

ORDINANCE NO. 662

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
AMENDING THE 2022 ZONING CODE/COASTAL IMPLEMENTATION PLAN (IP)
TITLE 17 (ZONING) AND THE ZONING MAP WHICH INCLUDES MISCELLANEOUS
AMENDMENTS TO ALL OF DIVISION I AND DIVISION II AND CHAPTERS 17.23,
17.26, 17.27, 17.29, 17.30, 17.36, 17.38, 17.39, 17.42, 17.43, 17.44, 17.53, and
17.54 OF THE MORRO BAY MUNICIPAL CODE (MBMC)**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, duly noticed public hearings for the Zoning Code / Coastal Implementation Plan (IP) Amendments and Zoning Map Amendments were held by Planning Commission on September 19, 2023, October 3, 2023, and November 7, 2023; and

WHEREAS, the Planning Commission of the City of Morro Bay conducted a hybrid public hearing both in-person at 209 Surf Street, Morro Bay, and via video conference on September 19, 2023 and October 3, 2023 for the purpose of considering a favorable recommendation to the Morro Bay City Council for adoption of the Zoning Code /IP Amendments as part of the Plan Morro Bay project, and forwarded a favorable recommendation with adoption of Planning Commission Resolution No. 15-23; and

WHEREAS, the Planning Commission of the City of Morro Bay conducted a hybrid public hearing both in-person at 209 Surf Street, Morro Bay, and via video conference on November 7, 2023 for the purpose of considering a favorable recommendation to the Morro Bay City Council for adoption of the Zoning Map Amendments as part of the Plan Morro Bay project, and forwarded a favorable recommendation with adoption of Planning Commission Resolution No. 18-23; and

WHEREAS, pursuant to State CEQA guidelines, a Program Environmental Impact Report (EIR) for the Plan Morro Bay project was prepared, released for a 45-day public review process on October 19, 2020 to December 4, 2020 and certified by the City Council on May 25, 2021 (State Clearinghouse number 2021111026); and

WHEREAS, the proposed Zoning Code/IP Amendments and Zoning Map Amendments implement the General Plan/Local Coastal Plan (LCP) Coastal Land Use Plan which was considered through a programmatic EIR review and that document provides a programmatic review of the potential impacts associated with implementation of the overall Plan Morro Bay project; and

WHEREAS, State CEQA Guidelines Section 15162 provides that no further review is required under CEQA when there are no substantial changes in the Project, and there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR; and

WHEREAS, the proposed Zoning Code/ IP Amendments and Zoning Map Amendments

are consistent with and implements the General Plan / LCP Coastal Land Use Plan and is consistent with the analysis presented in the EIR and therefore, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required; and

WHEREAS, the City Council of the City of Morro Bay (the “City”) conducted a hybrid public hearing both in-person at the Morro Bay Veteran’s Hall at 209 Surf Street and via video conference on November 14, 2023, for the purpose of considering the favorable recommendation by the Planning Commission and for purposes of adoption of the Zoning Code / Coastal Implementation Plan (IP) Amendments and Zoning Map Amendments and finding that no further environmental review is necessary pursuant to CEQA State Guidelines Section 15162; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Morro Bay finds:

A. The above referenced recitals are true and correct and material to the adoption of this Ordinance and are incorporated herein by reference.

B. The proposed Zoning Ordinance Amendments and Zoning Map Amendments 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.

C. The Local Coastal Plan Implementation Plan Amendments are intended to further the goals of the California Coastal Act, as set forth in Section 30001.5 of the Public Resources Code, to:

1. Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

2. Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

3. Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

4. Assure priority for coastal-dependent and coastal-related development over other development on the coast.

5. Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

D. Pursuant to Morro Bay Municipal Code Section 17.64.080, no amendment to the Zoning Ordinance shall be legally effective in the coastal zone until the amendment is certified by the Coastal Commission. If the Coastal Commission certifies this Ordinance conditioned on substantive changes being made, then the Council will consider the introduction and adoption of another ordinance to incorporate those substantive changes. If the Coastal Commission certifies this Ordinance conditioned on non-substantive changes being made to this Ordinance, then the City Clerk is authorized to amend this Ordinance to reflect those non-substantive changes.

SECTION 2. Title 17 (Zoning) of the Morro Bay Municipal Code is hereby amended upon both final certification by the California Coastal Commission, as well as the effective date as an operation of law, of an amended Title 17 of the Morro Bay Municipal Code, in a form substantially

similar to the Zoning Code / IP and the Zoning Map located on the City's Plan Morro Bay website at www.morrobayca.gov/planmb. Non-substantive/typographical changes to the Zoning Code replacement and Zoning Map at www.morrobayca.gov/planmb may be authorized by the City Attorney; no material changes beyond typographical corrections may be made prior to second reading.

SECTION 3. CEQA Findings. Pursuant to State CEQA guidelines, a Program EIR for the Plan Morro Bay project was prepared, released for a 45-day public review process on October 19, 2020 to December 4, 2020 and certified by the City Council on May 25, 2021 (State Clearinghouse number 2021111026). The proposed Zoning Code / Coastal Implementation Plan update project implements the General Plan/ LCP which was considered through the programmatic EIR review referenced above. That document provides a programmatic review of the potential impacts associated with implementation of the overall Plan Morro Bay project. State CEQA Guidelines Section 15162 provides that no further review is required under CEQA when there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR. The proposed Zoning Code/ IP Update Amendment is consistent with and implements the General Plan/ LCP Coastal Land Use Plan and is consistent with the analysis presented in the EIR and therefore, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required.

SECTION 4. Severability. If any section, subsection, phrase, or clause of this ordinance or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional or otherwise unenforceable.

SECTION 5. Effective Date. This Ordinance shall take effect 30 days after its adoption and upon certification required as an operation of law.

SECTION 6. Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Morro Bay.

INTRODUCED at a regular meeting of the City Council held on the 14TH day of November 2023, by motion of Council Member Ford and seconded by Council Member Edwards.

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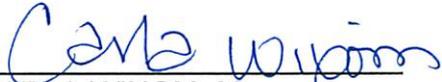
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PASSED AND ADOPTED on the 13th day of December, 2023, by the following vote:

AYES: Wixom, Barton, Edwards, Ford, Landrum
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None


CARLA WIXOM, Mayor

ATTEST:


DANA SWANSON, City Clerk

APPROVED AS TO FORM:


CHRIS F. NEUMEYER, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)
CITY OF MORRO BAY)

I, Dana Swanson, City Clerk for the City of Morro Bay, California, do hereby certify that the foregoing Ordinance No. 662 was duly passed and adopted by the City Council of the City of Morro Bay at the continued regular meeting thereof, held on the 13th day of December 2023, by the following vote:

AYES: Wixom, Barton, Edwards, Ford, Landrum
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Morro Bay, California, this 20th day of December, 2023.



DANA SWANSON, City Clerk