



CITY OF MORRO BAY PLANNING COMMISSION MEETING AGENDA

Veteran's Memorial Building
Regular Meeting 6:00 p.m.

209 Surf Street, Morro Bay
Wednesday, July 6, 2011

Chairperson Rick Grantham
Vice-Chairperson John Solu
Commissioner Paul Nagy
Commissioner Jamie Irons
Commissioner Jessica Napier
Rob Livick, Secretary

- I. ESTABLISH QUORUM AND CALL TO ORDER
- II. MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
- III. PLANNING COMMISSIONER ANNOUNCEMENTS
- IV. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

A. Oral Report

- V. PUBLIC COMMENT:

Members of the audience wishing to address the Commission on matters other than scheduled hearing items may do so when recognized by the Chairman, by standing and stating their name and address. Comments should be limited to three minutes.

- VI. CONSENT CALENDAR

A. Approval of minutes from Planning Commission meeting held on June 15, 2011

- VII. PRESENTATIONS

Informational presentations are made to the Commission by individuals, groups or organizations, which are of a civic nature and relate to public planning issues that warrant a longer time than Public Comment will provide. Based on the presentation received, any Planning Commissioner may declare the matter as a future agenda item in accordance with the General Rules and Procedures. Presentations should normally be limited to 15-20 minutes.

A. None

- VIII. PUBLIC HEARINGS

- A. **Case No.:** CP0-352 and UP0-323

Site Location: 270 Shasta Ave.

Applicant/Project sponsor: Barb Fageol

Request: Demolition, remodel, and addition to an existing non-conforming property. The applicant proposes to demolish an existing 240 square foot detached garage, remodel of the existing 812.5 square foot single family residence and an addition of 990 square feet with 464 square foot attached garage. The property is non-conforming because the existing single family house does not meet the rear yard setback.

CEQA Determination: Section 15301, Class 32

Staff Recommendation: Conditionally Approve Coastal Development Permit #CP0-352 and Conditional Use Permit #UP0-323.

Staff Contact: Sierra Davis, Assistant Planner, (805) 772-6270.

B. Case No.: CP0-340, UP0-308, S00-106

Site Location: 525 and 527 Atascadero Road

Applicant/Project sponsor: Robert Ortega / Triad/Holmes Associates, Cristi Fry

Request: Compact infill development project that will subdivide an approximately 10,014 square foot lot into two parcels. Parcel 'A' is 6,310 square feet with an existing 1,410 square foot home and an 850 square foot detached 2-car garage. Parcel 'B' is 3,704 with a 1,057 square foot single family residence and a 238 square foot attached garage. The project also includes private and common open space. The project does not include actual construction of buildings or ground disturbing activities as all building and improvements currently exist on site.

CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Conditionally Approve Coastal Development Permit CP0-340, Conditional Use Permit #UP0-308, Tentative Parcel Map S00-106.

Staff Contact: Kathleen Wold, Planning Manager, (805) 772-6211.

C. Case No.:CP0-343

Site Location: 1700 Main Street

Applicant/Project sponsor: Cotti Foods Corporation, a Franchisee of Taco Bell / Fred Cook, Senior Vice President, Director of Development Cotti Foods Corporation

Request: Demolition and reconstruction of an existing Taco Bell fast food restaurant. The existing approximately 2,248 square foot building is proposed to be demolished and replaced with a new approximately 2,733 square foot building. The proposed building will be constructed to the south of the existing footprint. The proposed parking lot would have 19 parking spaces with two van accessible parking spaces. The drive up window will follow the perimeter of the proposed building to the south of the property.

CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Conditionally Approve Coastal Development Permit #UP0-343.

Staff Contact: Sierra Davis, Assistant Planner, (805) 772-6270.

IX. UNFINISHED BUSINESS

A. Current and Advanced Planning Processing List

X. NEW BUSINESS

A. Discussion on the Planning Commission schedule for the remainder of 2011.

XI. DECLARATION OF FUTURE AGENDA ITEMS

XII. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on Wednesday, July 20, 2011 at 6:00 p.m.

PLANNING COMMISSION MEETING PROCEDURES

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Public Services Office at 955 Shasta Avenue, during normal business hours, Mill's ASAP, 495 Morro Bay Boulevard, or Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Planning Commission meetings are conducted under the authority of the Chair who may modify the

This Agenda is available for copying at ASAP Reprographics and at the Public Library

procedures outlined below. The chair will announce each item. Thereafter, the hearing will be conducted as follows:

1. The Planning Department staff will present the staff report and recommendation on the proposal being heard and respond to questions from commissioners.
2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent back to the podium to respond to the public testimony. Thereafter, the Chair will close the public testimony portion of the hearing and limit further discussion to the commission and staff prior to the commission taking action on a decision.

RULES FOR PRESENTING TESTIMONY

Planning Commission hearings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present testimony must observe the following rules:

1. When you come to the podium, first identify yourself and give your place or residence both orally and on the sign in sheet at the podium. Commission meetings are audio and video tape-recorded and this information is required for the record.
2. Address your testimony to the Chair. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
3. Keep your testimony brief and to the point. Speak about the proposal and not about individuals. On occasion, the Chair may place time limits on testimony: Focus testimony on the important parts of the proposal: do not repeat points made by others. Please, no applauding or making comments from the audience during the testimony of others.
4. Written testimony is encouraged so they can be distributed in the packets to the Planning Commission. However, letters are most effective when presented at least a week in advance of the hearing. Written testimony provided after the staff reports are distributed and up to the meeting will also be distributed to the Planning Commission but there may not be enough time to fully consider the information. Mail should be directed to the Public Services Department, attention: Planning Commission Secretary.

APPEALS

If you are dissatisfied with any aspect of an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. The appeal form is available at the Public Services Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 and the City Zoning Ordinance. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City

This Agenda is available for copying at ASAP Reprographics and at the Public Library

appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed.

The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Services' Administrative Technician at (805) 772-6261. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

HEARING IMPAIRED: There are devices for the hearing impaired available upon request at the staff's table.

COPIES OF VIDEO, CD: Copies of the video recording of the meeting may be obtained through AGP Video at (805) 772-2715, for a fee.

ON THE INTERNET: This agenda may be found on the Internet at: www.morro-bay.ca.us/planningcommission or you can subscribe to Notify Me for email notification when the agenda is posted on the City's website. To subscribe, go to www.morro-bay.ca.us/notifyme and follow the instructions.

AGENDA ITEM: VI-A

DATE: July 6, 2011

ACTION: _____

CITY OF MORRO BAY
PLANNING COMMISSION
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay
June 15, 2011

Chairperson Rick Grantham

Vice-Chairperson John Solu
Commissioner Paul Nagy

Commissioner Jamie Irons
Commissioner Jessica Napier

Rob Livick, Secretary

I. ESTABLISH QUORUM AND CALL TO ORDER

Chairperson Grantham called the meeting to order at 6:00 p.m. and noted all Commissioners are present.
Staff Present: Rob Livick and Kathleen Wold.

II. MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE

Peter Behman led the pledge.

III. PLANNING COMMISSIONER ANNOUNCEMENTS – None.

IV. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Rob Livick briefed the Commission on action taken by the City Council at the June 14th meeting and also regarding agenda items for the upcoming June 28th City Council meeting as well as announced the next Public Works Advisory Board meeting to be held June 16th at the Veterans Hall at 6p.m.

V. PUBLIC COMMENT

Chairperson Grantham opened Public Comment period:

- Peter Behman announced they have fireworks in Morro Bay this year and invited everyone to spend their holiday weekend in Morro Bay.

Chairperson Grantham closed Public Comment period.

VI. CONSENT CALENDAR

A. Approval of minutes from the Planning Commission meeting held on June 1, 2011.

MOTION: Irons moved to approve the Consent Calendar. Nagy seconded the motion. The motion carried unanimously 5-0.

VII. PRESENTATIONS - None

VIII. PUBLIC HEARINGS

A. Case No.:UP0-319

Site Location: 1185 Embarcadero

Applicant/Project sponsor: George Leage, Great American Fish Company

Request: Temporary use of an existing dock for Virg's Sport Fishing at GAFCO for both sport fishing (passenger for hire) as well as commercial fishing. The configuration of the dock will allow only one boat to be berthed overnight however during the day up to four boats will temporarily dock to load and unload passengers for the daily fishing trips. The temporary use is proposed to begin on May 1.

CEQA Determination: Categorically Exempt, Section 15301, Class 1

Staff Recommendation: Conditionally Approve Temporary Use Permit #UP0-319.

Staff Contact: Kathleen Wold, Planning Manager, (805) 772-6211

Wold presented the staff report.

Grantham opened the Public Comment period.

- Cathy Novak, Applicant's Representative, gave a history of the project and overview of the proposed project and encouraged the Planning Commission to grant the temporary use permit.
- Peter Behman of Morro Bay representing the property at 1148 Front Street spoke regarding his concern for parking for the Bayfront Hotel and other nearby businesses as none of them have any on-site parking. Mr. Behman spoke in favor of a four hour parking limit and encouraged the Planning Commission to consider that.
- Tom Laurie, spoke regarding the lease sites at Virg's old location and stated Virg's should return to those sites to avoid the sites being abandoned since they are intended for commercial fishing operations and expressed concern that the grandfathered parking would disappear from that site. Mr. Laurie also stated the docks in front of GAFCO are dilapidated which presents a liability to the City.
- Leonard Wilhite of Morro Bay spoke regarding the parking lot on Front Street and stated the parking lot is public and those loading their boats at the dock across the street should be able to park where they want and not be told they cannot use that lot.

Hearing no further comment, Grantham closed the Public Comment period.

Commissioners discussed:

- ADA compliance;
- Support for amending standard condition#1 to six months;
- Configuration of the parking lot and the parking time length including the 20 minute spots, and whether the four hour length would be sufficient based on the customer activities;
- Safety and the condition of the docks. Grantham inquired if the docks should be repaired or made off limits to ensure safety. Livick clarified that generally leaseholders do provide hold harmless agreements to the City; and
- The historical use of the site.

Irons noted his support to allow this specific use with Measure D and agreement for granting a temporary use permit. Mr. Irons stated there should be an illustration of where allowable parking is and should be a condition.

Commissioners continued discussion on the Front Street parking lot and that people do park in that lot and walk down to the Embarcadero. They discussed that the parking needs be acceptable noting where would the four hour parking limit spots be located.

Commissioner Nagy agreed with accepting this as a historic on-going use and noted support for Virg's, but not at the expense of other businesses. Nagy stated the importance of being fair to everyone.

Commissioners discussed the upcoming parking meeting should attempt to resolve some of these issues.

MOTION: Irons moved the Planning Commission approve Temporary Use Permit #UP0-319, located at 1185 Embarcadero, utilization of existing docks for Virg's Sportfishing, loading and unloading of passengers and commercial fishing operations, including:

1. Adopt the Finding included as Exhibit "A" with the following Conditions that we make the correction to 6 months instead of 3 for the temporary use permit on item 1 and on item 2 we extend it to four months and also:
2. Following the parking meeting that we somehow workout that there is designated parking areas for all the patrons of Virg's whether or not that be through the parking meeting or whereby there is a parking pass or some illustration of where the parking areas are.
3. The safety condition of the docks and any corrections required to make them safe.

Nagy seconded the motion. The motion carried unanimously 5-0.

IX. UNFINISHED BUSINESS

A. Current Planning Processing List/Advanced Work Program

Commissioners reviewed the Work Program with staff.

X. NEW BUSINESS – None

XI. DECLARATION OF FUTURE AGENDA ITEMS

Irons stated he would like to agendize discussion whether to bring back Measure D for review and possibly make a recommendation to Council. Livick stated it may be preferable to send a memo to Council asking if they would like Planning Commission to address this item.

Grantham stated he would like to agendize the meeting schedule.

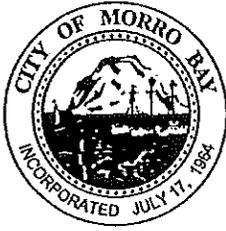
XII. ADJOURNMENT

Chairperson Grantham adjourned the meeting at 7:15p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Wednesday, July 6, 2011 at 6:00 p.m.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA NO: VIII-A

MEETING DATE: July 6, 2011

Staff Report

TO: Planning Commissioners

DATE: July 6, 2011

FROM: Sierra Davis, Assistant Planner

SUBJECT: Coastal Development Permit and Conditional Use Permit Request for an Addition to a Non-Conforming Single Family Residence Located at 270 Shasta Avenue.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by adopting a motion including the following action(s):

- A. Adopt the Findings included as Exhibit "A";
- B. Approve the Coastal Development Permit # 352 and Conditional Use Permit #UP0-323, subject to the Conditions included as Exhibit "B" and the site development plans dated June 16, 2011.

ENVIRONMENTAL DETERMINATION:

The newspaper notice of this project exempted the project under Section 15301 Class 1, however the project is categorically exempt pursuant to Section 15332, Class 32 for infill development projects. Infill projects consist of projects that are consistent with all applicable local regulations, on a parcel less than 5 acres within the City limits and substantially surrounded by urban development, and can adequately be served by all required utilities and public services. Class 1 exemptions are for additions to structures that will not result in an increase of more than 50 percent of the floor area of the structure before the addition. The proposed addition will result in a 117% increase of the existing floor area, therefore the project does not qualify for an exemption for additions to existing structures. The property has been previously developed and the demolition and construction activities are not located on a known sensitive environmental resource area, consequently, this exemption is appropriate for this project. All other notices including the site posting and mailings included the correct exemption category.

Prepared By: SD

Dept Review: [Signature]

City Manager Review: _____

City Attorney Review: _____

PROJECT DESCRIPTION:

The applicant proposes to demolish an existing 240 square foot detached garage, remodel of the existing 812.5 square foot single family residence and construct 990 square feet to the existing house along with a 464 square foot attached garage. The existing house is non-conforming because the residence does not meet the minimum 10 foot rear yard setback. The existing house encroaches 6 feet into the rear yard setback.

APPLICANT:

William and Barbara Fageol

ATTACHMENTS:

- A: Findings
- B: Conditions
- C: Graphics/Plan Reductions

BACKGROUND:

The City records are limited on this property however staff researched the County tax record and found information on the original residence and the addition that was made. The house was built in 1948 and was originally a 400 square foot residence, the addition of 360 square feet was added onto the house although the records do not state when the addition was made. The City does not have a record of the addition therefore the addition may have occurred prior to the incorporation of the City. The tax records also include a 240 square foot detached garage.

