

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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Th16c

Prepared August 9, 2021 for August 12, 2021 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Kevin Kahn, Central Coast District Supervisor

Subject: Additional hearing materials for Th16c (Morro Bay Land Use Plan Update)

This package includes additional materials related to the above-referenced hearing item as follows:

Additional correspondence received since the staff report was distributed.



CITY OF MORRO BAY

CITY HALL

595 Harbor Street
Morro Bay, CA 93442

August 10, 2021

Dan Carl, District Director
Central Coast District Office
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: Plan Morro Bay –LCP Update

Dear Mr. Carl:

The City of Morro Bay's LCP update of its Coastal Land Use Plan (LUP) is on the Coastal Commission's agenda for certification at its August 12, 2021, meeting.

As noted in the Coastal staff report, this update is a comprehensive update of our 1984 LCP and was made possible through generous grant funding support from the Coastal Commission and Ocean Protection Council. The updated LCP, also known as Plan Morro Bay, was developed with the goal to reflect updated coastal planning issues as well as community needs. Our city staff worked collaboratively with Commission staff from the beginning, and we are thankful for the support and guidance along the way.

After extensive public outreach and public comment that started in 2015, the City Council adopted Plan Morro Bay on May 25, 2021. The extensive public outreach process was done to support creation of an updated document that reflected our community values. Our city is proud of the resulting document, and we urge Commission certification of the LUP.

The City therefore supports the staff recommendation for approval as submitted.

Sincerely,

John Heading
Mayor

Copy: Scott Collins, City Manager
Scot Graham, Community Development Director



August 6, 2021

California Coastal Commission
North Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

To: Steve Padilla, Chair, California Coastal Commission

CC: Dan Carl, Central Coast District Director
Susan Craig, Central Coast District Manager
Kevin Kahn, Central Coast District Supervisor

Re: Th16c, City of Morro Bay Local Coastal Program Amendment Number LCP-3-MRB-21-0047-1

Dear Chair Padilla and Commissioners,

The Surfrider Foundation San Luis Obispo County Chapter (Surfrider) is dedicated to protecting all 80 miles of the County's beautiful coastline. The Surfrider Foundation is a non-profit, environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches for all people. Surfrider offers the following comments on the City of Morro Bay's (City) Land Use Plan (LUP) update (City of Morro Bay Local Coastal Program Amendment Number LCP-3-MRB-21-0047-1).

Surfrider strongly supports upholding the intent of the California Coastal Act to maximize coastal public access, protect sensitive habitats, preserve natural coastal processes and protect public resources. In light of sea level rise and climate change related hazards, local jurisdictions, including the City, must take a proactive approach to update its policies in order to plan for the drastic changes to come to our shorelines. Surfrider is pleased to see many policies in the City's LUP update that take seriously the need to adapt to sea level rise by relocating structures away from coastal hazard zones and avoiding hard armoring on the shoreline.

Surfrider endorses policies that call for planned relocation and implementing "soft" or nature based measures to protect the shoreline. Living shorelines are a win-win solution that uses the ecosystem's natural abilities to protect coastlines from coastal hazards while providing benefits such as habitat and recreation area expansions, while also serving as a more visually pleasing protection measure.

Surfrider actively discourages perpetuation of coastal armoring solutions (seawalls, revetments, jettys) as a means of mitigating the risk of sea level rise. Seawalls have well-



documented adverse consequences, including interrupting natural geological processes leading to shrinking coastal habitat areas, increased erosion and impacts to surf.

To that end, Surfrider's comments focus on the coastal hazard and access policies in the LUP. Surfrider specifically supports the following policies that are included in the LUP update including:

- Protect designated oceanfront lands for public recreational use (Policy LU-4.5). *Surfrider, along with others, continues to support an Ocean Friendly Gardens Bioretention project for the large, dirt parking lot adjacent to Morro Rock.*
- Protect lower-cost visitor and recreational facilities (Policy LU 5.3 and 6.1 through 6.3)
- Relocate existing wastewater treatment plant and develop a recreational and visitor serving use of the site (Policy LU 5.5). *Surfrider supports constructed wetlands, where possible, to reduce ocean outfall and urban runoff while presenting the benefits of carbon burial. We believe the site of the existing treatment plant could be ideal for a functioning wetland.*
- Preservation of lateral public coastal access and the California Coastal Trail (Policy LU 7.1)
- Plan for options for alternative parks or trails in the case of open space loss to sea level rise. Specifically identify options to relocate portions of parks and open spaces susceptible to sea level rise impacts, and seek funding to implement the identified adaptation strategies. (Policy OS 6.3 and OS 11)
- Preserve the shoreline as a natural living shoreline (Policy PS 3.1)
- Define existing development as development constructed before the implementation of the California Coastal Act on January 1, 1977 (Policy PS 3.2 and 3.3)
- Develop a shoreline management plan that includes adaptation triggers, transfer of development rights and more (Policy PS 3.4)
- Improve environmental justice by improving the accessibility of public spaces (Policy EJ 2.5)

