



**CITY OF MORRO BAY**  
COMMUNITY DEVELOPMENT DEPARTMENT  
955 Shasta Avenue  
Morro Bay, CA 93442

February 4, 2026

Paul Van Beurden  
701 Embarcadero  
Morro Bay, CA 93442  
805-471-2309  
[ninthdutch@yahoo.com](mailto:ninthdutch@yahoo.com)

Cathy Novak  
3150 N Cottontail Dr  
Chino Valley, AZ 86323  
805-441-7581  
[CNovakConsulting@gmail.com](mailto:CNovakConsulting@gmail.com)

***Delivered via email***

RE: 715 Embarcadero  
Major Revision No. MAJ25-003 to Conditional Use Permit No. CUP07-91

**Project Description:** Major Revision to original Conditional Use Permit (CUP07-91) for a modification to install five live fish tanks on the Harborwalk at 715 Embarcadero. This property is zoned Waterfront (WF) and is in Coastal Commission Original Jurisdiction.

Dear Mr. Van Beurden:

The City of Morro Bay Planning Commission conditionally approved Major Revision MAJ25-003 to Conditional Use Permit CUP07-91 at its regular meeting on February 3, 2026, to develop the project as outlined above. The approved Planning Commission Resolution No. 02-26 is attached and hereby incorporated as part of the Major Revision MAJ25-003 to Conditional Use Permit CUP07-91.

Pursuant to the California Environmental Quality Act (CEQA) Sections 15303 and 15332, the Major Revision MAJ25-003 to CUP07-91 has been determined to be categorically exempt. As such, the City of Morro Bay will file a "Notice of Exemption (NOE)" to both the County of San Luis Obispo County Clerk and the CA Governor's Office Land Use and Climate Innovation (formerly the CA Governor's Office of Planning and Research) on your behalf to initiate a statute of limitations period of 35 days on legal challenges. (If an NOE is not filed, a 180-day statute of limitations will apply.) The County of San Luis Obispo collected \$82.49 from the city for the filing fee at the time of NOE submittal. A copy of this NOE is enclosed for your files.

Please note that this action does not constitute a building permit.

Next steps:

1. Return the enclosed Acceptance of Conditions form, signed, to the Community Development Department, within 30 days.
2. Submit a Coastal Development Permit application to the California Coastal Commission (CCC) for review and approval.
  - a. Provide the City of Morro Bay with a copy of the CCC's approval prior to submitting plans for building permits.

Please reach out to me at [lackerman@morrobayca.gov](mailto:lackerman@morrobayca.gov) or (805) 772-6577 if you have any questions or concerns.

Sincerely,



Lee Ackerman

Assistant Planner

CC: City of Morro Bay Harbor Department

Enclosures:

1. MAJ25-003 to CUP07-91 Permit
2. Notice of Exemption
3. Acceptance of Conditions Form
4. Planning Commission Resolution No. 02-26





**CITY OF MORRO BAY**  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 955 Shasta Avenue  
 Morro Bay, CA 93442

## CITY OF MORRO BAY NOTICE OF EXEMPTION

**TO:**  San Luis Obispo Co. Clerk  
 County Government Center  
 San Luis Obispo CA 93401

Office of Planning & Research  
 1400 Tenth Street  
 Sacramento, CA 95814

**FROM:** City of Morro Bay  
 Community Development Department  
 955 Shasta Avenue  
 Morro Bay, CA 93442

**Project Title:** Major Revision MAJ25-003 to Conditional Use Permit CUP07-91 - Dutchman's

**Project Location - Specific:** 715 Embarcadero Rd (APN 066-322-006)

**Project Location - City:** MORRO BAY **County:** SAN LUIS OBISPO

**Description of Project:** Major Revision to original Conditional Use Permit (CUP07-91) for a modification to install five live fish tanks on the Harborwalk at 715 Embarcadero. This property is zoned Waterfront (WF) and is in Coastal Commission Original Jurisdiction.