SITE CHARACTERISTICS:

<u>Adjacent Zoning/Land Use</u>			
North:	R-1, Single Family Residential	South:	R-1, Single Family Residential
East:	R-1, Single Family Residential	West:	R-1, Single Family Residential

<u>Site Characteristics</u>	
Site Area	5,000 square feet
Existing Use	Single Family Residence
Terrain	Level, sloping slightly downward to the west
Vegetation/Wildlife	Landscaped
Archaeological Resources	No known cultural resources
Access	Shasta Avenue

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Moderate Density
Base Zone District	Single Family Residential (R-1)
Zoning Overlay District	N/A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Not located in the Coastal Commission Original or Appeal Jurisdiction

DISCUSSION:

The existing house is located at the rear of the property and is approximately 4 feet from the property line for an encroachment of 6 feet. The applicant proposes to maintain the rear yard setback at 4 feet for all existing portions of the building and all new additions at the rear of the property will adhere to the required 10 foot setback. The existing residence and proposed additions all meet or exceed the required front and interior side yard setbacks.

The applicant proposes to demolish an existing 240 square foot detached garage which will be replaced with an attached 464 square foot garage. The existing residence will remain, however the interior will be remodeled and an addition of 990 square feet will be added to the house.

Section 17.56.160, Additions and Structural Alterations to Nonconforming Structures Occupied by Conforming Uses, addresses expansions to non-conforming structures. Additions to non-conforming structures is limited to one time and all subsequent additions are required to obtain a Conditional Use Permit which is elevated to Planning Commission for review pursuant to the Municipal Code. The addition in 1984 was in excess of 25% of the existing floor area and required a Conditional Use Permit.

FINDINGS:

The applicant has proposed an addition to a non-conforming house however in order to approve the addition the Planning Commission must make the following findings pursuant to section 17.56.106.B:

1. The enlargement, expansion, or alteration is in conformance with this Title;
2. It satisfies all other provisions of this section, as applicable;
3. It meets applicable Title 14 requirements for a conforming use;
4. It is suitable for conforming uses and will not impair the character of the zone in which it exists; and
5. The Planning Commission finds that it is not feasible to make the structure

conforming without major reconstruction of the existing structure.

The proposed remodel and addition to a non-conforming structure was built in 1948 and was built to within 4 feet of the rear property line. Staff researched the aerial photo for the surrounding properties and determined that other properties have been improved and maintained less than the required setback. The existing house on the property was built in 1948 and the houses on the block were built to a similar setback, see Exhibit "C". The property is located on a through lot and the structure as proposed meets the minimum required interior and front yard setbacks. Because the house is located on the through lot there is not a house to the rear of the property, therefore maintaining the 4 foot setback would not negatively affect an adjacent property.

Granting an approval for the addition to the non-conforming house and maintaining the rear yard setback would not be considered a special privileged because approvals were granted on other properties in the area. The applicant has designed the addition to the house to meet all requirement of Title 17, Zoning Ordinance and Title 14, Building and Construction. Although the applicant has proposed a residence that meets the findings, the Planning Commission shall ultimately make the finding that it is not feasible to make the structure conforming without major reconstruction of the existing structure. The existing residence will be remodeled and walls will be moved, however the bathroom will be kept in substantially the same area. The addition to the house is not restricted by the size of the lot, strict requirements of Title 17 or Title 14, or setbacks, therefore on this lot there is a potential that the structure could be redesigned and moved on the site to meet all setbacks.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on June 24, 2011, and all property owners of record within 300 feet and properties within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

The project site is located at 270 Shasta within the residential zoning district. The project is not located in the Coastal Commission's Jurisdiction or Appeals Jurisdiction, therefore the project is in the City's permitting jurisdiction for Coastal Development Permits.

EXHIBIT A

FINDINGS

**COASTAL DEVELOPMENT PERMIT # 352 AND
CONDITIONAL USE PERMIT #UP0-323
SITE: 270 SHASTA AVENUE**

Coastal Development Permit #352 and Conditional Use Permit #UP0-323 located at 270 Shasta Avenue: A demolition, remodel and addition to an existing non-conforming single family residence.

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. CP0-352 and UP0-317 is Categorical Exempt, CEQA Guidelines Section 15332 Infill Development, as indicated in the attached staff report.

Conditional Use Permit Findings

- A. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood because the single family residence a permitted use within the zoning district applicable to the project site and said additions will be constructed in accordance with all applicable project conditions and City regulations.
- B. The project will not be injurious or detrimental to property and improvements in the neighborhood because the single family residence are designed to be consistent with the City regulations applicable to this development.
- C. The project will not be injurious or detrimental to the general welfare of the City because the single family residence is a permitted use within the zone district and plan designation applicable to the site and said additions are designed to be constructed in accordance with all applicable project conditions and City regulations.

Nonconforming Property Findings

- D. The expansion and alteration proposed conforms to all provisions of Title 17 with the exception of the rear yard setback which has an existing setback of 4 feet;
- E. Title 14, Building and Construction, is applicable to the project and all requirements shall be met for a conforming use and addition;

- F. It is suitable for conforming uses and will not impair the character of the zone in which it exists; and
- G. The Planning Commission finds that it is not feasible to make the structure conforming without major reconstruction of the existing structure.

EXHIBIT B

CONDITIONS OF APPROVAL COASTAL DEVELOPMENT PERMIT # 352 AND CONDITIONAL USE PERMIT #UP0-323 SITE: 270 SHASTA AVENUE

Coastal Development Permit #352 and Conditional Use Permit #UP0-323 located at 270 Shasta Avenue: A demolition, remodel and addition to an existing non-conforming single family residence.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated July 6, 2011, for the project depicted on the attached plans dated June 16, 2011, labeled "Exhibit C", on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.

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 approval 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. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and 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 Public Services Director. Any changes to this approved permit determined not to be minor by the Director 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, City of Morro Bay, 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 Morro Bay Municipal Code, and shall be consistent with all

programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

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. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/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 Public Services Director and/or as authorized by the Planning Commission. Failure to comply with 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 Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.
8. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

PLANNING CONDITIONS

1. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
2. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist, knowledgeable in Chumash Culture, or

paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.

3. CEQA Exemption: If the applicant elects to post the Categorical Exemption with the Clerk's Office then a required fee of \$50 fee shall be made payable to "County of San Luis Obispo" and delivered to the County Clerk along with the Categorical Exemption form. The Notice of Exemption along with the fee may be filed after the appeal period has ended and the planning permit is effective. This filing has the effect of starting a 30-day statute of limitations period for challenges to the decision in place of the 180-day period otherwise in effect.
4. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. daily, unless an exception is granted by the Director of Planning & Building pursuant to the terms of this regulation.
5. Remove Note on Plans: The plans contain the note, "Note: If the plan layout as submitted will be reversed in the field, then two sets of structural plans with the actual layout and two site plans will have to be submitted for approval to the building department prior to footing inspection." The note shall be removed the residence shall be built as approved by the Planning Commission. If the house is reversed on the lot, the applicant shall apply for an amendment to the existing permit.

ENGINEERING CONDITIONS

The plans are conditionally approved and shall be revised to include the following items:

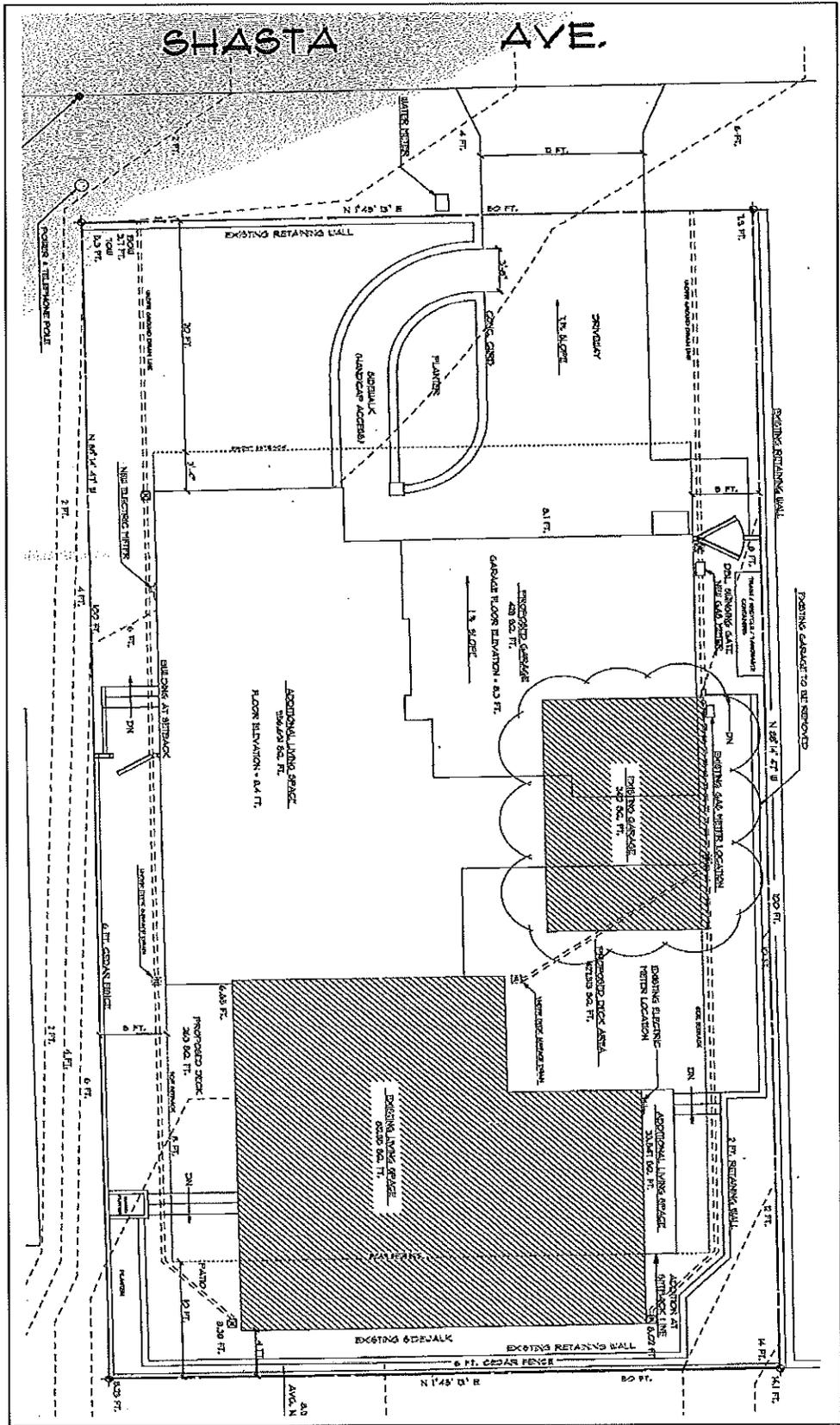
1. Provide a standard erosion and sediment control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from migrating off site.
2. Conduct a video inspection of the conditions of existing sewer lateral. Submit a DVD to City Public Services Department prior to building permit issuance. Repair or replace as required to prohibit inflow/infiltration.
3. Install a city standard driveway approach per Morro Bay Engineering Standards.

Add the following Notes to the Plans:

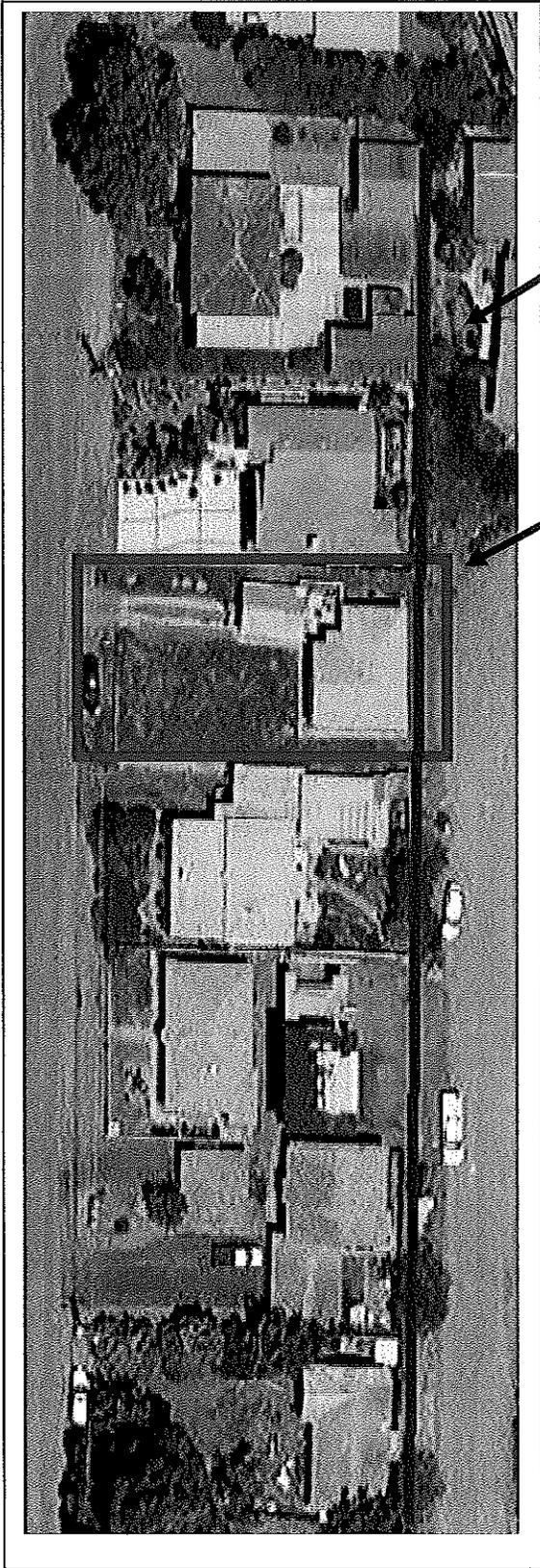
1. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Services Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.
2. Any damage, to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.

EXHIBIT C

SITE PLAN



AERIAL PHOTO



Rear Yard Setback

Site



AGENDA NO: VIII-B
MEETING DATE: July 6, 2011

Staff Report

TO: Planning Commissioners

DATE: June 30, 2011

FROM: Kathleen Wold, Planning Manager

SUBJECT: Vesting Tentative Parcel Map (S00-106), Use Permit (UP0-308) and Coastal Development Permit (CP0-340) for a Compact Infill Development at 525 and 527 Atascadero Road.

