

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
427-4863

**Th9b**

June 27, 2001

TO: COMMISSIONERS AND INTERESTED PERSONS**FROM:** TAMI GROVE, CENTRAL COAST DEPUTY DIRECTOR
CHARLES LESTER, DISTRICT MANAGER
MIKE WATSON, COASTAL PROGRAM ANALYST**SUBJECT:** CITY OF MORRO BAY: LOCAL COASTAL PROGRAM MAJOR
AMENDMENT NO. 1-01. (For public hearing and Commission action at its
meeting of July 12, 2001, to be held at the Fountain Grove Inn, 101 Fountain Grove
Parkway, Santa Rosa, 95403.)

SYNOPSIS

The City of Morro Bay is requesting that its certified Local Coastal Program (LCP) and Zoning Ordinance (ZO) be amended to regulate development standards for the rear yard setback and lot coverage in the S.2A Overlay Zone of the Beach Tracts at the north end of the City. The proposed changes include similar language previously in effect and will bring many of the existing residences back into conformity with the City's municipal code standards. Staff has reviewed the proposed amendments to the Implementation Zoning Ordinance with the City's Land Use Plan. As discussed in detail below, Staff recommends approval of the City of Morro Bay Local Coastal Program proposed ZO Major Amendment No. 1-01 as submitted.

The Commission originally certified the City of Morro Bay Local Coastal Program in October 1982, however, the Implementation Plan was substantially revised in February 1994. The City has organized and submitted this LCP Amendment request in accordance with the standards for amendments to certified LCPs (Coastal Act Section 30514, California Code of Regulations 13551 through 13553). The amendment was filed on June 1, 2001. The City Council held noticed public hearings. Excerpts from the City's amendment submittal are attached as Exhibit 1.

Further information on the submittal may be obtained from Mike Watson at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.



California Coastal Commission
July 12, 2001 Meeting in Santa Rosa, CA

Staff: M. Watson; Approved by: *C.L.L. 6/28/01*

STAFF RECOMMENDATION

Staff recommends adoption of the following resolution:

Resolution I. (Resolution to approve City of Morro Bay Implementation Plan Major Amendment No. 1-01 as submitted)

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in approval of the Implementation Plan amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. I move that the Commission certify Major Amendment #1-01 to the City of Morro Bay Local Coastal Program Implementation Plan as submitted.

Resolution to Approve The Commission hereby approves certification of Major Amendment #1-01 to the Implementation Zoning Ordinance of the Morro Bay City Local Coastal Program on the grounds that the amendment to the Zoning Ordinance conforms with, and is adequate to carry out the provisions of the Land Use Plan as certified. The approval of the Implementation Plan amendment will not have any significant adverse on the environment and is the least environmentally damaging alternative.

Findings and Declarations

The Commission finds and declares as follows:

Amendment Description

The City's amendment submittal will be processed according to CCR Section 13551(b)(1), which states:

A local government or governing authority may submit a proposed amendment either:

- (1) as an amendment that will take effect automatically upon Coastal Commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519,...*

The City of Morro Bay proposes an amendment to its Implementation Zoning Ordinance (Morro Bay Municipal Code 17.40.050) to re-instate the rear yard setback, establish the maximum lot coverage, and clarify the location of where the overlay standards will apply in the City's S.2A Overlay Zone (Exhibit 2). Changes to the overlay zone will affect properties located west of Highway One in the City's Beach Tracts, north of Azure Street and south of Toro Lane (Tract 2110). The City proposes adding Z.O. language to re-instate a minimum 5' rear yard setback and establish a maximum lot coverage at 50%. Development in the Beach Tracts consists of single-



family residences on lots typically 3,400 square feet. Build-out in this district is near 100%. (less than 12 lots have not been improved). Larger "corner" lots exist, but most if not all have been improved.

Analysis of Zoning Ordinance Amendment

The City proposes to re-instate the minimum rear yard setback requirement and maximum lot coverage in its S.2A Overlay Zone of the Beach Tracts. The purpose of the S.2A zoning district, according to Section 17.40.050 of the Implementation Plan, is to "preserve the existing character of physical development in the area within the jurisdiction of the City, west of Highway One, north of Azure Street..."

As discussed above, the proposed LCP and Zoning Ordinance amendment includes language that clarifies the location of the S.2A Overlay zone to include the Beach Tracts and exclude the Toro Lane subdivision. The Toro Lane subdivision is part of the S.2B Overlay Zone.

The proposal also re-establishes pre-existing setback and lot coverage standards. In 1994 as a result of a Local Coastal Program Amendment (LCP 3-93), the implementation standards of the S.2A Overlay zone were subsequently amended. During this amendment many chapters in the Zoning Ordinance were deleted, merged with other sections and/or had language added or deleted. The 1994 amendment caused many residents in the S.2A district to become legal non-conforming. Prior to approval of LCP 3-93, the minimum setback requirement was 5 feet. As a result of the amendment, the S.2A minimum rear yard setback became the same as the R-1 standard at 10% of the average depth of the lot with 6 feet minimum.