**Name of Public Agency Approving the Project:** CITY OF MORRO BAY, 955 SHASTA AVE, MORRO BAY, CA 93442  
 Contact: [lackerman@morrobayca.gov](mailto:lackerman@morrobayca.gov), Lee Ackerman, Assistant Planner, 805-772-6577

**Name of Applicant:** Paul Van Beurden 701 Embarcadero, Morro Bay CA, 93442  
 Contact: 805-471-2309, [ninthdutch@yahoo.com](mailto:ninthdutch@yahoo.com)

### Exempt Status: (Check One)

Reasons why project is exempt: The project is a minor alteration to existing facilities.

- Ministerial (Sec. 21080(b)(1); 15268);
- Categorical Exemption:  
 Type and Section Number: Class 1, Section 15301
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Statuary Exemption Code No. \_\_\_\_\_

**Lead Agency:** City of Morro Bay, 955 Shasta Ave, Morro Bay, CA 93442

**Contact Person:** Lee Ackerman, Assistant Planner **Telephone:** 805-772-6577

**Email:** [lackerman@morrobayca.gov](mailto:lackerman@morrobayca.gov)

Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

### Certification:

I hereby certify that the public agency has made the above finding and that the project is categorically exempt from CEQA.

Signature: *L Ackerman* Title: Assistant Planner Date: 2/4/2026



**CITY OF MORRO BAY**  
COMMUNITY DEVELOPMENT DEPARTMENT  
955 Shasta Avenue  
Morro Bay, CA 93442

**ACKNOWLEDGEMENT AND ACCEPTANCE OF CONDITIONS OF APPROVAL**

PERMIT NO: MAJ25-003 to CUP07-91

SITE ADDRESS: 715 Embarcadero

APPLICANT: Paul Van Beurden

APN/LEGAL: 066-322-006

DATE APPROVED: February 3, 2026

APPROVED BY: Planning Commission (Resolution No. 02-26)

I, \_\_\_\_\_, the undersigned, have read and reviewed the  
*(PLEASE PRINT APPLICANT'S NAME)*  
conditions of approval imposed by the City of Morro Bay in its action approving the above-referenced permit.

I HAVE READ, UNDERSTAND, AND ACCEPT RESPONSIBILITY FOR THE CONDITIONS OF APPROVAL. I AGREE TO ABIDE BY AND CONFORM TO THE REQUIREMENTS OF THE CONDITIONS OF APPROVAL AS WELL AS TO ALL PROVISIONS OF THE MORRO BAY MUNICIPAL CODE.

\_\_\_\_\_  
APPLICANT SIGNATURE

\_\_\_\_\_  
DATE

RESOLUTION NO. PC 02-26

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION  
FOR MAJOR REVISION PERMIT NO. MAJ25-003 TO CONDITIONAL USE PERMIT NO. 07-91  
FOR INSTALLATION OF FIVE LIVE WHOLESALE FISH TANKS ON THE HARBORWALK  
AT 715 EMBARCADERO

**WHEREAS**, on September 22, 1992 the Planning Commission of the City of Morro Bay (“Planning Commission”) reviewed and approved Conditional Use Permit #CUP07-91 for a phased expansion of an existing commercial property located at 701-715 Embarcadero; and

**WHEREAS**, on November 9, 2021 the City Council of the City of Morro Bay (the “City Council”) reviewed and approved Conditional Use Permit Major Modification #MAJ20-004 to modify the approved permit to convert the existing commercial fish processing wharf and install new Harbor Walk; and

**WHEREAS**, on March 7, 2023 the Planning Commission of the City of Morro Bay (“Planning Commission”) reviewed and approved Conditional Use Permit Major Modification #MAJ22-002 for public access improvements, reconfiguration of the existing wharf, and replacement of the fish off-loading crane; and

**WHEREAS**, the Planning Commission conducted a public hearing on February 3, 2026, conducted in a hybrid format with both an in-person meeting at the Morro Bay Veterans Memorial Building, 209 Surf Street, Morro Bay, CA 93442 as well as through virtual public participation provided telephonically through Zoom, for the purpose of considering approval of Conditional Use Permit Major Modification #MAJ25-003 (“Project”); and

**WHEREAS**, notices of said public hearing were made at the time and in the manner required by law; and

**WHEREAS**, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Morro Bay as follows:

Section 1: Findings. Based upon all the evidence, the Commission makes the following findings:

**California Environmental Quality Act (CEQA)**

1. That for purposes of the California Environmental Quality Act, Case No. MAJ25-003 is categorically exempt under Section 15301 (Class 1) for existing facilities.

