

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

W17d

District Director's Report



August 17, 2001 (for September 12, 2001 Hearing)

To: Coastal Commissioners and Interested Persons

From: Peter Douglas, Executive Director
Tami Grove, Deputy Director
Charles Lester, District Manager
Mike Watson, Coastal Planner

RECORD PACKET COF

Subject: Certification Review for City of Morro Bay Local Coastal Program Major Amendment Number 1-99 (Colmer rezone) & Time Extension.

At the May 11, 2000 meeting in San Luis Obispo, the Coastal Commission approved, with suggested modifications, City of Morro Bay Local Coastal Program (LCP) Major Amendment Number 1-99. This amendment was designed to modify the City's LCP to revise the land use designation and zoning of two adjacent parcels located in the west-central part of the City. The land use change and rezoning will allow for residential development in the landward parcel and permanent open space in the bluff-top parcel. Since that time, the City has taken actions to modify the LCP as directed by the Commission's suggested modifications (see Exhibit 2). Because of the City Council meeting schedule, the City's action came shortly after the originally requested extension of time elapsed. Before the extension expired, the City of Morro Bay requested an additional extension of time to legally adopt the Commission-ordered modifications. Since the Commission may grant extensions for up to one year and the original extension was for only six months, a further extension is permissible. The Executive Director has determined that the actions taken by the City are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., September 12, 2001), and notification of this certification and Commission concurrence will be forwarded to the City on September 13, 2001 (see Exhibit 1 for draft notification).

A. Time Limit Extension

Motion. *I move that the Commission grant a one-month extension for Morro Bay to accept the modifications to LCP Amendment 1-99.*

Staff Recommendation. Staff recommends a **YES** vote, the effect of which will result in the adoption of the following resolution and extension of the six month time period. An affirmative vote by a majority of the Commissioners present is required to pass the motion.

Resolution: The Commission hereby grants under Coastal Act Section 30517, a one-month extension of the May 11, 2001 expiration date of its certification with modifications of the Morro Bay LCP Amendment 1-99, on the grounds that good cause exists for a limited time extension.



City of Morro Bay LCP Major Amendment 1-99 Certification Review

Colmer/Caratan

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B. Certification of LCP Amendment

Motion. *I move that the Commission concur with the Executive Director's determination that the actions taken by the City of Morro Bay to accept the Commission's suggested modifications for LCP Major Amendment 1-99 are legally adequate.*

Executive Director's Recommendation. The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the City of Morro Bay LCP as directed by the Commission's approval with suggested modifications of LCP Major Amendment 1-99; the amended LCP will be certified as of today's date (i.e., September 12, 2001). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibits

Exhibit 1: Draft letter to City of Morro Bay Vice-Mayor Janice Peters (1 page)

Exhibit 2: City's Acceptance of the Coastal Commission's Suggested LCP Modifications (City of Morro Bay Resolution Number 28-01)



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
MORRO BAY, CA 95060
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**DRAFT**

September 13, 2001

Janice Peters, Vice-Mayor
City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

Subject: *City of Morro Bay Local Coastal Program (LCP) Major Amendment Number 1-99*

Dear Vice-Mayor Peters,

We have reviewed City of Morro Bay Resolution Number 28-01 adopted by the City Council on May 14, 2001. By those actions, the City acknowledged receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Major Amendment 1-99, and incorporated the Commission's suggested modifications into the City's LCP.

I have determined, and the Commission has concurred, that the City's action with respect to LCP Major Amendment 1-99, is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's September 12, 2001 meeting in Eureka. As a result, the City's LCP, as amended by LCP Major Amendment 1-99, was certified as of September 12, 2001 and is now in effect.

If you have any questions, please contact Mike Watson of my staff at (831) 427-4863.

Sincerely,

Peter M. Douglas
Executive Director
California Coastal Commission

Charles Lester
District Manager
Central Coast District Office

cc: Robert Schultz, Esq., City Attorney, City of Morro Bay
Bridgett Bauer, City Clerk, City of Morro Bay
Greg Fuz, Director, City of Morro Bay Public Services Department



AGE A NO. A-5
Meeting Date: Mar 14, 2001 Action: APPROVED
RECEIVED

City of Morro Bay Administrative Report

JUL 18 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

TO: **Honorable Mayor and City Council**
VICE-MAYOR PETERS

DATE: May 14, 2001

SUBJECT: **Accept modifications for amendment to the Local Coastal Plan (LCP) for the Colmer/Caratan site.**

RECOMMENDATION

Accept and approve the modifications for amendment to the certified land use designations and zoning on two adjacent lots at the Colmer/Caratan site.

DISCUSSION

The Caratan property is a proposed 30-lot subdivision that is bordered by Main Street on the east, Moro Avenue on the west, Olive Street on the south, and South Street to the north. The site is located in a Visitor-serving Commercial/Duplex residential zone.