RECOMMENDATION:

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to Conditionally Approve Vesting Tentative Parcel Map (S00-106), Use Permit (UP0-308) and Coastal Development Permit (CP0-340) subject to the findings contained in Exhibit A and the Conditions of Approval in Exhibit B.

PROJECT DESCRIPTION: The proposed project is a Compact Infill Development that will subdivide an approximately 10,014 square foot lot into two parcels. Parcel 'A' is proposed to be a 6,310 square foot parcel and has an existing 1,410 square foot home and an 850 square foot detached 2-car garage. Parcel 'B' is proposed to be a 3,704 square foot parcel and has an existing 1,057 square foot single family residence and a 238 square foot attached garage. The project also includes private and common open space. The project does not include actual construction of buildings or ground disturbing activities as all building and improvements currently exist on site.

LEGAL DESCRIPTION Lot 14 & 15 Block 7 Tract 52 (Book 5 Page 71)
APN(S) 066-323-033
ZONING R4-PD
GENERAL PLAN High Density Residential (HDR)

APPLICANT: Robert Ortega, 525 Aascadero Road, Morro Bay, Ca 93442

AGENTS: Triad/Holmes Associated (Attn: Cristi E. Fry, RCE, LS) 555 Chorro Street, Suite A1, San Luis Obispo, Ca 93405

BACKGROUND: The subject site contains two existing residences. The house to the front and east of the site (Parcel B) has an attached one car garage and was constructed in 2003. The house to the rear of the property (Parcel A) has a large detached garage located to the front of the property and was built in 1954. Prior to 2001 the subject site was two separate parcels lots 14 and 15 each parcel was 49.99 feet wide and 100.14 feet in length and approximately 5000 square feet in area. In 2001 a Certificate of Compliance for a lot merger was recorded. This merger combined two lots into one lot. When the second home was built in 2003 it was built as a secondary unit to the main house.

ENVIRONMENTAL DETERMINATION: A Mitigated Negative Declaration was circulated on May 20, 2011 with a review period that ended on June 20, 2011. Mitigation was recommended for Cultural

Resources. With the incorporation of the mitigation measures that the applicant has agreed to, the project will have a less than significant impact on the environment, and staff can make the findings to approve the proposed project. The mitigations contained in this document have been incorporated into the conditions of approval. (Attachment 4).

PROJECT SETTING AND DESCRIPTION:

<u>Site Characteristics</u>	
Site Area	.23 acre
Existing Use	Two existing single family homes on one lot
Terrain	Gently sloping up to the north
Vegetation/Wildlife	Urban Landscaping
Archaeological Resources	See Mitigated Negative Declaration
Access	Atascadero Road

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	High Density Residential (HDR)
Base Zone District(s)	R-4
Zoning Overlay District	PD
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Yes, non-appealable area

<u>Adjacent Zoning/Land Use</u>			
North:	R-4 (PD), Multifamily Residential- Hotel- Professional/Planned Development, Residences	East:	R-4 (PD), Multifamily Residential- Hotel-Professional/Planned Development, vacant
South:	C-VS, Visitor-Serving Commercial, vacant lot	West:	C-VS, Visitor-Serving Commercial, trailers

REGULATIONS

The project will utilize the standards contained in Compact Infill Development section 16.10 of the Subdivision ordinance and those contained within the Planned Development Overlay section 17.40.030 of the Zoning Ordinance.

Compact Infill:

The intent of the Compact Infill Development standards is to allow lots with sizes smaller than those otherwise allowed under the Zoning Ordinance. The code acknowledges that residential small lot subdivisions provide a benefit to the community by expanding the range of choice of housing available. This alternate form of land division provides ownership opportunities for those who may desire less space, less maintenance responsibility, or lower carrying costs than normally would be connected with single-family dwellings.

Compact Infill Development is designed and intended to: encourage creativity and innovation in the

design of developments; provide for more efficient use of land; permit special consideration of property with outstanding natural or topographical features; facilitate use of the most appropriate construction techniques in the development of land; and, provide for any individual land use not otherwise specified elsewhere in this Ordinance. By allowing developers to depart from "cookie cutter" lot forms and setback requirements, more creative use of open space and urban design is possible which allows for diversity in design, size, and style of homes.

All Compact Infill Development projects shall conform to the requirements of the residential district in which the project is located unless the proposed project utilizes unique residential concepts (such as zero lot line). In addition, all projects shall conform to the following standards, except as noted. In granting a use permit, the Planning Commission may impose appropriate conditions to assure that projects comply with the standards.

- A Compact Infill Development may be established only in multiple-family residential and in qualified commercial districts;
- Minimum Project Size. In order to qualify for a Compact Infill Development project, the project site size must be a minimum of 8,700 square feet in gross area while meeting the density criteria established in the Zoning Ordinance for the underlying zoning district; and
- Affordability. For projects of five or more lots 10% or at least one residential unit must be deed restricted for affordability in accordance with the City's affordability standards.

Overall design and site layout. The following criteria shall be considered in reviewing the overall design and site layout of the project:

- The project should have a comprehensive and integrated design, providing its own open space, off-street parking, and amenities for contemporary living. Open space, walkways, and other areas for people shall be separated from parking areas, driveways, and areas for automobiles;
- Architectural unity and harmony should be achieved both within the project and between the project and the surrounding community so that it does not constitute an adverse disruption to the established fabric of the community; and
- The layout of structures and other facilities should effect conservation in street, driveway, curb cut, utility, and other public or quasi-public improvements. Additionally, structures should be designed to minimize, in recognized and published standards, the consumption of natural resources either directly or indirectly; i.e., gas, water, and electricity.

Lot Configuration. The following criteria shall be considered in reviewing the lot sizes and configuration of the project:

- The size and shape of lots shall be shown on tentative maps and shall be in conformance with the City's General Plan/Local Coastal Plan policies.
- In no case shall any lots in a Compact Infill Development subdivision be smaller than 2,900 square feet in area and 40 feet in width for detached single-family lots and 1,500 square feet in area and 25 feet in width for attached townhouses;
- Where property is zoned for commercial use, other widths and areas may be permitted at the discretion of the Planning Commission based on applicable zoning ordinances.
- Corner lots shall have a width sufficient to permit the maintenance of building lines on both front and side, or as set forth in zoning ordinance for the district in which they are situated, and shall also be designed so as to have sufficient sight distance at intersections to meet engineering standards.

Provision of private open space for each unit. Each dwelling unit within a project shall have an appurtenant private open space, such as a patio, deck, or atrium. Such space shall be designed for the sole enjoyment of the unit owner, shall have at least two weatherproofed electrical outlets, and shall have a

shape and size that will allow for optimal usable space. Such space shall be at approximately the same level as, and immediately accessible from a room within the unit.

- Except as noted below, all units shall be provided with qualifying private open space areas which are, at a minimum, equal in size to 15% of the unit floor area. To qualify as private open space; and
- The proposed space shall be no smaller than six (6) feet in minimum dimension; and
- Yard areas, patios, decks, and ground-level terraces shall have a minimum dimension which is no less than 50% of the maximum dimension; and
- The proposed space shall not include walkways, stairs, or landings intended to provide access to any dwelling unit. Those portions of any porch which extend from any door or from the wall extending for one floor on either side of said door to the outer edge of the porch will be considered as “landings” and will not qualify as private open space. Other portions of a porch however may be designated as qualifying private open space if the minimum dimension is equal to or greater than six (6) feet.
- Common Open Space. Each dwelling unit within a project shall have an appurtenant common open space, such as recreational areas, or landscaped areas. Such space shall be designed and governed for the enjoyment of the entire project owners, and shall have a size, shape and topographical condition that will allow for optimal usable space preferably in a single coherent and contiguous area. Such space shall be accessible to all living units in the project, and outside of the required front setbacks. Not including driveways or parking areas and at least 50% shall not exceed a 10% slope.
- Common open space shall be provided for each project of sufficient size that the total of private and common open space is equal to or greater than the amount required in the Table below. The minimum width of the common open space area shall not be less than fifteen (15) feet

Minimum Total Open Space	
Unit Floor Area (sq. ft.)	(% of unit floor area)
Less than 600	30%
600 – 799	32%
800 – 999	34%
1000 – 1199	36%
1200 – 1499	40%
1500 – 1799	45%
1800 or larger	50%

- The parent parcel shall have frontage on a public street, unless a variance is granted.
- Lots shall utilize common access when feasible.
- Residential units adjacent to a public street shall be oriented to the public street.
- Individual lots created by the map approved for the entire site shall not be permitted to be reduced in size by subsequent land division.
- Utilities, including electric, telephone and cable, along the frontage of, and within the Compact Infill Development and along the project frontages shall be installed and/or relocated underground where feasible.

Planned Development Regulations: Under the Planned Development overlay regulations, projects must adhere to all general Development standards under the base zone district. Those standards may be modified by the Planning Commission as they relate to: building heights; yard requirements; and minimum lot area for dwelling units in the density range provided that any specific design criteria of the General Plan and Coastal Land Use Plan, applicable to the property, is not exceeded. Modifications of

standards shall only be approved upon a finding that greater than normal public benefits may be achieved by such deviations. Such benefits may include but are not limited to improved or innovative site and architectural design, greater public or private usable open space and provisions of housing for the elderly or low/moderate income families, provision of extraordinary public access, provision for protecting environmentally sensitive habitat (ESH) areas, but in all cases these provisions shall meet the Coastal Land Use policies.

SUBDIVISION REVIEW BOARD: The Subdivision Review Board met on June 20, 2011 to formally review the project. It was the determination of the Board that the project as submitted was suitable for processing.

ANAYLSIS:

The subject project does not involve additional construction of units but only seeks to subdivide an existing 10,014 square foot parcel into two parcels. Parcel A is proposed to be 6,310 square feet in size and Parcel B is proposed to be 3,704 square feet in size. This subdivision is designed to accommodate the division of the existing onsite structures while providing common open space and private open space. The subdivision utilizes typical lot configuration with each lot having frontage on Atascadero.

The project site is located within a multiple family residential zone and the homes currently on site meet the density allowed within the site's High Density Residential General Plan density.

The houses on site are typical cottage type homes without any specific architecture type, and as such, the design of each home is consistent with each other. The surrounding neighborhood is a mix of trailers, single family homes and condominiums and the existing homes blend well in this setting. The project provides open space, walkways and the guest parking required for Compact Infill Development. The project does not offer any information regarding any design features for the conservation of gas, water or electricity such as a solar feature or demand water heaters. The following table identifies the minimums required by code and how each parcel is meeting the requirements.

	Requirement	Parcel A	Parcel B
Minimum lot size for the R4 district	6000 square feet	6,310 square feet	3704 square feet
Parcel width at the 15 foot front setback	40 feet	50 feet	50 feet
Unit floor area not including the garage	N/A	1410 square feet	1057 square feet
Private open space area	15% of the unit floor area. Parcel A-212 square feet and Parcel B-159 square feet.	978 square feet- 69 %	1432 square feet-135%
Private open minimum dimension	6 feet	8.3 feet	12.6 feet
Electrical outlets within the private open space	2 weather proof outlets	2 duplex outlets	2 duplex outlets
Common open space	N/A	184 square feet	85 square feet
Common open space width and slope minimum	15 foot minimum dimension and 10% maximum slope	15 feet Slope varies from 6 to 9.5%	15 feet Slope varies from 6 to 9.5%
Total Open space	Parcel A is required to have 564 square feet and Parcel B is required	1,247 square feet	1,701 square feet

	to have 381 square feet		
Percentage of total open space	Parcel A required to have 40% and Parcel B is required to have 36%	88%	161%
Parking for units	Parcel A and B required to have 2 covered and enclosed	2 covered and enclosed	1 covered and enclosed and 1 open and in tandem
Guest Parking	.5 of a space per unit	Parcel A and B will provide 1 space together	Parcel A and B will provide 1 space together
Lot coverage	60%	35%	35%
Minimum front yard setback	15 feet	65 feet	15 feet
Minimum side yard setback	5 feet	5.5 feet and 5.2 feet	5 and 7 feet
Minimum rear yard setback	5 feet	3 feet	44 feet
Detached garage	15 foot front yard, 1 foot side and rear setback.	6 foot front yard and 4 foot side yard setback	N/A

As shown above the only exceptions to the code are the front yard setback to the detached garage, the tandem parking space on Parcel B and the 3 foot rear yard setback for the house on Parcel A. Staff has included the findings for a parking exception to allow for the one space on Parcel B to be in tandem with the existing garage.

Detailed landscape plans have not been submitted as the subject site has fully mature and existing landscaping not proposed for modifications. In addition no floor plans or elevation drawings have been submitted as there are no changes to the existing buildings proposed. In lieu of elevation drawings photographs of the existing buildings have been submitted.

CONCLUSION:

As designed, the proposed residential development requires an exemption for the front yard setback to the detached garage on Parcel A, the tandem parking space on Parcel B and the 3 foot rear yard setback for the existing house on Parcel A. The Planning Commission should discuss the design and other merits of the project along with the requested exceptions to determine if the project as conditioned meets the required findings for approval.

Report prepared by: Kathleen Wold, Planning Manager

Attachments:

1. Vesting Tentative Parcel Map dated December 6, 2010.
2. Photos.
3. Soils Engineering Report, (Geosolutions, Inc.) dated September 2, 2003.
4. Environmental packet.
5. Subdivision Review Board Minutes dated October 25, 2009.
6. Agent's letter dated February 2, 2011.
7. Title Report date stamped December 21, 2010 (First American Title Company).

EXHIBIT A
FINDINGS FOR APPROVAL
Vesting Tentative Parcel Map (S00-106), Use Permit (UP0-306) and Coastal Development
(CP0-340).

California Environmental Quality Act (CEQA)

That for purposes of the California Environmental Quality Act, for the project described as “Ortega Compact Infill Project”—Vesting Tentative Parcel Map (S00-106), Use Permit (UP0-306) and Coastal Development Permit (CP0-340) a Mitigated Negative Declaration has been adopted, finding that with the incorporation of mitigations the project will not have a significant effect on the environment.

Conditional Use Permit (UP0-306) and Coastal Development Permit (CP0-340).

That the project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on the analysis contained within the staff report; and

The establishment, maintenance, or operation of the use applied for will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the project is consistent with all applicable zoning and planning requirements; and

The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be consistent with all applicable City regulations; and

Compact In-fill Development

Modification of development standards is warranted to promote orderly and harmonious development. *The modifications of development standards allows for the creation of a new lot and therefore new house ownership opportunities and orderly development.*

Modification of development standards will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area. *The project as designed will provide home ownership opportunities.*

Benefits derived from the project cannot be reasonably achieved through existing development standards. *The project as proposed could not be achieved without the modifications requested.*

Proposed Plans, if any, offer certain redeeming features to compensate for requested modifications. *The project will provide an additional homeownership opportunity and since the home size is modest it may provide a home ownership opportunity to first time home buyers.*

Subdivision Map Act Findings

The proposed Vesting Tentative Parcel Map to create 2 residential lots is consistent with General Plan and the City's Local Coastal Plan.