In 1997, Local Coastal Program Amendment (LCP 3-95) also changed the implementation standards for the S.2A Overlay Zone. That amendment qualified that only lots less than 4,000 square feet could be built out to 50% of its size. All other lots (>4,000 sq.ft.) would apply the existing R-1 standard (45%), essentially decreasing the maximum lot coverage for lots 4,000 square feet or greater from 50% to 45%. Previous to the 1997 amendment, there was no maximum lot size that defined the percentage of lot area that could be developed. To the extent that much of the Beach Tract subdivision had already been developed prior to the above-mentioned amendments, these previous LCP amendments created legal non-conforming structures.

The proposed amendment has been submitted to once again bring into conformity many of the existing residences in the City's Beach Tracts S.2A Overlay Zone. This will not affect the character of the single-family neighborhood as the proposed standards reflect the existing characteristics of the area's development. These amendments to the standards maintain the quality of the neighborhood and allow many of the existing residences that were developed under the pre 1994 and 1997 standards to become conforming once again. Though the amendment would allow for slightly larger lot coverage on lots greater than 4,000 square feet, site constraints and other implementation standards such as height restrictions will keep development from becoming obtrusive. Finally, the intensity of development proposed through this amendment of the S.2A zoning district is consistent with that allowed under the North Morro Bay land use designation, which allows for general residential (R-1) development.



Therefore the Commission finds that the proposed Local Coastal Program and Implementation Ordinance amendment is consistent with the City's Land Use Plan and is adequate to carry out its provisions.

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's Local Coastal Program development and certification process has been designated by the Secretary of Resources as the functional equivalent of the California Environmental Quality Act (CEQA). No impacts are associated with the proposed Local Coastal Program and Implementation Ordinance amendment (i.e., zoning changes). As discussed above, the City's proposal is consistent with the Coastal Act and will not have any significant adverse environmental impacts. Therefore, the Commission finds that LCP Major Amendment No. MRB-MAJ-1-01 is consistent with the provisions of the California Environmental Quality Act.



ORDINANCE NO. 486

AN ORDINANCE OF THE CITY OF MORRO BAY ANNOUNCING FINDINGS AND ADOPTING AMENDMENTS TO THE ZONING ORDINANCE TO REGULATE DEVELOPMENT STANDARDS FOR BUILDING SETBACKS AND LOT COVERAGE IN THE BEACH TRACTS

THE CITY COUNCIL
City of Morro Bay, California

Case No. LCP/ZOA 03-00

WHEREAS, the Planning Commission of the City of Morro Bay, on January 16, 2001 after a duly noticed PUBLIC HEARING, did forward a recommendation, by adoption of Planning Commission Resolution No. 01-01 that the City Council amend Title 17 (Zoning Ordinance) to regulate development standards for the rear yard setback and lot coverage in the Beach Tracts as contained in attached Exhibit "A"; and

WHEREAS, on the 26th day of February 2001, the City Council of the City of Morro Bay did hold a duly noticed PUBLIC HEARING to consider the amendment regulating development standards for the Beach Tracts as contained in attached Exhibit "A" 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 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 amendment based on the following findings:

1. The Zoning Ordinance Amendment proposal includes similar language, which was previously in effect, thus bringing many of the residences back into conformity with Section 17 of the MBMC.
2. The proposed Zoning Ordinance Amendment 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.

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 Exhibit "A", attached hereto 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 Commission in this matter; and,

EXHIBIT NO.
APPLICATION NO.
MRB-MAJ-1-01
pg 1 of 3 California Coastal Commission

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. The amendments to title 17 shall take effect immediately upon certification by the California Coastal Commission.

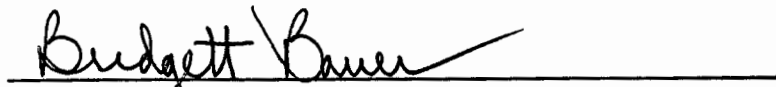
INTRODUCED at the regular meeting of the City Council held on the 26th day of February 2001, by motion of Crotzer and seconded by Peters

PASSED, APPROVED, AND ADOPTED, by the City Council of the City of Morro Bay, on the 26th day of March, 2001 by the following vote to wit:

AYES: Anderson, Crotzer, Elliott, Peirce, Peters
NOES: None
ABSTAIN: None
ABSENT: None

ATTEST:


RODGER ANDERSON, Mayor
City of Morro Bay


Bridgett Bauer, City Clerk
City of Morro Bay

APPROVED AS TO FORM:



ROBERT W. SCHULTZ, Esq.
City Attorney

EXHIBIT NO. 1
APPLICATION NO.
MRB-MAS-1-01
Pg 2 of 3 California Coastal Commission