On January 19, 1999, the Planning Commission made a recommendation of approval to the City Council for amendments to the texts and maps of the General Plan, Local Coastal Plan, Land Use Plan Map and Zoning Ordinance texts and Zoning Map. The proposed map and text amendments provide a broad range of appropriate land uses for certain properties, remove visitor serving commercial uses including Mixed Use Area "A", establish Residential Medium Density uses as the primary use on the property east of Morro Avenue, establish Residential Low-Medium Density uses as the primary use on the property west of Morro Avenue, maintain the Open Space and Recreation uses in the area of the bluff, and provide consistency with the Zoning Ordinance text and Map, and General Plan and Local Coastal Plan text and Maps.

On March 22, 1999, the City Council held a public hearing, approved the amendments, and sent the request to the Coastal Commission for certification.

At the Coastal Commission's May 11, 2000 meeting, they acted on the City's LCP amendment and voted 10-0 to approve the amendments with modifications. The most significant modification was to require that the bluff top property be zoned and designated for open space uses only under the OA-1 zoning district. At the time of approval the Coastal Commission staff did not have available findings to support the amendments. They decided that Morro Bay also needed sufficient time in which to consider adopting the modifications, thus necessitating the six month time extension. The adopted modifications have been attached as Attachment B.

CONCLUSION

The applicant is requesting that the City Council review and adopt Resolution No. 28-01 accepting the Coastal Commission's modifications to the proposed zone change for the Colmer/Caratan property.

ATTACHMENTS

- A. Resolution
- B. Coastal Commission adopted modifications

Prepared by: <u>Matt Everling, Associate Planner</u> Department Review:
City Manager Review: <u></u>
City Attorney Review: _____

CALIFORNIA COASTAL COMMISSION
EXHIBIT 2
Pg 1

RESOLUTION NO. 28-01

A RESOLUTION OF THE CITY COUNCIL OF MORRO BAY ACCEPTING THE
MODIFICATIONS OF THE CALIFORNIA COASTAL COMMISSION REGARDING THE
COLMER/CARATAN PROJECT

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, on March 22, 1999, the City Council did hold a public hearing, received public testimony, both written and oral, and after closing the public hearing, fully considered the amendments to the texts and maps of the General Plan, Local Coastal Plan, Land Use Plan Map and Zoning Ordinance texts and Zoning Map, including the final recommendations by the Planning Commission; and

WHEREAS, for the purposes of the California Environmental Quality Act (CEQA), said amendments to the Local Coastal Plan comply with the City of Morro Bay procedures for implementation of CEQA; and

WHEREAS, CEQA does not apply to local agency adoption and amendment of an action requiring Certification by the California Coastal Commission pursuant to Sections 15250 and 15251 of the CEQA Guidelines and Public Resources Code Section 21080.5; and

WHEREAS, at said public hearing, the City Council approved the amendments and sent the request immediately to the California Coastal Commission (CCC) for Certification; and

WHEREAS, on March 16, 2000, the CCC opened the public hearing, took testimony, and voted 8-0 to continue the item to the May 11, 2000 meeting; and,

WHEREAS, on May 11, 2000, the CCC acted on the City's LCP Amendment and voted 10-0 to approve the amendment with modifications and give the City of Morro Bay a six month time extension in which to consider adopting the modifications; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the City having reviewing the modifications, hereby accepts the California Coastal Commission's May 11, 2000 modifications for amendment to certified land use designations and zoning on the Colmer/Caratan site.

PASSED AND ADOPTED by the City Council of the City of Morro Bay, California, at a regular meeting held on the 14th day of May, 2001, by the following vote:

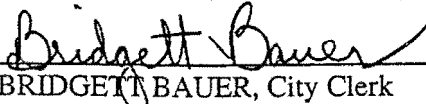
AYES: Crotzer, Elliott, Peirce, Peters

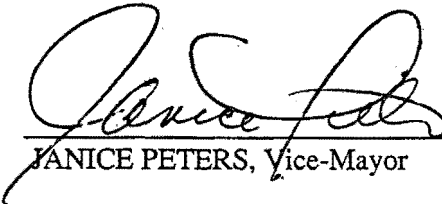
NOES: None

ABSENT: Anderson

ABSTAIN: None

ATTEST:


BRIDGETT BAUER, City Clerk


JANICE PETERS, Vice-Mayor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
MONTGOMERY STREET, SUITE 300
SAN CRUZ, CA 95060
427-4863



Morro Bay LCP Amendment 1-99
Caratan/Colmer

APPENDIX A

ADOPTED MODIFICATIONS.

Language proposed by staff to be deleted is shown ~~struck through~~. Language proposed by staff to be added is shown underlined.