The site is physically suitable for the type and density of development proposed because the site is zoned as R-4 (Multiple Residential-Hotel-Professional) which would allow up to 3 units on Parcel A and up to 2 units on Parcel B.

The design of the subdivision and related improvements will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat because all precautions will be implemented to catch and direct all runoff.

The design of the subdivision and improvements will not cause serious public health problems.

The design of the subdivision and related improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because no easements are required for the public.

As conditioned, the design, architectural treatment, and general appearance of all buildings and open space areas will be in keeping with the character of the surrounding area pursuant to MBMC Section 17.48.200, and will not be incompatible with the uses permitted in the surrounding areas and zoning district.

The City has available adequate water to serve the proposed subdivision based upon the water regulations and the annual water report, enforced at the time of approval of the Vesting Tentative Parcel Map pursuant to the certified Water Management Plan and General Plan LU-22.1.

Planned Development

Modification of standards shall only be approved upon a finding that greater than normal public benefits may be achieved by such deviations.

The additional homeownership opportunities can only be achieved when the property is divided which can only occur provided the deviations are allowed.

Parking Exception

The Director or the Planning Commission may grant exceptions to the limitations of the parking chapter subject to appropriate conditions adopted with a Use Permit and upon a finding that:

The exceptions will not constitute a grant of a special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the reduced parking or alternative to the parking design standards of this Chapter will be adequate to accommodate on the site all parking needs generated by the use;

There are other similar situations within the city limits where there is an existing one car garage but a driveway of sufficient length to provide the additional space in tandem that have received permission to utilize a tandem parking space. Therefore granting this exception will be the

granting of a special privilege. This alternative does not affect the surrounding area or reduce the available parking to a substandard level.

The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity and that no traffic safety problems will result from the proposed modification of parking standards;

The granting of the parking exception will not create safety issues or negatively affect traffic.

The exception is reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property. (Ord. 263 § 1 (part), 1984)

The exception is necessary for the applicant to subdivide his property under the Compact Infill Development. A single car garage was allowed when the housing unit was a secondary unit but once subdivided the unit becomes a primary unit which then requires a two car garage.

EXHIBIT B
CONDITIONS OF APPROVAL

**Tentative Subdivision Map (S00-106), Use Permit (UP0-308) and Coastal Development (CP0-340).
Ortega Compact Infill Project**

STANDARD CONDITIONS

1. This permit is granted for the use as described in the staff report dated June 30, 2011 and the Tentative Parcel Map (MB 10-0113) dated December 06, 2011 ("Attachment 1" of the staff reports) and subject to these conditions of approval.
2. Inaugurate Within Two Years: If the approved use is not established within two (2) years of the effective date of this approval, this approval will automatically become null and void. However, upon written request by the applicant prior to the expiration date of this approval, up to two (2) one-year time extensions may be granted. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and 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 Public Services Director subject to a Minor Amendment. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an amendment subject to Planning Commission review. Minor changes will be subject to Minor Amendment.
4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval. This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
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. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/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 Public Services Director and/or as authorized by the Planning Commission. Failure to comply with 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 Morro Bay Municipal Code and is a misdemeanor.
7. Utility Services: All water and sewer impact fees shall be paid at the time the building permit is issued.
8. Property Line Verification. It is owner's responsibility to verify lot lines. Prior to foundation inspection the lot corners shall be staked and setbacks marked by a licensed professional.

PUBLIC WORKS CONDITIONS

1. Final map submittal shall include a maintenance agreement for all the commonly held areas e.g. driveway, guest parking etc. subject to review and approval by the Public Services Director.
2. Submit the following with the Final Map
 - A. 3 Copies of the Final Map
 - B. Current (within the last 6 months) title report
 - C. Current Soils Report
 - D. Method and reasoning statement
 - E. Closure Calculations
 - F. Reference Maps and/or Deeds
 - G. Documents to be recorded with the Map (e.g. CC&R's, Maintenance Agreements)

PLANNING CONDITIONS

1. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Public Services.
2. Maintenance of Common Area: Provision for a Home Owners Association (HOA) or similar entity to hold responsibility for maintenance of common areas. Maintenance responsibilities, schedules, routine and standards, and fee sharing shall be established in the maintenance agreements. Agreements shall include provisions to maintain all common facilities by qualified professionals including roads, drainage and detention structures, tract landscaping, and mitigation and monitoring for conservation areas. The final agreement shall be submitted to the City for review and shall be recorded prior to the final map recording.
3. Undergrounding of Utilities: Pursuant MBMC Section 16-9.402.G. 3, prior to recordation of the final map, all on-site utilities services (drops) to both parcels including electrical, telephone and cable television shall be installed underground.
4. Maintenance of Landscaping: All landscaping shall be cared for, maintained, watered, pruned and kept in a healthy growing condition for the life of the project. Where required plant(s) have not survived, it shall be promptly replaced with new plant materials of similar species, functional, size, and characteristics as specified in the approved landscape plant notes.
5. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
6. Deed Restriction: A deed restriction shall be recorded on the property indicating that no further subdivision of the property can occur (MBMC-16-10.003(K)).

ENVIRONMENTAL CONDITIONS

CULTURAL RESOURCES

At the time the archeological survey was conducted in August 2003, the mitigation required was capping the site. Capping the site will preserve any cultural deposits that may be located on site. To place the fill on-site it will require removal of surface vegetation and the compaction of the fill.

In addition to all mitigation measures that was already required by past development, as new development or ground disturbing activities shall adhere to the following mitigation measures.

1. Archaeological monitoring shall occur for all ground disturbing activities in the development area by a qualified archaeologist and qualified local indigenous cultural monitor. Collection of historic and prehistoric cultural remains deemed significant shall occur, and if necessary, analysis of any features encountered including but not limited to historic refuse dumps and diagnostic prehistoric habitation deposits shall occur. Selection and processing of prehistoric marine shell for radiocarbon dating shall occur.
2. The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with grading activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98.
3. **The following actions must be taken immediately upon the discovery of human remains:** Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.

Monitoring: Planning and Building staff shall ensure that any finds are evaluated by an approved cultural resource professional and that all required mitigations are completed.

ATTACHMENT 2









525 Atscadero (house
with detached two car
garage)

527 Atscadero
(house w/one car
garage)

ATTACHMENT 3

RECEIVED
DEC 21 2010
City of Morro Bay
Public Services Department

SOILS ENGINEERING REPORT
525 ATASCADERO ROAD
APN: 068-323-033
LOT 14 AND 15, BLOCK 7, TRACT 52
MORRO BAY, CALIFORNIA

PROJECT SL03587-1

RECEIVED
SEP 10 2003
City of Morro Bay
Public Services Department

Prepared for:

Mr. Robert Ortega
525 Atascadero Road
Morro Bay, California 93442

Prepared by

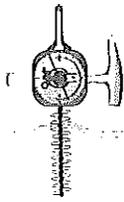
GEO SOLUTIONS, INC.
220 HIGH STREET
SAN LUIS OBISPO, CALIFORNIA 93401
(805) 543-8539

©

September 2, 2003

JOB COPY





GeoSolutions, INC.

220 High Street, San Luis Obispo, CA 93401
(805) 543-8539, 543-2171 fax
info@GeoSolutions.net

September 2, 2003
Project: SL03587-1

Mr. Robert Ortega
525 Atascadero Road
Morro Bay, California 93442

Subject: Soils Engineering Report
525 Atascadero Road, APN: 068-323-033
Lots 14 and 15, Block 7, Tract 52
Morro Bay, California

Dear Mr. Ortega:

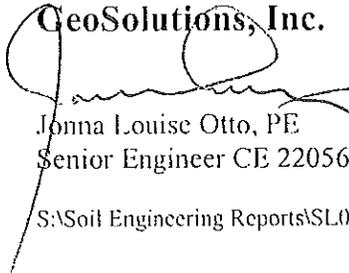
This Soils Engineering Report has been prepared for the proposed manufactured home to be located at 525 Atascadero Road, APN: 068-323-033, Lots 14 and 15, Block 7, Tract 52, in the City of Morro Bay, California. Geotechnically, the site is suitable for the proposed development provided the recommendations in this report for site preparation, earthwork, foundations, slabs, retaining walls, and pavement sections are incorporated into the design.

Due to the archeologically sensitive nature of the Site, cutting into the native soils is to be strictly limited. It is anticipated that 2 to 3 feet of engineered fill will be placed with all foundations excavated into this fill material. All foundations are to be excavated into engineered fill to limit the potential for distress of the foundation systems due to differential settlement. To improve fill pad stability, gravel intercept drains should be installed in the building pad.

Thank you for the opportunity to have been of service in preparing this report. If you have any questions or require additional assistance, please feel free to contact the undersigned at (805) 543-8539.

Sincerely,

GeoSolutions, Inc.


Jonna Louise Otto, PE
Senior Engineer CE 22056



S:\Soil Engineering Reports\SL03587-1 525 Atascadero Rd., MB\SL03587-1 Transmittal Letter.doc

TABLE OF CONTENTS

1.0 INTRODUCTION.....1

2.0 PURPOSE AND SCOPE1

3.0 FIELD AND LABORATORY INVESTIGATION.....2

4.0 GENERAL SOIL-FOUNDATION DISCUSSION.....3

5.0 CONCLUSIONS AND RECOMMENDATIONS.....3

 5.1 Preparation of Building Pad3

 5.2 Preparation of Paved Areas4

 5.3 Conventional Foundations.....4

 5.4 Slab-On-Grade Construction5

 5.5 Retaining Walls.....6

 5.6 Pavement Design.....7

6.0 ADDITIONAL GEOTECHNICAL SERVICES.....7

7.0 LIMITATIONS AND UNIFORMITY OF CONDITIONS.....7

FIGURES

- Site Location Map
- Site Plan
- Intercept Drain

APPENDIX A

- Field Investigation
- Soil Classification Chart
- Boring Logs

APPENDIX B

- Laboratory Testing
- Soil Test Reports

APPENDIX C

- Preliminary Grading Specifications



**SOILS ENGINEERING REPORT
525 ATASCADERO ROAD
APN: 068-323-033
LOT 14 AND 15, BLOCK 7, TRACT 52
MORRO BAY, CALIFORNIA**

PROJECT SL03587-1

1.0 INTRODUCTION

This report presents the results of the geotechnical investigation for a proposed manufactured home to be located at 525 Atascadero Road, APN: 068-323-033, Lots 14 and 15, Block 7, Tract 52, in the City of Morro Bay, California. See Figure 1, Site Location Map.

The property is roughly rectangular in shape and approximately 100 feet by 80 feet in size. Atascadero Road abuts the southern property boundary and provides access to the parcel. See Figure 2, Site Plan. The property will hereafter be referred to as the "Site."

The Site is down-sloping gradient to the south. Surface drainage flows south towards Morro Creek, which drains into the Pacific Ocean. The Site is within the boundaries of a recognized archaeologically sensitive area. Currently there is a single-family residence and detached garage located on Lot 15 that is to remain.

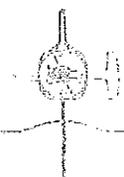
It is our understanding that the current phase of the proposed construction will consist of placement of a manufactured home on Lot 14. It is anticipated that the manufactured home will utilize a permanent-type perimeter footing. Dead and sustained live loads are currently unknown but anticipated to be very light with maximum continuous footing and column loads estimated to be on the order of 1.0 kips per lineal foot and 4 kips, respectively.

2.0 PURPOSE AND SCOPE

The purpose of this study was to explore and evaluate the surface and sub-surface soil conditions at the Site and develop geotechnical information and design criteria. The scope of this study includes the following items:

1. A review of available published and unpublished geotechnical data pertinent to the project site including:

Cultural Resource Evaluation and Monitoring of Geotechnical Test Wells on the Ortega Parcel, APN 068-233-033, 525 Atascadero Road, Morro Bay CA-SLO-165 by John Parker, Ph.D., RPA, of Parker & Associates dated August 19, 2003.
2. A field study consisting of a site reconnaissance and an exploratory boring program to formulate a description of the sub-surface conditions.
3. A laboratory-testing program performed on representative soil samples collected from our field study.
4. Analysis of the data gathered during our field study and laboratory testing.



5. Development of recommendations for site preparation and grading, and geotechnical design criteria for building foundations, retaining walls, pavement sections, underground utilities and drainage facilities.

3.0 FIELD AND LABORATORY INVESTIGATION

The field investigation was conducted on August 12, 2003 utilizing a Mobile B-61 drill rig and hand auger equipment. Three exploratory borings to a maximum depth of 15 feet below ground surface (bgs) were placed at the approximate locations indicated on the Site Plan.

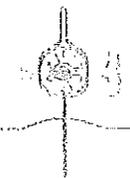
The surface materials consisted of dark brown silty SAND (SM) with some shells fragments encountered in a very loose to loose and slightly moist condition becoming medium dense to dense with depth. This material is generally consistent throughout the Site and extends to approximately 12 feet bgs. The subsurface material consisted of yellowish brown poorly graded SAND (SP-SM) with silt encountered in a slightly moist and medium dense condition to termination of the borings at 15 feet bgs. The presence of approximately 4 feet of undocumented fill was noted in the existing dog run area, north of the proposed building area at boring B-3. Groundwater was not encountered in any of the borings.

During the boring operations the soils encountered were continuously examined, visually classified, and sampled for general laboratory testing. A project engineer has reviewed a continuous log of the soils encountered at the time of field investigation. The Boring Logs are attached in Appendix A.

Structural building design parameters within the 1997 Uniform Building Code (UBC) are dependent upon several factors including site soil characteristics and faults near the Site. This data is presented below in tabular form.