Taking a long-term approach to sea level rise planning is essential if we are to avoid the worst climate change impacts. We appreciate the City's vision to complete a shoreline management plan to address long term impacts of sea level rise. The LUP should state clear deadline for developing the plan in the near future. We urge the City to complete a binding management plan to be reviewed for Coastal Act consistency.

Surfrider strongly supports the LUP's strong and unambiguous definitions of existing development and redevelopment to prevent individual interests from skirting around policies that protect public assets. As properties are redeveloped and no longer considered existing development, their entitlement to shoreline armoring is lost. Thus, clear definitions of each are essential to upholding the letter and intent of the Coastal Act.



The Coastal Act grandfathered in development built before January 1, 1977 because those structures were developed before current standards and understanding. This is a common practice with policy development in land use planning and can be reasonably interpreted as such. Development in decades past, before the Coastal Act was enacted, was allowed in sensitive habitats and in sea level rise hazard zones – but now we know better.

Moving forward, we urge the City and Coastal Commission to build upon these policies by including the following specific implementation actions in the city’s future implementation plan update.

The City should prohibit shoreline armoring of coastal trails. Surfrider greatly supports public access to and along the coast – but we must not destroy the very coast that we wish to visit and walk along. When we choose to armor a coastal trail instead of relocating it, we jeopardize the very purpose of access: enjoying our natural resources and natural shoreline processes.

The City should develop clear policies on temporary and emergency permitting. As sea levels rise and coastal hazards increase, the City will face urgent and emergency shoreline management issues. Despite even the best of intentions and permitting conditions, emergency seawalls and revetments are almost never removed once established.

One major concern with emergency armoring is that it precludes any meaningful consideration of alternatives, an especially troublesome factor for Local Coastal Program updates that may be currently underway. We must rethink – and reject – the current emergency armoring policy. While individual permits may seem relatively harmless, they add up significantly when aggregated – and so do the associated impacts.

Thank you for your consideration of Surfrider’s comments. We look forward to working with the City moving forward as the LUP policies are implemented.

Sincerely,

Melanie McDowell
Chair
San Luis Obispo County Chapter
Surfrider Foundation

Mandy Sackett
California Policy Coordinator
Surfrider Foundation

Brad Snook
Vice Chair
San Luis Obispo County Chapter
Surfrider Foundation

EML

Embarcadero Master Leaseholders, LLC

CA Coastal Commission
C/O Mr. Dan Carl
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Hearing item Th16-c - City of Morro Bay Local Coastal Program Amendment Number
LCP-3-MRB-21-0047-1

Dear Chair and Coastal Commissioners,

The Embarcadero Master Leaseholders, LLC (EML) was formed to bring the waterfront lease sites together and provide a combined voice to work with the City of Morro Bay on important issues that we all are trying to tackle now and in the future. The EML represents a majority of master leaseholders that have leases in the State Tidelands Trust area of the Embarcadero.

It is important for us to operate with the City as a partnership in these endeavors as in the end we will all benefit from the economic stability, administration of the leases and other key issues that directly affect the waterfront.

The EML has been very active in providing testimony to the City of Morro Bay throughout the recent LCP update hearing process and has brought attention to several issues that can significant impacts on the future development and maintenance of the lease sites.

Specifically the EML has commented on the Public Safety policies that discuss the installation and maintenance of the shoreline protective devices and are of the understanding that these policies are not intended to apply to the Embarcadero waterfront. We also want to be clear that we are not objecting or trying to modify any policy language that is outside the Embarcadero area, mainly from Target Rock to Tidelands Park.

In addition, the EML has raised concern for LU-8.13 which requires a new coastal permit amendment every twenty years for shoreline protective devices, which in the definition of shoreline protective devices, includes revetments. That will for all practical purposes limit the City's ability to enter into leases that exceed twenty years.

Prior to the publication of your staff report, Mr. Kevin Kahn and Mr. Scot Graham set up a meeting to discuss these particular policies with the EML executive committee and to help answer our direct questions. We would like to thank both staff members for taking the time to address our concerns in advance and the commitment to include comments in your report.