A. *Land Use Plan*

1. Text

a. Chapter 2, Section D, General Land Use Policies, add the following new policy:

Policy 0.7. This policy applies only to APN 066-172-001 and 002. Future development on these parcels shall address the following:

- a. Development on these parcels shall proceed through a Planned Unit Development (PUD) that is appealable to the California Coastal Commission.
- b. As part of the PUD submittal process, a biological survey and report shall be conducted by a qualified biologist that identifies and delineates all environmentally sensitive habitat areas (ESHA) as defined by the LCP, including any Monarch Butterfly habitat. Such delineation shall include mapping of all Eucalyptus on the site and in surrounding street right-of-ways that may constitute sensitive habitat. This report shall also address impacts to such habitat from the proposed development of the PUD, and provide recommendations for appropriate avoidance and mitigation of any impacts to the delineated ESHA, consistent with the policies and ordinances of the LCP. Prior to completion of the biological report, appropriate coordination and consultation shall occur with the Executive Director of the Coastal Commission and other relevant resource agencies.
- c. The PUD for these parcels shall:
 - 1. show all ESHA on the two parcels delineated pursuant to the biological report requirement above;
 - 2. provide for siting and design of development consistent with the ESHA policies and ordinances of the LCP, including relevant buffering and mitigation standards.
- d. In the event that the PUD includes residential development, the PUD shall include, as appropriate, a deed restriction over the bluff parcel (APN 066-172-002) for open space purposes, including public access and open space/scenic view protection. Only those uses listed as allowed or conditional uses under the OA-1 zone district shall be allowed on the bluff parcel.



California Coastal Commission
February 15, 2001 Meeting in San Luis Obispo
Staff: M. Watson, Approved by: Charles Lester

CALIFORNIA COASTAL COMMISSION
EXHIBIT Pg. 3

- e. The PUD shall provide for siting of development and best management practices (BMPs) design measures to address polluted runoff. BMPs shall be sized and developed to meet the requirements of the California Storm Water Best Management Practices Handbook (Municipal). Such measures shall include, but not be limited to: limitation of impervious surfaces (e.g. use of pervious driveways); direction of runoff from roofs to vegetative strips before allowing runoff to leave the site, or manage runoff on site (e.g. percolation basin). BMPs shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event.

b. Chapter 4, Section F.3, Planning Area 6 – Bayfront, modify as follows:

In terms of potential development and expansion of visitor-serving facilities, the City encourages such development in the bluff area, bordered by Front Street and Main Street, which extends to both Olive and Surf Streets, except that area east of Morro Avenue the Embarcadero and south of South Street known as the Caratan Property, and the bluff area west of Morro Avenue between South Street and Olive Street. This area, excepting the Caratan property, currently providing . . . Development of visitor-serving commercial facilities in the bluff district is encouraged because this area provides an important link between the downtown and Embarcadero. However, the bluff parcel of the Caratan property (APN 066-172-002) shall be zoned and designated for open space uses only (only those listed as allowed or conditional uses under the OA-1 zone district). Land seaward of the toe of the bluff may be used for additional public parking and/or a boat washdown area, subject to Best Management Practices for controlling polluted runoff.

c. Chapter 4, Policy 2.03, Commercial Fishing & Visitor Serving Recreation, modify as follows:

Consistent with LUP Policy 7.06A, the Embarcadero between Beach Street on the north, Main Street on the east, Olive South Street on the south and the waterfront area on the west, except that area east of Morro Avenue and south of South Street known as the Caratan Property, and the bluff area west of Morro Avenue between South Street and Olive Street, shall be considered a mixed commercial fishing and visitor-serving recreational use area. . . .

d. Chapter 9, Policy 7.06A, Commercial Fishing & Visitor Serving Recreation, modify as follows:

The Embarcadero between Beach Street on the north, Main Street on the east, Olive South Street on the south and the waterfront area on the west except that area east of Morro Avenue and south of South Street known as the Caratan Property, and the bluff area west of Morro Avenue between South Street and Olive Street, shall be considered a mixed commercial fishing and visitor-serving recreational area. . . .



Morro Bay LCP Amendment 1-99
Caratan/Colmer

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2. **Map**
 - a. Change the land use designation on APN 066-172-002 to Open Space on the land use map.
 - b. Add "Caratan Bluff Property" as an area of visual significance on Figure 31, Areas of Visual Significance.

B. Zoning

1. **Text**

Section 17.30.030.Q, Visitor-Serving Commercial and Recreation Uses in Certain Areas. Modify as follows:

The base zoning district notwithstanding, visitor-serving commercial and recreation uses. . may be permitted. . in the area labeled "the Embarcadero" in the Coastal Land Use Plan/Coastal Element and defined for the purposes of this section as the area between Beach Street on the north, Olive South Street on the south, Main Street on the east and the waterfront on the west ~~except that area east of Morro Avenue and south of South Street known as the Caratan Property the bluff top between South Street and Olive Street, west of Morro Avenue.~~

2. **Map**

Change the zoning on APN 066-172-002 to Open Area 1 (OA-1)



California Coastal Commission

CALIFORNIA COASTAL COMMISSION
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