1997 Uniform Building Code, Chapter 16 Structural Design Parameters	
Soil Profile Type	S_D – Stiff Soil
Seismic Source Type	Greater than 15 kilometers from an A fault Approximately 8 kilometers from a B fault.
Seismic Zone	Seismic Zone 4 Z = 0.4
Near Source Factor	N_a = 1.0 N_v = 1.08
Seismic Coefficient	C_a = 0.44N_a = 0.44 (1.0) = 0.44 C_v = 0.64N_v = 0.64 (1.08) = 0.69

The results of the laboratory tests performed on the soils sampled from the Site during boring operations are listed below:



Engineering Properties	Sample A Dark Reddish Brown Silty SAND (SM)	Sample B Dark Reddish Brown Silty SAND (SM)	Sample C Yellowish Brown Poorly Graded SAND w/ Silt (SP-SM)
Expansion Index	0	0	0
Expansion Potential	Very Low	Very Low	Very Low
Maximum Dry Density, γ_d	118.3 pcf	121.7 pcf	108.2 pcf
Optimum Moisture, m/c	11.6 %	12.3 %	14.4 %
Angle of Internal Friction, ϕ	34.1 °	30.1 °	37.6 °
Cohesion, C	194 psf	485 psf	0 psf

A detailed explanation of each laboratory test performed is provided in Appendix B, along with the laboratory data reports.

4.0 GENERAL SOIL-FOUNDATION DISCUSSION

Due to the archeologically sensitive nature of the Site, cutting into the native soils is to be strictly limited. It is anticipated that 2 to 3 feet of engineered fill will be placed with all foundations excavated into this fill material. All foundations are to be excavated into engineered fill to limit the potential for distress of the foundation systems due to differential settlement. To improve fill pad stability, gravel intercept drains should be installed in the building pad.

5.0 CONCLUSIONS AND RECOMMENDATIONS

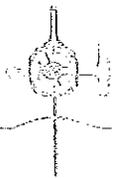
The Site is suitable for the proposed development provided the recommendations presented in this report are incorporated into the project plans and specifications.

The primary geotechnical concerns at the Site are:

1. The presence of loose material in the upper five feet.
2. The constraints imposed to conventional grading due the archeological sensitivity of the Site.
3. The potential for differential settlement occurring between foundations supported on two soil materials having different settlement characteristics such as rock and soil. Therefore, it is important that all of the foundations are founded in equally competent uniform material in accordance with this report.

5.1 Preparation of Building Pad

1. It is anticipated that site grading will be strictly limited to clearing and stripping to remove vegetation, large roots, debris and other deleterious materials. No fill should be placed unless the sub-soil has been observed and approved by a representative of GeoSolutions, Inc.
2. In areas where fill is to be placed and areas where improvements are to be constructed on existing grade, the soil should be moisture conditioned to near optimum moisture content



and compacted to a minimum relative density of 90 percent (ASTM D1557-91) from the surface with a large, vibratory sheepsfoot or vibratory flat steel roller.

3. In all building areas, a minimum of 24 inches of non-expansive imported soil should be placed as engineered fill over the prepared sub-grade. The limits of fill placement should extend a minimum of 5 feet beyond the building envelope. The non-expansive materials are defined as being coarse grained (ASTM D2488-93) and having an expansion index of 10 or less (ATSM D4829-95). Refer to **Appendix C** for more details on fill placement.
4. To improve fill pad stability and improve drainage, gravel intercept drains should be installed in the building pad. Once the fill has been placed, the drains should be installed in trenches that are excavated roughly transverse to the slope. The trenches should penetrate through the fill and to the top of the native soil. The bottom of the trenches should slope at a minimum gradient of 1 percent to drain. One drain should be placed approximately 10 feet upslope of the structure with an additional drain at the middle of the building pad. The drains should connect to a solid pipe and daylight to drain. Refer to Figure 3 for Intercept Drain Detail.

5.2 Preparation of Paved Areas

1. Pavement areas should be over-excavated 12 inches below existing grade or finished sub-grade; whichever is deeper. The exposed surface should be scarified an additional depth of 8 inches, moisture conditioned to near optimum moisture content and compacted to a minimum relative density of 90 percent (ASTM D1557-91). The over-excavated soil should then be moisture conditioned to produce a water-content of at least 1 to 2 percent above optimum value and then compacted to a minimum relative density of 90 percent. The top 12 inches of sub-grade soil under all pavement sections should be compacted to a minimum relative density of 95 percent based on the ASTM D1557-91 test method at slightly above optimum.
2. Sub-grade soils should not be allowed to dry out or have excessive construction traffic between moisture conditioning and compaction, and placement of the pavement structural section.

5.3 Conventional Foundations

1. Conventional continuous and spread footings connected by grade beams may be used for support of the proposed structure. Isolated pad footings are permitted for single floor loads only.
2. For one and two-story conventional construction, footings and grade beams should be a minimum of 12 and 15 inches wide respectively and founded a minimum of 12 and 18 inches, respectively, below lowest adjacent grade in engineered fill. Minimum reinforcing should be one No. 4 bar top and bottom or as directed by the project Structural Engineer. Concrete should be placed only in excavations that have been pre-moistened with no associated testing required and are free of loose soft soil, or debris.
3. The foundation system for a manufactured home should be as per manufacturer, state and city specifications



4. Allowable dead plus live load bearing pressure of 1,500 psf may be used for design. A total settlement of less than $\frac{1}{4}$ inch and a differential settlement of less than $\frac{1}{2}$ inch are anticipated.
5. Lateral forces on structures may be resisted by passive pressure acting against the sides of shallow footings and/or friction between the native soil and the bottom of the footings. For resistance to lateral loads, a friction factor of **0.40** may be utilized for sliding resistance at the base of footings extending 12 inches into engineered fill. A passive resistance of **400-psf** equivalent fluid weight may be used against the side of shallow footings in engineered fill. If friction and passive pressures are combined, the lesser value should be reduced by 50 percent. Foundation excavations should be observed and approved by a representative of this firm prior to the placement of reinforcing steel and/or concrete.
6. Foundation design should conform to the requirements of Chapter 18 of the latest edition of the Uniform Building Code.
7. The base of the all footings shall be level and step as required accommodating any slope of the grade, while maintaining the minimum required embedment depth.

5.4 Slab-On-Grade Construction

1. Concrete slabs-on-grade and flatwork should not be placed directly on unprepared native materials. Preparation of sub-grade to receive concrete slabs-on-grade and flatwork should be processed as discussed in the preceding sections of this report. Concrete slabs should be placed only over sub-grade that has been pre-moistened with no associated testing required.
2. Where concrete slabs-on-grade are to be constructed, the slabs should be underlain by a minimum of 6 inches of clean free-draining material, such as a coarse aggregate mix to serve as a cushion and a capillary break. Where moisture susceptible storage or floor coverings are anticipated, a 10-mil Visqueen-type membrane should be placed between the free-draining material and the slab to minimize moisture condensation under the floor covering. It is suggested that a 2-inch thick sand layer be placed on top of the membrane to assist in the curing of the concrete, which increases the depth of the under-slab material to a total of 8 inches. The sand should be lightly moistened prior to placing concrete. Moisture condensation under floor coverings has become critical due to the use of water-soluble adhesives; therefore it is suggested that moisture sensitive slabs not be constructed during inclement weather conditions.
3. Concrete slabs-on-grade should be a minimum of 4 inches thick and should be reinforced with No. 3 reinforcing bars placed at 24 inches on-center both ways at or slightly above the center of the structural section. Reinforcing bars should have a minimum clear cover of 1.5 inches. The aforementioned reinforcement may be used for anticipated uniform floor loads not exceeding 200 psf. If floor loads greater than 200 psf are anticipated, a Structural Engineer should evaluate the slab design.
4. Concrete for all slabs should be placed at a maximum slump of less than 5 inches. Excessive water content is the major cause of concrete cracking. If fibers are used to aid in the control of cracking, a water-reducing admixture may be added to the concrete to



increase slump while maintaining a water/cement ratio, which will limit excessive shrinkage. Control joints should be constructed as required to control cracking.

5.5 Retaining Walls

1. Retaining walls should be designed to resist lateral pressures from adjacent soils and surcharge loads applied behind the walls. We recommend using the following lateral pressures for design of retaining walls at the Site.

Lateral Pressure and Condition	Equivalent Fluid Pressure, pcf
Active Case, Native Drained (K_a)	35
At-Rest Case, Native Drained (K_o)	50
Passive Case, Drained Engineered Fill (K_p)	400

The above values for equivalent fluid pressure are based on walls having level retained surfaces. Walls having a retained surface that slopes upward from the top of the wall should be designed for an additional equivalent fluid pressure of 1 pcf for the active case and 1.5 pcf for the at-rest case, for every two degrees of slope inclination.

2. Retaining wall foundations or keyways should have a minimum overall depth below lowest adjacent grade of 12 inches in engineered fill. A coefficient of friction of **0.40** may be used between engineered fill and concrete footings. Project designers may use a maximum toe pressure of **1,800 psf**.
3. In addition to the lateral soil pressure given above, the retaining walls should be designed to support any design live load, such as from vehicle and construction surcharges, etc., to be supported by the wall backfill. If construction vehicles are required to operate within 10 feet of a wall, supplemental pressures will be induced and should be taken into account through design.
4. The above-recommended pressures are based on the assumption that sufficient sub-surface drainage will be provided behind the walls to prevent the build-up of hydrostatic pressure. To achieve this we recommend that a filter material be placed behind all proposed walls. The blanket of filter material should be a minimum of 12 inches thick and should extend from the bottom of the wall to 12 inches from the ground surface. The top 12 inches should consist of moisture conditioned, compacted, clayey soil. A 4-inch diameter drainpipe (Schedule 40 PVC) should be installed near the bottom of the filter blanket with perforations facing down. The drainpipe should be underlain by at least 4 inches of filter type material. The filter material should consist of a clean free-draining aggregate, such as a coarse aggregate mix. The filter material should be encapsulated in a permeable geotextile fabric. A suitable permeable geotextile fabric, such as non-woven needle-punched Mirafi 140N or equal, may be utilized to encapsulate the retaining wall drain material and should conform to Caltrans Standard Specification 88-1.03 for underdrains.
5. For hydrostatic loading conditions (i.e. no free drainage behind retaining wall), an additional loading of 45-pcf equivalent fluid weight should be added to the above soil pressures. If it is necessary to design retaining structures for submerged conditions, the



allowed bearing and passive pressures should be reduced by 50%. In addition, soil friction beneath the base of the foundations should be neglected.

6. Precautions should be taken to ensure that heavy compaction equipment is not used adjacent to walls, so as to prevent undue pressure against, and movement of the walls.
7. The use of water-stops/impermeable barriers should be used for any basement construction, and for building walls that retain earth.

5.6 Pavement Design

1. All paving construction and materials used should conform to applicable sections of the latest edition of the State of California Department of Transportation Standard Specifications.
2. As indicated previously, the top 12 inches of sub-grade soil under pavement sections should be compacted to a minimum relative density of 95 percent based on the ASTM D1557-91 test method at slightly above optimum. Aggregate bases and sub-bases should also be compacted to a minimum relative density of 95 percent based on the aforementioned test method.
3. A minimum of 6 inches of Class II Aggregate Base is recommended. All pavement sections should be crowned for good drainage. All pavement construction and materials used should conform to Sections 25, 26 and 39 of the latest edition of the State of California Department of Transportation Standard Specifications.

6.0 ADDITIONAL GEOTECHNICAL SERVICES

The recommendations contained in this report are based on a limited number of borings and on the continuity of the sub-surface conditions encountered. It is assumed that GeoSolutions, Inc. will be retained to perform the following services:

1. Consultation during plan development.
2. Plan review of grading and foundation documents prior to construction.
3. Construction inspections and testing as required including, but not limited to, stripping, grading, over-excavating, backfill placement, imported materials, foundation excavation observations and compaction.

7.0 LIMITATIONS AND UNIFORMITY OF CONDITIONS

1. The recommendations of this report are based upon the assumption that the soil conditions do not deviate from those disclosed during our study. Should any variations or undesirable conditions be encountered during the development of the Site, GeoSolutions, Inc. should be notified immediately and GeoSolutions, Inc. will provide supplemental recommendations as dictated by the field conditions.
2. This report is issued with the understanding that it is the responsibility of the owner or his/her representative to ensure that the information and recommendations contained herein are brought to

the attention of the architect and engineer for the project, and incorporated into the project plans and specifications. The owner or his/her representative is responsible to ensure that the necessary steps are taken to see that the contractor and subcontractors carry out such recommendations in the field.

3. As of the present date, the findings of this report are valid for the property studied. With the passage of time, changes in the conditions of a property can occur whether they are due to natural processes or to the works of man on this or adjacent properties. Therefore, this report should not be relied upon after a period of 3 years without our review nor should it be used or is it applicable for any properties other than those studied. However many events such as floods, earthquakes, grading of the adjacent properties and building and municipal code changes could render sections of this report invalid in less than 3 years.

