of the Zoning Ordinance, Title 17 of the Morro Bay Municipal Code; and

WHEREAS, on the 22nd day of January, 1996, the City Council did hold a duly noticed **PUBLIC HEARING**, to consider the amendments to Sections 17.24 and 17.32 of the Zoning Ordinance, including the recommendations by the Planning Commission; and

WHEREAS, the Environmental Coordinator determined that the California Coastal Commission is the lead Agency for Local Coastal Plan Amendments for the purposes of the California Environmental Quality Act; and

WHEREAS, following the hearing, and consideration of the testimony of all persons written and oral, the City Council approved the amendments based upon the following findings:

1. The proposed amendments allow additional use of certain properties within the Residential Single Family (R-1) District, and provide an opportunity to remove nonconforming status from certain properties, consistent with the overall density standards of the General Plan and Local Coastal Program Land Use Plan; and
2. The proposed amendments are consistent with the intent of the State Coastal Act, and will have no impact individually or cumulatively on coastal resources, and does not propose any change in land use or water uses or any change in the allowable use of property; and
3. The proposed amendments were published and made available for public review in accordance with Public Resources Code Section 30514.

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

SECTION 2: Title 17 of the Morro Bay Municipal Code (Zoning Ordinance) is amended as shown in Exhibits A and B, attached hereto and made a part of this ordinance.

SECTION 3: To implement the amendments adopted herein the City Council of the City of Morro bay, California, hereby directs as follows:

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1. This Ordinance adopting the zoning text amendments shall be transmitted promptly to the California Coastal Commission with the request that the Commission certify the amendments with de minimis findings in accordance with Public Resources Code Section 30514; and
2. The City of Morro Bay hereby finds that the Local Coastal Program Implementation Program (Zoning) Amendments are in compliance with the intent, objectives, and policies of the California Coastal Act and that the City will carry out the Local Coastal Program, including these amendments in a manner fully consistent with the California Coastal Act and all its provisions; and
3. These amendments shall take effect immediately and automatically upon certification by the California Coastal Commission.

INTRODUCED at a regular meeting of the City Council of Morro Bay, held on the 22nd day of January, 1996, by motion of Councilmember Crotzer, and seconded by Councilmember Unger.

PASSED, APPROVED, AND ADOPTED by the City of Morro Bay City Council, at a regular meeting held on this 13th day of February, 1996 by the following vote:

AYES: Councilmembers Anderson, Crotzer, Novak, Unger and Yates

NOES:

ABSENT:

ATTEST:


BRIDGETT BAUER, City Clerk


WILLIAM YATES, Mayor

APPROVED AS TO FORM:


DAVID R. HUNT, City Attorney

EXHIBIT A**Amendments to Section 17.24.030****and****Section 17.32.030****17.24.030 Single-family residential (R-1) district -- Duplex residential (R-2) district -- Multiple-family residential (R-3) district -- Multiple residential-professional (R-4) district.**

— The purpose of the single-family residential district or "R-1" district, the duplex residential district or "R-2" district, the multiple-family residential district or "R-3" district and the multiple residential-professional district or "R-4" district is as follows:

A. To stabilize and maintain the residential character of the various districts and to ensure the maintenance of the maximum amenities for family living commensurate with the densities of population specified;

B. To ensure these districts will be free from traffic and other uses causing congestion, noise, confusion and interference in the pattern of family living. (Ord. 263 1 (part), 1984)

C. In the R-1 district, if located on 1/2 acre or greater, the number of single-family residential units allowed is 1 per lot or the number of units allowed in accordance with the density range of the land use designation contained in the General Plan and Coastal Land Use Plan. The maximum number of residential units shall not exceed four (4) per lot.

D. If more than one single-family residence is located on a lot in the R-1 district, any residential unit that has not been authorized as a secondary dwelling in accordance with State and local regulations, shall not be used in violation of the Subdivision Map Act.

17.32.030 See EXHIBIT B

EXHIBIT B

[illegible]