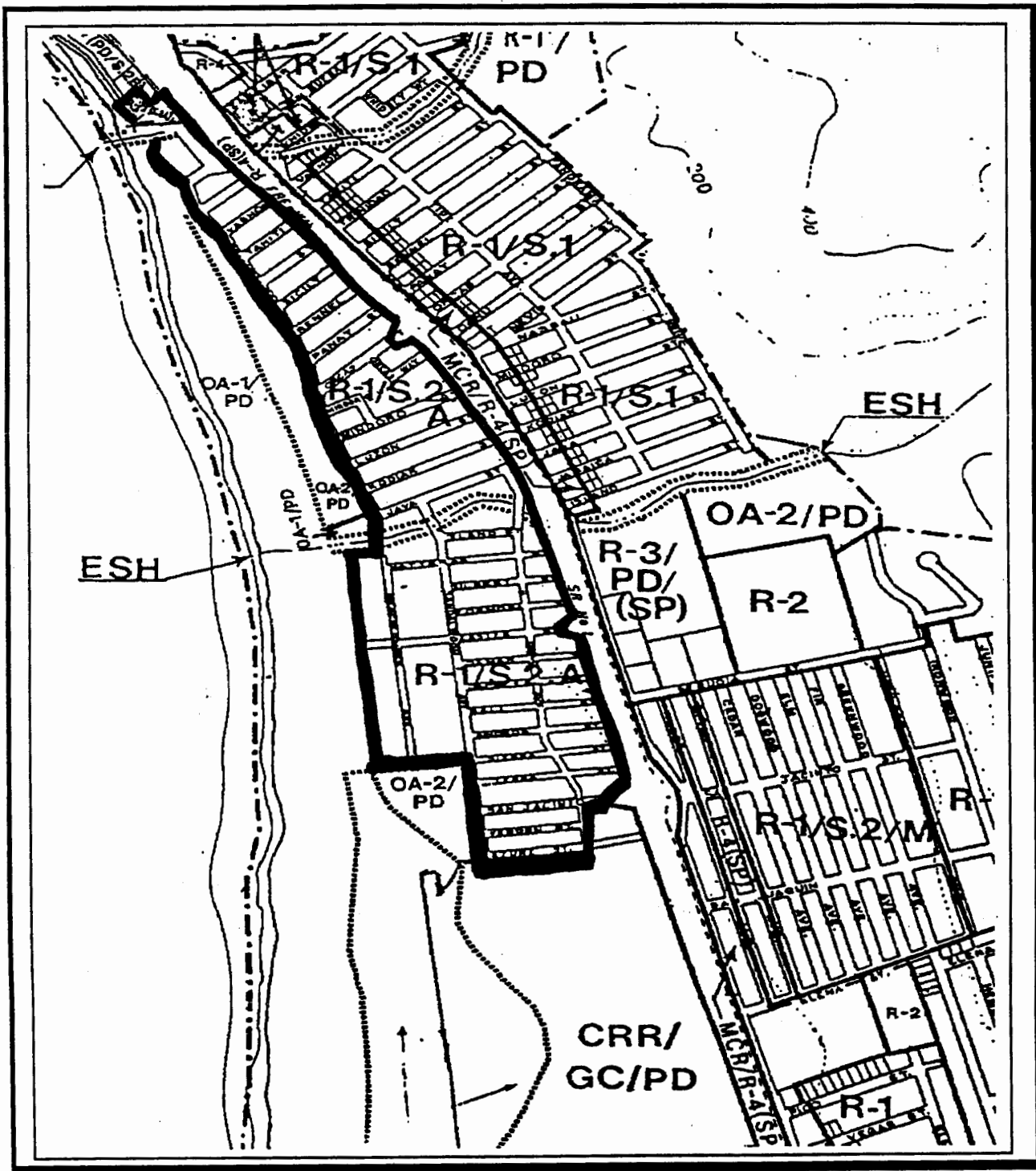
Exhibit A
Ordinance No. 486

Morro Bay Municipal Code Section 17.050 D is hereby amended to read as follows:

D. S.2A Overlay Zone Standards: The purpose of this overlay zone is to preserve the existing character of physical development in the area within the jurisdiction of the city, west of Highway One, north of Azure Street *and south of tract 2110 (Toro Lane)*. Where this overlay zone fails to specify the location and type of development permitted, the existing R-1 classification shall be deemed to contain the applicable definitions and specifications. The following special standards apply to the S.2A overlay zone:

1. Minimum front yard setback, fifteen (15) feet, including garage.
2. Minimum interior side yard setback, five (5) feet.
3. Minimum exterior side yard setback (corner lot), fifteen feet (15), including garage.
4. ~~Maximum lot coverage permitted, fifty percent for lots four thousand square feet or less.~~
4. *Maximum lot coverage permitted, fifty percent.*
5. *Minimum rear yard setback, five (5) feet.*
6. Lot area less than three thousand five hundred square feet lot area, with a residence under one thousand four hundred square feet, one car garage or car port permitted.
7. Dwelling height limit, fourteen feet for flat roofs and top of deck railing; provided, however, that for peaked roofs (4 in 12 or greater pitch) and other architectural features, a height of up to seventeen feet may be permitted.

EXHIBIT NO. /
APPLICATION NO.
<i>MRB-MAJ-1-01</i>
<i>pg 3 of 3</i> California Coastal Commission



City Council
 City of Morro Bay
 LCP/ZOA 03-00



AREA MAP

EXHIBIT NO. 2
APPLICATION NO.
MRB-MAJ-1-01
California Coastal Commission