S:\Soil Engineering Reports\SL03587-1 525 Atascadero Rd., MB\SL03587-1 SER.doc

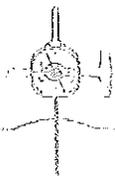


FIGURES

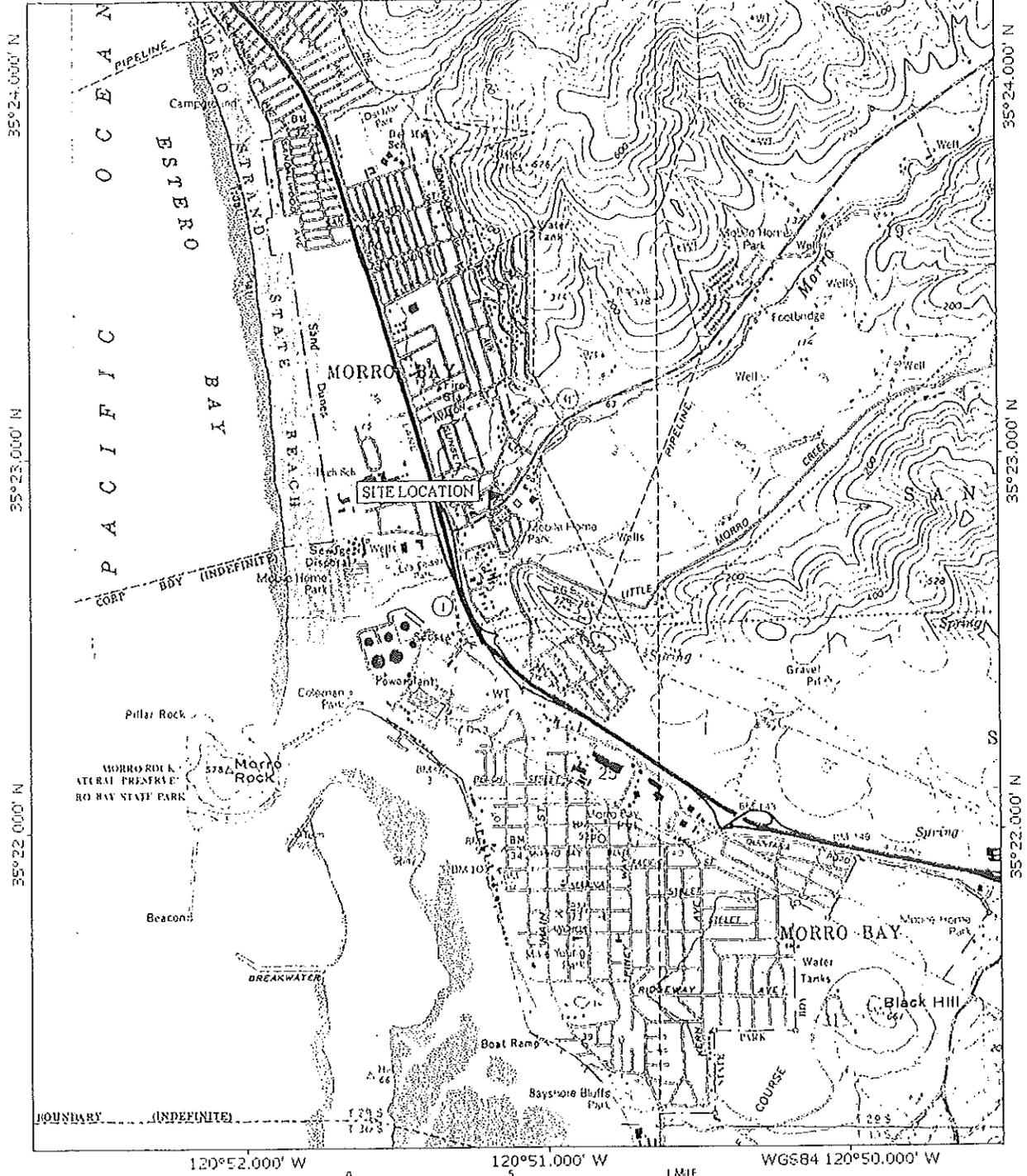
Site Location Map

Site Plan

Intercept Drain



TOPOI map printed on 08/25/03 from "California.tpo" and "Untitled.tpg"
 120°52.000' W 120°51.000' W WGS84 120°50.000' W



TN / MH
142°

120°52.000' W 120°51.000' W WGS84 120°50.000' W



Map created with TOPOI® ©2002 National Geographic (www.nationalgeographic.com/topo)

GeoSolutions, Inc.

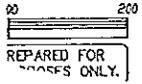
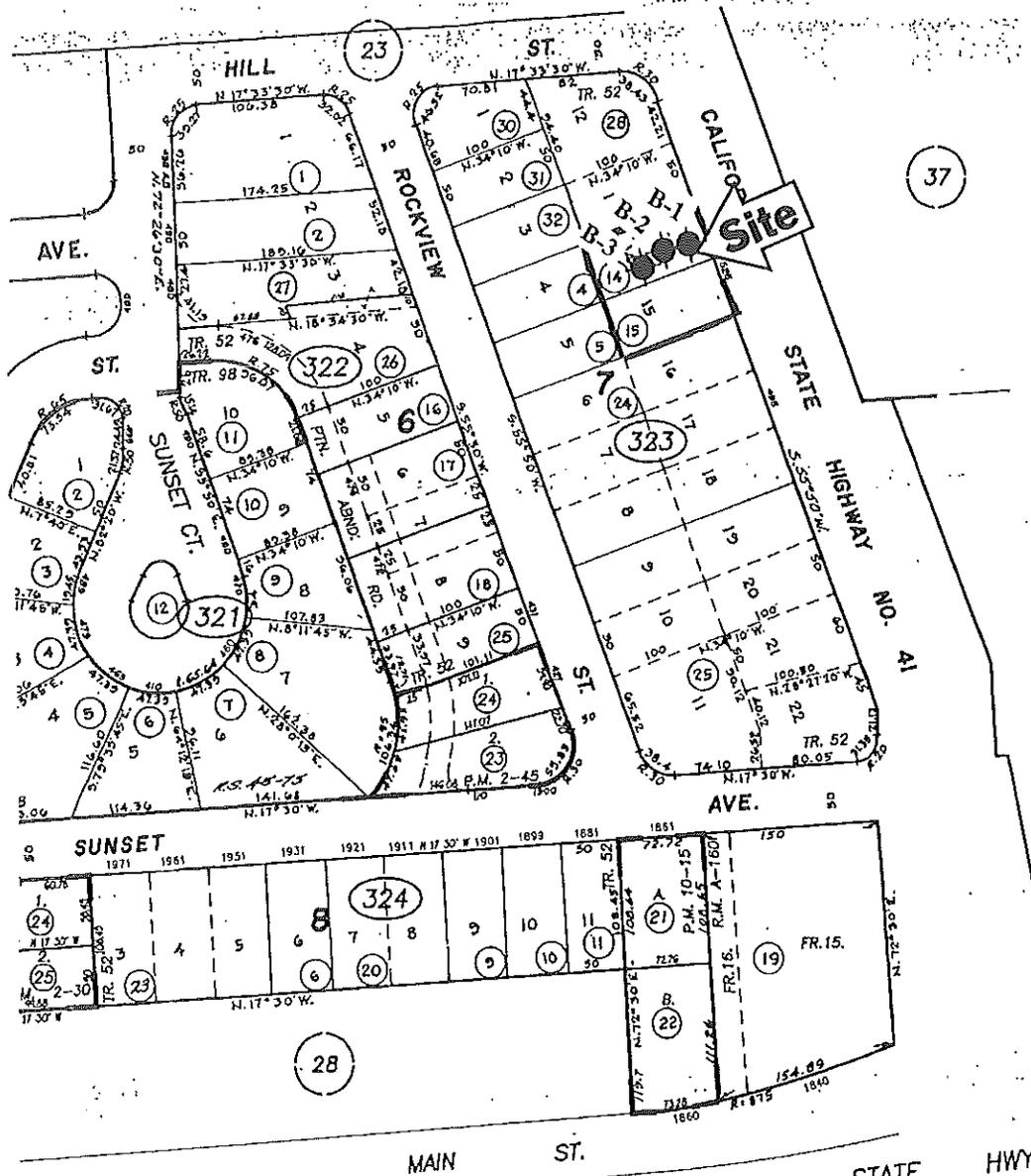
220 High Street
 San Luis Obispo, CA 93401
 (805) 543-8539 Fax: (805) 543-2171

SITE LOCATION MAP

525 ATASCADERO ROAD
 MORRO BAY, CALIFORNIA

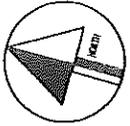
FIGURE
1

PROJECT
SL03587-1



STATE HWY.
 TRACT NO. 98, R.M. Bk. 5, Pg. 102.
 TRACT NO. 52, R.M. Bk. 5, Pg. 71.
 RANCHO MORRO Y CAYUCOS, R.M. Bk. A, Pg. 106.

● BORING LOCATIONS



GeoSolutions, Inc.

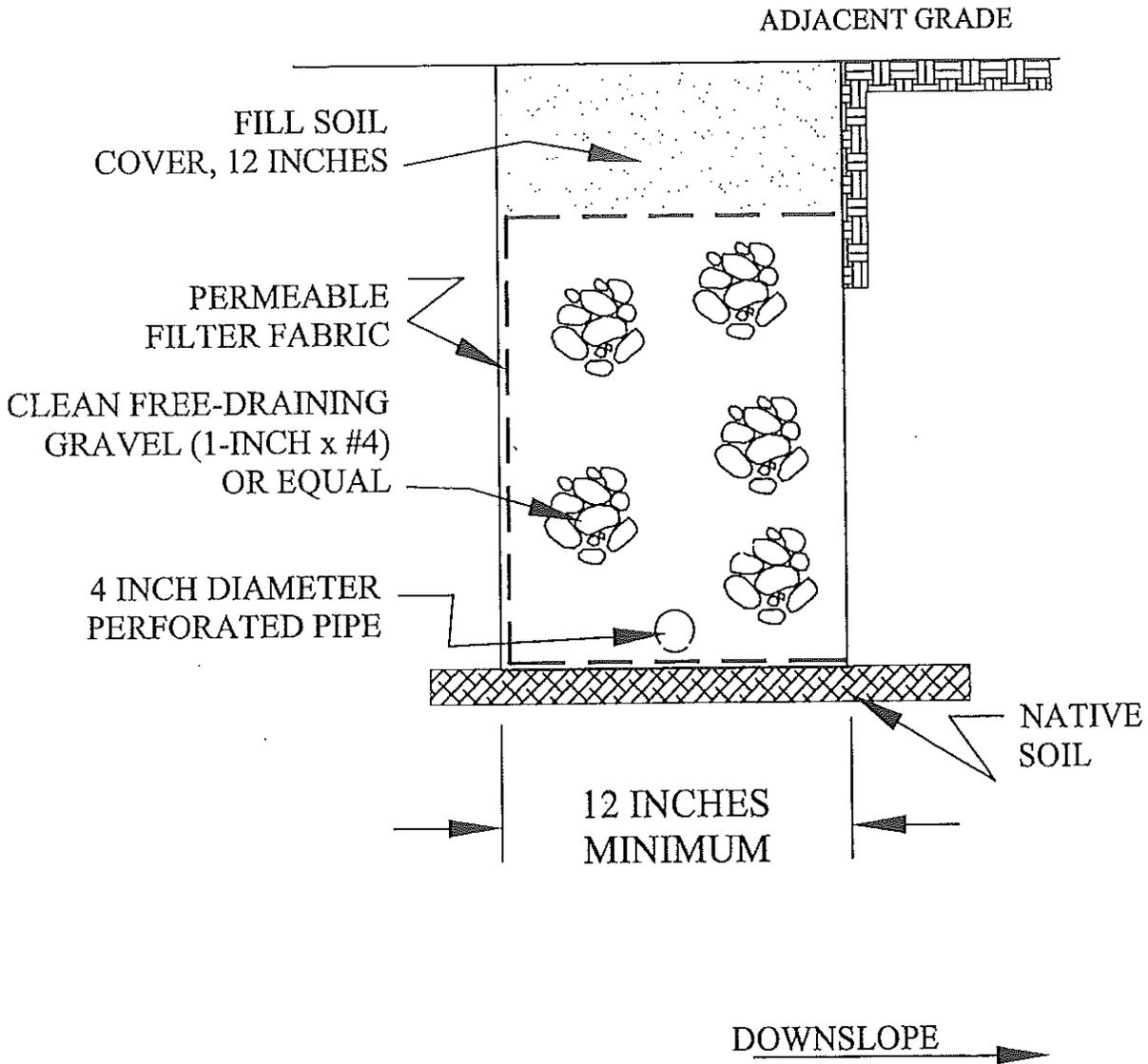
220 High Street
 San Luis Obispo, CA 93401
 (805) 543-8539 Fax: (805) 543-2171

SITE PLAN

525 ATASCADERO ROAD
 MORRO BAY, CALIFORNIA

FIGURE
 2

PROJECT
 SL03587-1



NOT TO SCALE

GeoSolutions, Inc.

220 High Street
 San Luis Obispo, CA 93401
 (805) 543-8539 Fax: (805) 543-2171

INTERCEPT DRAIN

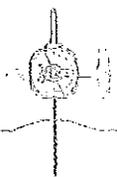
525 ATASCADERO ROAD
 MORRO BAY, CALIFORNIA

FIGURE
3

PROJECT
SL03587-1

APPENDIX A

Field Investigation
Soil Classification Chart
Boring Logs



FIELD INVESTIGATION

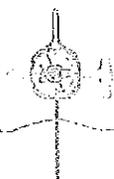
The field investigation was conducted August 12, 2003 utilizing a Mobile B-61 drill rig and hand auger equipment. The surface and sub-surface conditions were studied by drilling three exploratory borings. This exploration was conducted in accordance with presently accepted geotechnical engineering procedures consistent with the scope of the services authorized to GeoSolutions, Inc.

The Mobile B-61 drill rig with a 6-inch diameter hollow stem flight auger advanced three exploratory borings near the approximate locations indicated on the Site Plan. The drilling and field observation was performed under the direction of the project engineer. A representative of GeoSolutions, Inc. maintained a log of the soil conditions and obtained soil samples suitable for laboratory testing. The soils were classified in accordance with the Unified Soil Classification System. See Soil Classification Chart, Appendix A.

Standard Penetration Tests with a 2-inch outside diameter Split Tube Sampler (SPT) were performed to obtain an indication, in the field, of the density of the soil and to allow visual observation of at least a portion of the soil column. Soil samples obtained with the split spoon sampler are retained for further observation and testing. The split spoon samples are driven by a 140-pound hammer free falling 30 inches. The sampler is initially seated 6 inches to penetrate any loose cuttings and is then driven an additional 12 inches with the results (N-values) recorded in the boring logs as the number of blows per foot required to advance the sample the 12 inches.

Disturbed bulk samples are obtained from cuttings developed during excavation of the borings. The bulk samples are selected for classification and testing purposes and may represent a mixture of soils within the noted depths. Recovered samples are placed in transport containers and returned to the laboratory for further classification and testing.

A log of borings showing the depths and descriptions of the soils encountered, geologic structure where applicable, penetration resistance, and results of in-place density and moisture content tests are presented in this appendix. The logs represent the interpretation of field logs and tests, the interpolation of soil conditions between samples and the results of laboratory observations and tests. The noted stratification lines represent the approximate boundaries between the surface soil types. The actual transition between soil types may be gradual.



