

CONCERNS AND COMMENTS

Proposed Zoning Ordinance for the City of Morro Bay
Section 17.06 C Commercial and Mixed-Use Districts

January 24, 2005

GENERAL

1. Absence of Definitions for Land Uses

As noted previously, clear and detailed definitions of the various land use categories that are utilized within the regulations is essential to making the proposed draft ordinance workable and effective.

2. Lack of Appropriate Provisions Related to Development in the Old Town District

The first Goal of the City's General Plan is "A sense of community supported by continuing small town character, responsive city government and the active participation of residents." In addition, the downtown section of Morro Bay has been officially designated as the Old Town District by city ordinance and is often referred to as Old Town by local residents.

To carry out these established policies, the proposed Zoning Ordinance should include guidelines for future development in the Old Town District. These should include information for the public as to the architectural styles, construction materials and techniques, bulk and scale of development, and specific relationship between residential and commercial uses that are expected. The omission of such information can lead to only two possible outcomes. On the one hand, the charm and small town character of the Old Town District may well be lost over time, as the current eclectic mix of buildings is replaced by contemporary architecture. The second possibility is that landowners and potential developers will be repeatedly frustrated as they try to meet unwritten and subjective standards as to what is consistent with the City's "small town character". Under either scenario, there will be no objective criteria for evaluating projects, and it is certain that various proposed developments will not be dealt with in a consistent or evenhanded manner.

The absence, in the draft ordinance, of appropriate provisions related to development in the Old Town District represents a major failing of this document. Without these guidelines, the proposed ordinance fails to carry out the primary Goals of the General Plan and fails to ad-

dress one of the major priorities expressed by the residents of Morro Bay during the public input process.

SPECIFIC ISSUES

SECTION 17.07.010, PAGE II-12 – CC-P PEDESTRIAN-ORIENTED (COMMERCIAL)

The goal of encouraging mixed residential and commercial uses in the CC-P district will be very difficult to achieve so long as the concept that the residential component must be “secondary” to the commercial use is retained. In addition, the question as to what is meant by “secondary” has been a constant bone of contention, and the proposed Zoning Ordinance does nothing to clarify this issue.

The description of the purposes of the CC-P district could be improved if the last sentence, which currently reads “*Residential units may be allowed in these areas, so long as they are secondary to commercial uses and are located above the ground floor*” were replaced with “*Mixed-use commercial and residential developments are encouraged in the CC-P district.*”

SECTION 17.07.010, PAGE II-12 – CVS COMMERCIAL VISITOR SERVING

The sentence that was added to the description of the CVS district in Addendum 1 does not accurately describe the relationship between residential and commercial development in this zone as envisioned by the General Plan or as required by the Coastal Act. In addition, the added sentence again introduces the undefined and controversial concept of “primary” and “secondary” uses.

The suggested addition reads “*Residential units (1 per lot) may be allowed in these areas, so long as they are secondary to commercial uses and are located above the ground-floor or at the rear of the lot.*” A more appropriate text would be: “*Residential development is discouraged in the CVS district and will be permitted only when integral to and directly supportive of the operation of a permitted commercial use.*”

TABLE 17.07-A: USE REGULATIONS – COMMERCIAL AND MIXED-USE DISTRICTS

1. Single-Family Dwelling, Two-Family Dwelling (Duplex), and Footnote L-1

Footnote L-1 of Table 17-07-A appears to indicate that no new single-family residences or duplexes will be allowed within the CC-P or CVS districts. This seems to be inappropriately restrictive. Because many lots in the CC-P district are relatively small, the only feasible mixed-use development for some sites may entail commercial uses on the ground floor and one or two residences on upper stories. Footnote L-1 would appear to prevent such development.

Footnote L-1 should be revised to read: “Single-family, duplex, or multifamily residential as a sole or primary use is permitted if an existing use, but new projects which entail residential

use as a sole or primary use are prohibited. Single-family, duplex, or multifamily development is permitted if part of a mixed-use project, provided that a) all residential use (excepting entrances, lobbies, and parking facilities) are located above street level and b) the front portion of the ground floor provides a viable space for commercial use of at least 800 sq. ft. A Conditional Use Permit is required.”

Mixed-use development in areas of Morro Bay zoned for commercial use have generally created significant controversy and do entail a potential for noise, parking, traffic, and other impacts that will affect surrounding properties. It is very appropriate that the City’s residents be given advance notice of proposed mixed-use projects and be afforded an opportunity to provide input at a public hearing. To deal effectively with traffic and design issues, a high level of review is appropriate. For these reasons, mixed-use developments in the CC-P and CVS zones should require a Conditional Use Permit.

With the above revision, single-family residential uses, duplex residential uses, and multifamily residential uses should all be designates as “L-1” in the CC-P zone by Table 17.07-A.

2. Footnote L-2

Addendum 1 to the draft proposed zoning ordinance indicates that, within the CVS zone, single-family residential uses are to be designated as L-2. Footnote L-2, however, does not adequately address the nature of residential development that is envisioned in the CVS zone by the General Plan and the California Coastal Act. In addition, Footnote L-2 fails to recognize the presence of existing residential uses within the CVS zone.