**Conditional Use Permit Required Findings**

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other titles of the municipal code.

*The proposed Major Revision to CUP #07-91 would allow for wholesale of live fish, which is an allowed use in the Waterfront zoning district and is consistent with the City's Zoning Code (Title 17).*

2. The proposed use is consistent with the general plan and any applicable specific plan.

*Plan Morro Bay was adopted in 2021, encompassing both the City's General Plan and Coastal Land Use Plan (LCP). The project falls within the General Plan's land use designation of Waterfront, which is intended to provide areas for the continued mixture of visitor-serving commercial and recreational and harbor-dependent land uses in appropriate waterfront areas. Retail and wholesale seafood markets and seafood processing are allowed uses in the Waterfront zoning district and therefore consistent with the LCP.*

3. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements.

*The proposed wholesale of fish will not have an adverse impact on public health, safety, or surrounding properties. The project is for an allowed use and will be required to comply with all applicable building and fire code requirements.*

4. The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this title.

*The proposed wholesale fish boxes are an allowed use, consistent with the character of the waterfront, and provide public benefit. The design, size, location, and operating characteristics of this project is consistent with applicable sections of the Morro Bay Zoning Code.*

5. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity.

*The project is located on the Embarcadero, which has a mixture of visitor-serving, commercial fishing, recreational, and harbor-dependent uses. The design, location, size, and operating characteristics of the proposed fish boxes are compatible with the existing and foreseeable land uses in the vicinity.*

6. The site is physically suitable for the type, density, and intensity of use being proposed.

*The project site currently features a fish hoist and small-scale fish processing location. The site is physically suitable for the introduction of live fish boxes for the wholesale of fish.*

7. The Conditional Use Permit, Waterfront Master Plan, Architectural Considerations, and Design Review Findings for Conditional Use Permit #07-91 are incorporated herein by reference and made a part hereof as if fully set forth herein. As stated in those findings, the approved development is consistent with the City's zoning code and Local Coastal Program, including the Waterfront Master Plan. With the Major Revision, the approved

development will remain consistent with applicable City planning regulations, community character, architectural design of the waterfront, and public health, safety, and welfare.

**Section 2. Action.** The Planning Commission does hereby approve Conditional Use Permit #MAJ25-003 subject to the following conditions:

**STANDARD CONDITIONS**

1. Approved Development: Major Revision #MAJ25-003 is approved to modify the approved uses and layout for the Dutchman Lease Site (CUP07-91) as shown on the approved plans and as summarized below:
  - a. Install five (5) live fish tanks for wholesale of fish on northern end of lease site Harbor Walk.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Director (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval.

Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.
8. Conditional Use Permit #CUP07-91/MAJ20-004/MAJ22-002 Conditions in Effect: All conditions of approval from Conditional Use Permit #CUP07-91/MAJ20-004/MAJ22-002 remain in full effect, except as otherwise specified in the Major Revision conditions below.

**MAJOR REVISION (MAJ25-003) CONDITIONS:**

9. Harborwalk Bayside Lateral Public Accessway. The bayside lateral access, also known as the Harborwalk, shall maintain a 10-foot-wide coastal access with open unobstructed access at all times with no tables or dining encroachments in order to maximize public access. Any uses that obstruct the lateral access such as private uses or barriers including furniture, planters, ropes, or seating not otherwise approved within the 10-foot bayside lateral access shall be prohibited, with the exception of the commercial wholesale of fish from tanks as shown on MAJ25-003 plans approved by Planning Commission on February 3, 2026.

**Planning Commission Condition added February 3, 2026**

10. **The Harborwalk shall not be closed for longer than 2 hours per day for the loading and unloading of fish from the fish boxes to trucks, unless otherwise approved by the Community Development Director. All methods of closing public access shall be temporary in nature and minimize obstruction of views and public access.**

**PASSED AND ADOPTED** by the Morro Bay Planning Commission at a regular meeting thereof held on this 3<sup>rd</sup> day of February 2026 on the following vote:

AYES: Witkowski (m), Solu (s), Meyer, Ingraffia

NOES:

ABSENT: de Fazio

ABSTAIN:



Chairperson Eric Meyer

ATTEST

  
Airlin Singewald, Secretary