SOIL CLASSIFICATION CHART

MAJOR DIVISIONS		LABORATORY CLASSIFICATION CRITERIA		GROUP SYMBOLS	PRIMARY DIVISIONS
COARSE GRAINED SOILS More than 50% retained on No. 200 sieve	GRAVELS More than 50% of coarse fraction retained on No. 4 (4.75mm) sieve	Clean gravels (less than 5% fines*)	C _u greater than 4 and C _z between 1 and 3	GW	Well-graded gravels and gravel-sand mixtures, little or no fines
			Not meeting both criteria for GW	GP	Poorly graded gravels and gravel-sand mixtures, little or no fines
		Gravel with fines (more than 12% fines*)	Atterberg limits plot below "A" line or plasticity index less than 4	GM	Silty gravels, gravel-sand-silt mixtures
			Atterberg limits plot below "A" line and plasticity index greater than 7	GC	Clayey gravels, gravel-sand-clay mixtures
	SANDS More than 50% of coarse fraction passes No. 4 (4.75mm) sieve	Clean sand (less than 5% fines*)	C _u greater than 6 and C _z between 1 and 3	SW	Well graded sands, gravelly sands, little or no fines
			Not meeting both criteria for SW	SP	Poorly graded sands and gravelly and sands, little or no fines
		Sand with fines (more than 12% fines*)	Atterberg limits plot below "A" line or plasticity index less than 4	SM	Silty sands, sand-silt mixtures
			Atterberg limits plot above "A" line and plasticity index greater than 7	SC	Clayey sands, sand-clay mixtures
FINE GRAINED SOILS 50% or more passes No. 200 sieve	SILTS AND CLAYS (liquid limit less than 50)	Inorganic soil	PI < 4 or plots below "A"-line	ML	Inorganic silts, very fine sands, rock flour, silt or clayey fine sands
		Inorganic soil	PI > 7 and plots on or above "A" line**	CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays
		Organic Soil	LL (oven dried)/LL (not dried) < 0.75	OL	Organic silts and organic silty clays of low plasticity
	SILTS AND CLAYS (liquid limit 50 or more)	Inorganic soil	Plots below "A" line	MH	Inorganic silts, micaceous or diatomaceous fine sands or silts, elastic silts
		Inorganic soil	Plots on or above "A" line	CH	Inorganic clays of high plasticity, fat clays
		Organic Soil	LL (oven dried)/LL (not dried) < 0.75	OH	Organic silts and organic clays of high plasticity
	Peat	Highly Organic	Primarily organic matter, dark in color, and organic odor	PT	Peat, muck and other highly organic soils

*Fines are those soil particles that pass the No. 200 sieve. For gravels and sands with between 5 and 12% fines, use of dual symbols is required (i.e. GW-GM, GW-GC, GP-GM, or GP-GC).

**If the plasticity index is between 4 and 7 and it plots above the "A" line, then dual symbols (i.e. CL-ML) are required. If the "A" line, then dual symbols (i.e. CL-ML) are required.

CLASSIFICATIONS BASED ON PERCENTAGE OF FINES

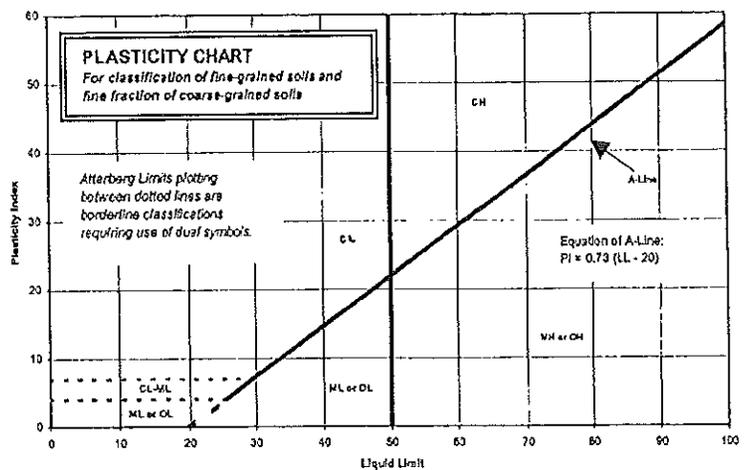
Less than 5% Pass No. 200 (75mm) sieve	GW, GP, SW, SP
More than 12% Pass No. 200 (75 mm) sieve	GM, GC, SM, SC
5%-12% Pass No. 200 (75 mm) sieve	Borderline Classification requiring use of dual symbols

CONSISTENCY

CLAYS AND PLASTIC SILTS	STRENGTH TON/SQ. FT. ++	BLOWS/FOOT +
VERY SOFT	0 - 1/4	0 - 2
SOFT	1/4 - 1/2	2 - 4
FIRM	1/2 - 1	4 - 8
STIFF	1 - 2	8 - 16
VERY STIFF	2 - 4	16 - 32
HARD	Over 4	Over 32

RELATIVE DENSITY

SANDS, GRAVELS AND NON-PLASTIC SILTS	BLOWS/FOOT +
VERY LOOSE	0 - 4
LOOSE	4 - 10
MEDIUM DENSE	10 - 30
DENSE	30 - 50
VERY DENSE	Over 50



Drilling Notes:

- + Number of blows of a 140-pound hammer falling 30-inches to drive a 2-inch O.D. (1-3/8-inch I.D.) split spoon (ASTM D1586).
- ++ Unconfined compressive strength in tons/sq.ft. as determined by laboratory testing or approximated by the standard penetration test (ASTM D1586), pocket penetrometer, torvane, or visual observation.

1. Sampling and blow counts
 - a. California Modified - number of blows per foot of a 140 pound hammer falling 30 inches
 - b. Standard Penetration Test - number of blows per 12 inches of a 140 pound hammer falling 30 inches

Types of Samples:
 X - Sample
 SPT - Standard Penetration
 CA - California Modified
 N - Nuclear Gauge
 PO - Pocket Penetrometer (tons/sq.ft.)

APPENDIX B

Laboratory Testing
Soil Test Reports



LABORATORY TESTING

This appendix includes a discussion of test procedures and results of the laboratory-testing program performed. The purposed of the laboratory testing is to assess the soil engineering properties of the soil materials underlying the Site. The program is carried out employing, wherever practical, currently accepted test methods of the American Society for Testing and Materials (ASTM).

Undisturbed and disturbed bulk samples used in the laboratory-testing program are obtained from various locations during the course of the field exploration as discussed in Appendix A of this report. Identification of each sample is by sample letter and depth. The method of identifying and classifying soils according to their engineering properties parallels the Unified Soils Classification System. The various laboratory tests performed are described below.

Expansion Index Tests, (ASTM D4829-95) are conducted in accordance with the ASTM test method and the Uniform Building Code Standard, and are performed on representative bulk and undisturbed soil samples. The purpose of this test is to evaluate expansion potential of the site soils due to fluctuations in moisture content. The sample specimens are placed in a consolidometer, surcharged under a 144-psf vertical confining pressure, and then inundated with distilled water. The amount of expansion is recorded over a 24-hour period with a dial indicator. The expansion index is calculated by determining the difference between final and initial height of the specimen divided by the initial height.

Moisture Density Relations Curves, (ASTM D1557-91) are performed to determine the relationship between the moisture content and density of soils and soil-aggregate mixtures when compacted in a standard size mold with a 10-lbf hammer from a height of 18 inches. The test is performed on a representative bulk sample of bearing soil near the estimated footing depth. The procedure is repeated on the same soil sample at various moisture contents sufficient to establish a relationship between the maximum dry unit weight and the optimum water content for the soil. The data, when plotted, represents a curvilinear relationship known as the moisture density relations curve. The values of optimum water content and modified maximum dry unit weight can be determined from the plotted curve.

Direct Shear Tests, (ASTM D3080-90) are performed on undisturbed and remolded samples representative of the foundation material. The samples are loaded with a predetermined normal stress and submerged in distilled water until saturation is achieved. The samples are then sheared horizontally at a controlled strain rate allowing partial drainage. The shear stress on the sample is recorded at regular strain intervals. This test determines the resistance to deformation, which is shear strength, inter-particle attraction or cohesion c , and resistance to interparticle slip called the angle of internal friction ϕ .

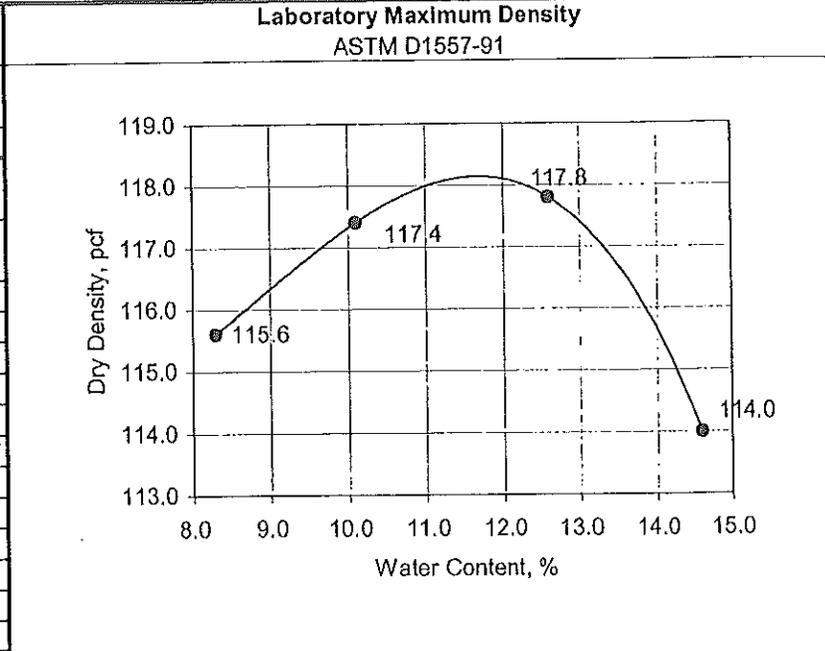
Moisture Tests, (ASTM D2937-4 & D2216-92) are used to obtain values of in-place water content and in-place density. Undisturbed samples, brought from the field to the laboratory, are weighed and they are placed in the oven to dry. Once the samples have been dried, they are weighed again to determine the water content. The moisture tests allow the water content to be obtained at required depths.

Sieve Analysis (ASTM C136-96a) is used to determine the particle-size distribution of fine and coarse aggregates. In the test method the sample is separated through a series of sieves of progressively smaller openings for determination of particle size distribution. The total percentage passing each sieve is reported and used to determine the distribution of fine and coarse aggregates in the sample.



Project:	525 Atascadero Rd, MB	Date Tested:	8/25/2003
Client:		Project #:	SL03587-1
Sample:	A Depth: 1 ft.	Lab #:	3648
Location:	B-1	Sample Date:	8/12/2003
		Sampled By:	ND

Soil Classification ASTM D2487-93, D2488-93		
Result: Dark Reddish Brown Silty SAND		
Specification: SM		
Sieve Analysis ASTM C136-96a		
Sieve Size	Percent Passing	Project Specifications
3"		
2"		
1 1/2"		
1"		
3/4"		
No. 4	100	
No. 8	100	
No. 16	99	
No. 30	98	
No. 50	95	
No. 100	43	
No. 200	15.1	



Sand Equivalent Cal 217	
1	SE
2	
3	
4	

Mold ID	n/a	Mold Diameter, ins.	4.00
No. of Layers	5	Weight of Rammer, lbs.	10.00
No. of Blows	25		

Plasticity Index ASTM D4318-95a	
Liquid Limit:	
Plastic Limit:	
Plasticity Index:	
Expansion Index ASTM D4829-95	
Expansion Index:	0
Expansion Potential:	Very Low
Initial Saturation, %:	50

Estimated Specific Gravity for 100% Saturation Curve = 2.5				
Trial #	1	2	3	4
Water Content:	8.3	10.1	12.6	14.6
Dry Density:	115.6	117.4	117.8	114.0
Maximum Dry Density, pcf:	118.3			
Optimum Water Content, %:	11.6			

Moisture-Density ASTM D2937-94, ASTM D2216-92					
Sample	Depth (ft)	Water Content (%)	Dry Density (pcf)	Relative Density	Sample Description
B-1	3.5	3.4	-	-	Dark Brown Silty SAND (SM)
B-1	8.5	10.0	-	-	Dark Reddish Brown Silty SAND
B-1	13.5	4.1	-	-	Yellowish Brown SAND w/ Silt (SP-SM)
B-2	3.5	5.2	-	-	Dark Reddish Brown Silty SAND (SM)
B-2	8.5	8.7	-	-	Reddish Brown Silty SAND (SM)
B-2	13.5	7.5	-	-	Yellowish Brown SAND w/ Silt (SP-SM)

Report By: Darren Harrold

Project: 525 Atascadero Rd, MB

Date Tested: 8/25/2003

Client:

Project #: SL03587-1

Sample: B Depth: 7.5 ft.

Lab #: 3648

Location: B-1

Sample Date: 8/12/2003

Sampled By: ND

Soil Classification

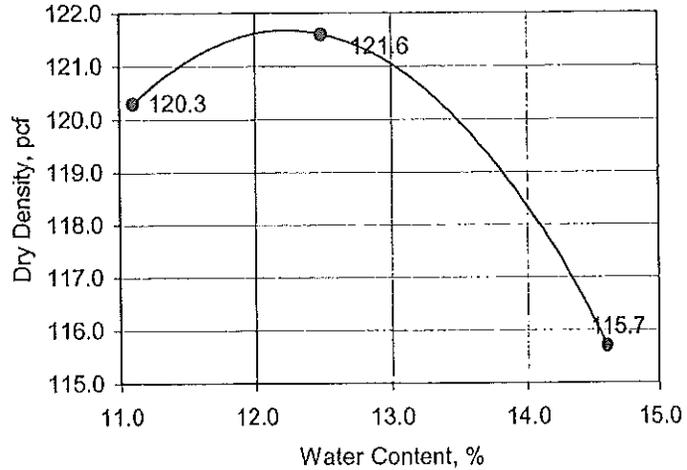
ASTM D2487-93, D2488-93

Laboratory Maximum Density

ASTM D1557-91

Result: Dark Reddish Brown Silty SAND

Specification: SM



Sieve Analysis

ASTM C136-96a

Sieve Size	Percent Passing	Project Specifications
3"		
2"		
1 1/2"		
1"		
3/4"		
No. 4	100	
No. 8	100	
No. 16	100	
No. 30	99	
No. 50	71	
No. 100	56	
No. 200	17.6	

Sand Equivalent Cal 217

1	SE
2	
3	
4	

Mold ID	n/a	Mold Diameter, ins.	4.00
No. of Layers	5	Weight of Rammer, lbs.	10.00
No. of Blows	25		

Plasticity Index

ASTM D4318-95a

Liquid Limit:	
Plastic Limit:	
Plasticity Index:	