Footnote L-2 should be revised as follows: “Single-family, duplex, or multifamily residential as a sole or primary use is permitted if an existing use, but new projects which entail residential use as a sole or primary use are prohibited. A project developed to establish a permitted commercial use may include a maximum of one apartment per legal lot provided that a) the unit is provided for the purpose of housing a caretaker, security guard, night manager or for other purpose integral to and directly supportive of the operation of the commercial use, b) the unit is intended for occupancy by an employee or owner of the commercial use or by an individual providing services to the commercial use, c) the unit is no larger than 600 sq. ft. in size, and d) all residential areas (excepting entrances, lobbies, and parking facilities) are located above street level or on the rear on-half of the lot. A Conditional Use Permit is required.”

With the above revision, single-family residential uses, duplex residential uses, and multifamily residential uses should all be designates as “L-1” in the CVS district by Table 17.07-A.

3. Home Occupations

Since no new stand-alone residential uses are permitted within the CC-P district, the “P” designation for home occupations appears inconsistent.

TABLE 17.07-B: DEVELOPMENT STANDARDS – COMMERCIAL AND MIXED-USE DISTRICTS

1. Maximum Residential Density

Although limited residential development is permitted in the CVS district, no Base Density is specified. The current Zoning Ordinance indicates 2,900 sq. ft.

2. Maximum Average Building Height

As mentioned in comments on residential development standards, sole reliance on maximum building height standards will promote unimaginative “boxy” structures as developers attempt to achieve the maximum possible interior space for a given site. More variety and better design can be encouraged by also specifying a maximum average building height. The following are suggested:

- CC-P, CC-A, and CF districts: 24 feet, except:
 - Within 20 feet of a front lot line, exterior side lot line, or residential district 16 feet
 - Within 40 feet of a front lot line, exterior side lot line, or residential district 22 feet
 - Along Coleman Drive 12 feet
- MX district: 18 feet, except:
 - Within 20 feet of a front lot line, exterior side lot line, or residential district 14 feet
- CVS district: 26 feet, except:
 - Within 20 feet of a front lot line, exterior side lot line, or residential district 18 feet
 - Within 40 feet of a front lot line, exterior side lot line, or residential district 24 feet

3. Minimum Yards – Front and Corner Side: MX districts

The existing Zoning Ordinance requires minimum 5-foot front and corner side yard setbacks in the mixed-use zone. The proposed revision would decrease the requirement to 2 feet. No rationale or justification is provided for this change.

4. Minimum Yards – Rear and Interior Side: MX and CF districts

In the mixed-use district, current zoning regulations require 5-foot rear and interior side yard setback for buildings 15 feet or less in height and 10-foot setbacks for buildings taller than 15 feet. The proposed draft would drastically reduce these setbacks to a minimum of 0, with an average of 2 feet in the MX (but not in the CF) zone. No rationale or justification is provided for this change.

PAGE II-19, PARAGRAPH A: MAXIMUM BUILDING SIZE

This paragraph appears to suggest that, if multiple structures are present on a single lot, the maximum lot coverage applies only to the largest building. This is clearly deceptive and inappropriate. The maximum lot coverage limitation should apply to the total area of all buildings on a given site. In addition, the provision that maximum lot coverage can be exceeded through a Conditional Use Permit should be deleted.

ADDENDUM #1B

Addendum #1b is extremely confusing. The Chapter is labelled as 17.06 (which is actually the Chapter dealing with residential development), although it is titled “C Commercial and Mixed Use Districts”. The included table is labelled Table 17.07–A, but the text section that follows the table is 17.06.030. Finally, Section 17.06.030, paragraph E includes two different alphabetized lists, so when someone refers to Section 17.06.030, paragraph E, subparagraph a), it is impossible to know to which “a)” they are referring. Maybe it’s time to slow down a bit and get it right!

At any rate, the first subparagraph a) in this section simply doesn’t make sense. The paragraph requires that “The residential use is proportional in scale, intensity of use, and value to a permitted commercial use on site.” Subsequently, however, the section completely ignores the issues of scale, intensity of use, and value, discussing only the required location of the proposed residential use. Obviously it is not possible to determine whether a use is, in fact, “proportional in scale, intensity of use, and value to a permitted commercial use” by considering its location, anymore than it would be possible to tell whether one apple is heavier than another by knowing the color of each.

Paragraph d) is also extremely peculiar. According to the provisions of this paragraph, on a lot that is 149 feet in depth, the commercial use would only have to be 25 feet in depth. On a lot that is 151 feet in depth, however, the required depth of the commercial use would jump to 75.5 feet. Obviously this needs more work. A much simpler approach would be merely to require that the commercial space be a minimum of 800 square feet in floor area.

Concerning the paragraph which considers residential uses in the CVS zone, I believe that the intent of this section is (or should be) that residential uses will be allowed only as needed to serve the needs of primary visitor serving uses. In that regard, I believe that the phrasing “accessory residential uses are allowed as a component of mixed-use development if the accessory use is essential to and substantially benefits permitted on-site commercial activities” is much more direct and appropriate than the watered down “ancillary to”.

The second paragraph a) (also referring to the Visitor-Serving Commercial zone) also does not make sense. The phrase “and does not exceed 50% floor area that would primarily be used as living area” is undecipherable and doesn’t seem to fit with the rest of the sentence. The intent here is (or should be) that residential uses will be allowed only as needed to serve the needs of primary visitor serving uses. I would suggest the following wording:

- a) The residential portion of the development (excepting entrances, lobbies, and parking facilities) is located above street level or at the rear of the commercial use area and does not exceed 600 sq. ft. in floor area.