701 Embarcadero
Morro Bay, CA 93442-2174

EML

Embarcadero Master Leaseholders, LLC

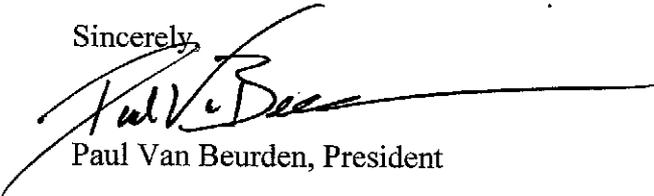
We believe our meeting was fruitful with staff and that they have assured us that the public safety section does not apply to the Embarcadero and apply to the areas outside of the marina and harbor areas. And, that the Land Use polices will allow for construction and maintenance/repair of the shoreline armoring in this area.

The second outcome of our meeting also included a commitment that the City will work together with us and Coastal staff on the Implementation Plan to make clear where the shoreline devices are allowed, and the any improvements that may be required after the 20 year period.

We feel that with the commitment to work with the EML in the future to address these important polices and implementation measures and that our concerns were noted in your staff report, that the EML will not request any further modifications to the policies as written and presented to the Commission.

Thank you for your time and consideration and to all the members of the community for all the hard work in putting this document together.

Sincerely,



Paul Van Beurden, President

Embarcadero Master Leaseholders, LLC

CC:

Bob Fowler, Secretary & Treasurer, EML
Smith Held, Vice President, EML

From: Nancy Bast <fairviewnancyb@gmail.com>

Date: August 6, 2021 at 3:01:03 PM PDT

Administrative Permits: Residents Must Pay To Say

Please include in the Commissioner's Packet.

Dear Commissioners,

This is my comment regarding the NEW PLAN MORRO BAY.

Although it was originally addressed to the City Council during their review of this new GP/LCP, it is pertinent for Coastal Commissioners consideration.

Subject: Administrative Permits: Residents Must Pay To Say

Our elected leaders and City staff insistently tell residents of their commitment to transparency in their governing actions. However, the Planning Director's authority to permit major development by Administrative action denies neighbors and the community knowledge of development that may adversely affect their quality of life and is just one significant way in which city government decisions are opaque. As a consequence, a citizen must pay (increased as of 7/21) \$306 to appeal a project for discussion in a public forum before the Planning Commission. Should the Planning Commission appeal fail, another \$306 must be paid to appeal to the City Council.

The standard use by cities and counties of an Administrative Permit is for minor land use actions that have little potential to affect surrounding properties, ie. signage, fence height, weed abatement, etc.

The new \$1,170,000 update of our General Plan continues to authorize the issue of Administrative Permits by the Planning Director for major development projects.

It seems there is a high price Morro Bay residents must pay to have a voice in how our town's character and identity is developed.

For example, an Administrative Permit was given to demolish an attractive 2 bedroom home (with a garage conversion) and construction of a 2 story 4 bedroom plus office residence on the smallest lot in the area located inside an uphill curve with a short driveway parking space that extends into the public right of way. In addition, the planned modern design was in sharp contrast to the older neighborhood. The Appeal cost \$275 to express the concerns of neighbors before the Planning Commission. The Appeal failed.

A more recent example is the conversion of a motel to an addiction rehab facility that was permitted Administratively, justified by the Planning Director as being mandated by law. However, it denied the community the courtesy of a chance to voice their concerns, or possibly to modify or condition the project, until someone paid the City \$275 to have the project openly discussed in public.

It seems ironic that the City entreats residents to apply for Advisory boards and Commissions when their considerations seldom matter, nor needed as in the case of the Planning Commission whose Public Hearing agenda consists mainly of projects on appeal.

If the City's commitment to transparency is not hollow rhetoric, a step in the right direction is to **abolish the Planning Director's authority to issue Administrative Permits,** except for minor, non-controversial projects as was originally intended.

Nancy Bast
Morro Bay

Sent from my iPad

From: betty winholtz <winholtz@sbcglobal.net>
Sent: Friday, August 06, 2021 3:13 PM
To: CentralCoast@Coastal
Subject: for commissioners packet for meetings august 11-13,2021

RE: Th16c [August 2021 City of Morro Bay LCP Amendment No. LCP-3-MRB-21-0047-1 \(Land Use Plan Update\)](#).

Dear Commissioners:

As a 35-year resident and former 8-year city council member, here are my comments.

A. Findings and Declarations: What is true is that the City staff and CCC staff worked closely together on this document (page 2).

For the record: What is not true is that community members had significant input and were listened to regarding this document (pages 3/4). Getting 3 minutes to speak to 4 elements being passed at one time is not involvement.

The *General Plan Advisory Committee* (GPAC) The GPAC was not appointed in 2015, but in 2017 and existed for less than 1.5 years (page 7). Four of the 17 once-a-month meetings were cancelled. Minutes of the last 7 meetings, or 1/2 of the meetings, were drafted but never ratified by the GPAC. Meetings were held in the afternoons when residents were at work. No summary of GPAC's questions, comments, and recommendations are offered to you other than through individual meeting links.

At one *public workshop* a survey was passed out. The approximately 20 attendees comments were counted double: once as workshop participants and once as survey participants. As far as I can find, the Commission has no idea what the public said at these meetings. Over the 6-year period, 2015-2021, maybe 3 postcard notices were mailed to each house address.

All *public hearings* on the LUP occurred during COVID-19. There were no advertisements in the local paper regarding hearings. Residents did not participate in zoom hearings other than myself, 5 other residents, and members of 4 organizations (2 business-oriented and 2 environmental non-profits).

Public comments are not reflected in the submitted document, only what city staff/consultant proposed from the beginning. It took one resident 2 years of repeated comments to get the land use/zoning on 10 develop-able acres corrected.

This process was neither robust nor inclusive. (pages 1, 4)

B. Proposed LUP Amendment. What is true is that "the City's proposed LUP update is a complete overhaul that would replace the existing LUP" (page 8).

For the record: What is not true is "it is probably best understood as refining the existing LUP" (page 8). In the early 2000s, the City of Morro Bay submitted a completely rewritten GP/LUP to the CCC with no way to compare what was the same and what was different in the texts. The document languished; it was never taken up for review by CCC staff because it was so difficult. Today, the City with the help of a consultant has repeated this poor process, only this time, it has been accepted by CCC staff, even though there is no way to compare the old to the new, side by side, to see what has been eliminated, kept, and added.

Here is one example. Town character will change, bird habitat will suffer, and public input is eliminated because there are no comparison documents upon which residents or Coastal Commissioners can judge subtle changes made in this LUP Conservation Element.

Two problems:

First, new Policy C-1.16 is **inconsistent with the new** Goal C-1. Most of Morro Bay's major vegetation is composed of eucalyptus trees. Whether you are for or against eucalyptus trees, with the dying out of Monterey pines, they are the number one tree for Morro Bay Monarch butterfly autumnal and wintering sites as well as the habitat for owls, particularly great horned owls, and other raptors like red-shoulder and red-tail hawks. Any tree can be found to be "dying, and diseased" even by an arborist.

Second, new Policy C-1.16 **contradicts the current** practice outlined in Municipal tree code. **All public input is removed.**

New GOAL C-1: Sensitive habitats are **protected from potential negative impacts** of land use and development.

New Policy C-1.16 Tree Planting and Removal. Certain trees are "major vegetation," where the removal of which constitutes development and requires a Coastal Development Permit. A Coastal Development Permit is required for removal of all **native** trees and all trees that measure 6 inches in diameter at 54 inches above grade....**No permit is required** for removal of dead, dying, and diseased trees or trees that pose a health, life, and safety issue. These trees must be inspected and verified by an International Society of Arboriculture (ISA) certified arborist or Registered Professional Forester (RFP).

Current 12.08.070 **No tree** shall be removed from a public right-of-way unless it interferes with the necessary improvement of the public right-of-way, the installation of public utilities or is a hazard to person or property outside the drip line of the tree at maturity, or creates such a condition as to constitute a hazard or an impediment to the progress or vision of anyone traveling on or within the public right-of-way. If, in the opinion of the director of public services, a tree is determined to meet the above criteria, **posted for a minimum of ten days** and all property owners and residents within three hundred feet shall be notified of the scheduled tree removal. If **an**

appeal is not filed pursuant to [Section 12.08.080](#) then the tree shall then be removed and a new tree planted....Except in the case of an emergency as determined by the director of public services, no tree shall be trimmed or removed during nesting season, which is February 1st through June 30th.

My request: Demand a comparison version. If you are not willing to go that far, at least send it back to the City for 90 days to allow the public to ferret out the changes now that in-person meetings are allowed. ESH, buffer setbacks, takings, and other **detrimental environmental consequences** will ensue if comparisons are not made. There are consequences for **Land Use** development as well, since the word "**flexible**" replaced the standards in the current LUP has.

Sincerely,
Betty Winholtz