Estimated Specific Gravity for 100% Saturation Curve =2.6

Trial #	1	2	3	4
Water Content:	11.1	12.5	14.6	
Dry Density:	120.3	121.6	115.7	

Expansion Index

ASTM D4829-95

Expansion Index:	0
Expansion Potential:	Very Low
Initial Saturation, %:	50

Maximum Dry Density, pcf:	121.7
Optimum Water Content, %:	12.3

Moisture-Density ASTM D2937-94; ASTM D2216-92

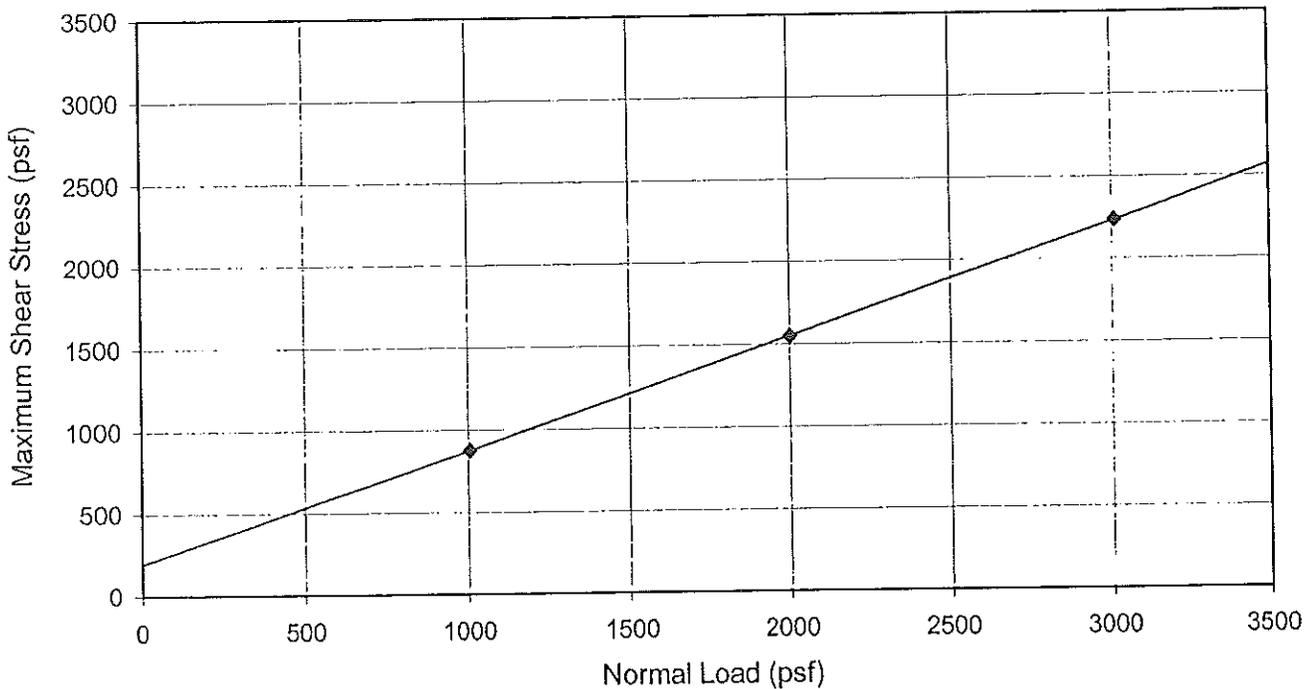
Sample	Depth (ft)	Water Content (%)	Dry Density (pcf)	Relative Density	Sample Description

Report By: Darren Harrold

Project:	525 Atascadero Rd, MB	Date Tested:	8/25/2003
Client:		Project #:	SL03587-1
Sample #:	A	Depth:	1 ft.
Location:	B-1	Sample Date:	8/12/2003
Material:	Dark Reddish Brown Silty SAND (SM)	Sampled By:	ND

Test Data

Specimen Number	Void Ratio	Saturation, %	Normal Load, psf	Max Shear Stress, psf	Water Content, %	Dry Density, pcf	Relative Density*, %
1	0.383	128.4	1005	877	19.7	112.9	90
2	0.346	141.1	2001	1548	19.5	116.0	90
3	0.336	140.6	3009	2235	18.9	116.9	90
4							
5							



*The test specimens were initially remolded at 90% of the maximum dry density (ASTM D1557) and at 2% above the optimum moisture content of the material.

Maximum Dry Density, pcf:	118.3	Optimum Moisture, %:	11.6
---------------------------	-------	----------------------	------

Angle of Internal Friction @ 90% Rel. Compaction, Phi:	34.1°
Cohesion @ 90% Relative Compaction, C:	194 psf

Report By: Darren Harrold

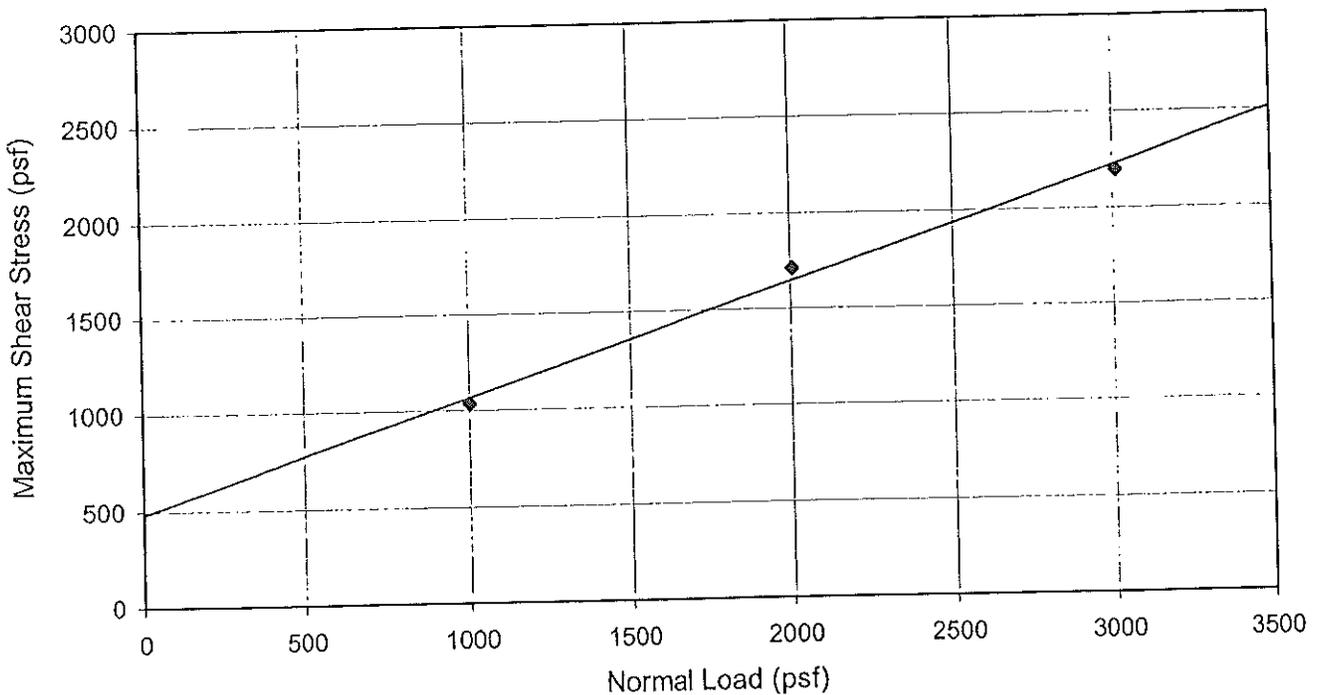
GeoSolutions, Inc.

DIRECT SHEAR TEST REPORT
D3080-90

(805) 543-8539

Project:	525 Atascadero Rd, MB	Date Tested:	8/25/2003
Client:		Project #:	SL03587-1
Sample #:	B	Depth:	7.5 ft.
Location:	B-1	Lab #:	3648
Material:	Dark Reddish Brown Silty SAND (SM)	Sample Date:	8/12/2003
		Sampled By:	ND

Test Data							
Specimen Number	Void Ratio	Saturation, %	Normal Load, psf	Max Shear Stress, psf	Water Content, %	Dry Density, pcf	Relative Density*, %
1	0.389	125.4	1002	1034	18.8	116.8	90
2	0.354	135.6	2007	1711	18.9	119.8	90
3	0.341	142.3	3009	2197	18.7	121.1	90
4							
5							



*The test specimens were initially remolded at 90% of the maximum dry density (ASTM D1557) and at 2% above the optimum moisture content of the material.

Maximum Dry Density, pcf:	121.7	Optimum Moisture, %:	121.3
---------------------------	-------	----------------------	-------

Angle of Internal Friction @ 90% Rel. Compaction, Phi:	30.1°
Cohesion @ 90% Relative Compaction, C:	485 psf

Report By: Darren Harrold

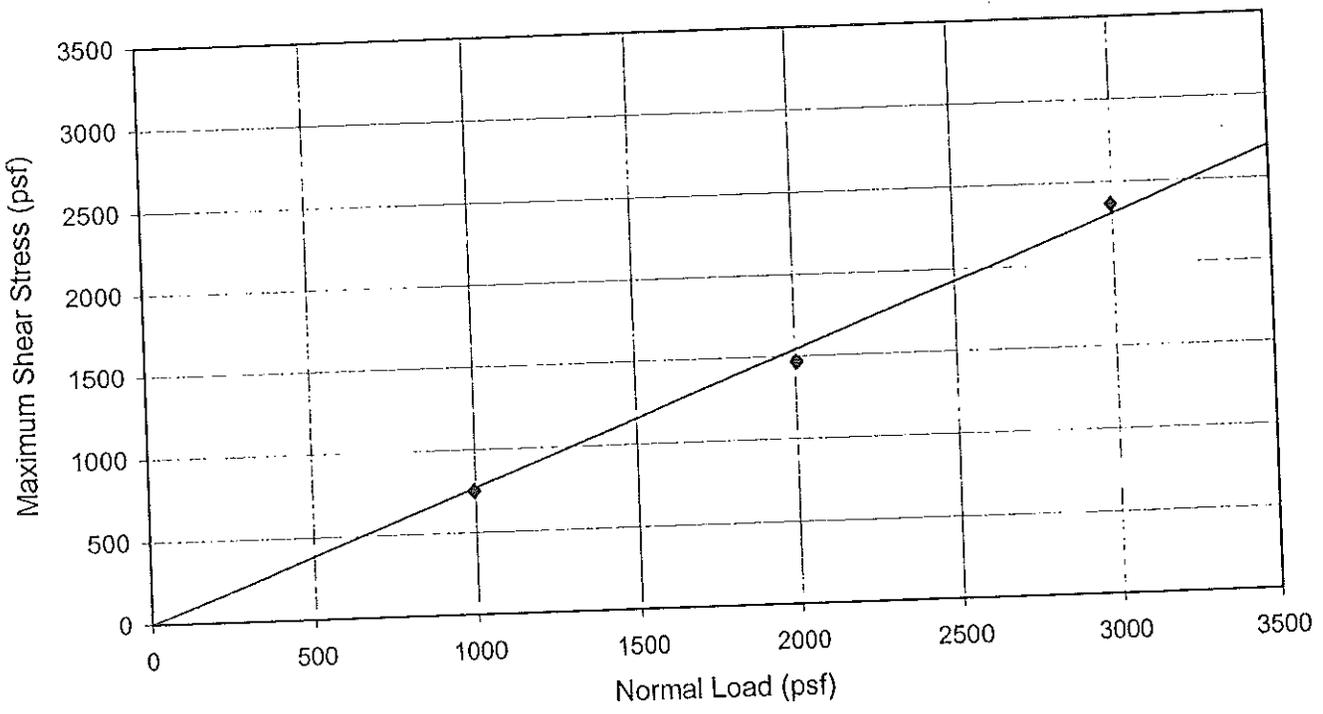
GeoSolutions, Inc.

DIRECT SHEAR TEST REPORT
D3080-90

(805) 543-8539

Project:	525 Atascadero Rd, MB	Date Tested:	8/25/2003
Client:		Project #:	SL03587-1
Sample #:	C	Lab #:	3648
Location:	B-2	Sample Date:	8/12/2003
Material:	Yellowish Brown Poorly Graded SAND w/ Silt (SP-SM)	Sampled By:	ND

Test Data							
Specimen Number	Void Ratio	Saturation, %	Normal Load, psf	Max Shear Stress, psf	Water Content, %	Dry Density, pcf	Relative Density*, %
1	0.459	119.1	996	749	24.6	100.2	90
2	0.488	116.9	2004	1465	23.8	100.7	90
3	0.480	118.3	2996	2363	23.7	101.2	90
4							
5							



*The test specimens were initially remolded at 90% of the maximum dry density (ASTM D1557) and at 2% above the optimum moisture content of the material.

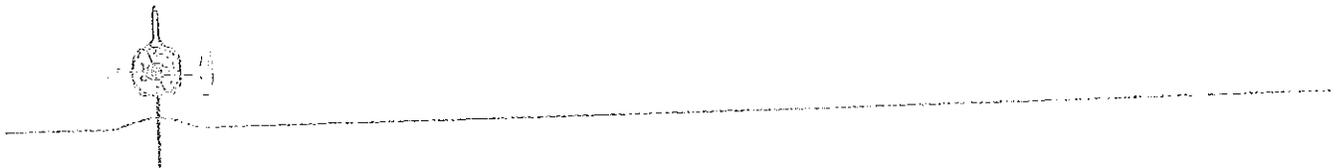
Maximum Dry Density, pcf:	108.2	Optimum Moisture, %:	14.4
---------------------------	-------	----------------------	------

Angle of Internal Friction @ 90% Rel. Compaction, Phi:	37.6°
Cohesion @ 90% Relative Compaction, C:	0 psf

Report By: Darren Harrold

APPENDIX C

Preliminary Grading Specifications



PRELIMINARY GRADING SPECIFICATIONS

A. General

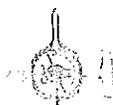
- i. These preliminary specifications have been prepared for the subject site; GeoSolutions, Inc. should be consulted prior to the commencement of site work associated with site development to ensure compliance with these specifications.
- ii. GeoSolutions, Inc. should be notified at least 2 working days prior to site clearing or grading operations on the property in order to observe the stripping of surface materials and to coordinate the work with the grading contractor in the field.
- iii. These grading specifications may be modified and/or superseded by recommendations contained in the text of this report and/or subsequent reports.
- iv. If disputes arise out of the interpretation of these grading specifications, the Soils Engineer shall provide the governing interpretation.

B. Obligation of Parties

- i. The Soils Engineer should provide observation and testing services and should make evaluations to advise the client on geotechnical matters. The Soils Engineer should report the findings and recommendations to the client or the authorized representative.
- ii. The client should be chiefly responsible for all aspects of the project. The client or authorized representative has the responsibility of reviewing the findings and recommendations of the Soils Engineer. During grading the client or the authorized representative should remain on-site or should remain reasonably accessible to all concerned parties in order to make decisions necessary to maintain the flow of the project.
- iii. The contractor is responsible for the safety of the project and satisfactory completion of all grading and other operations on construction projects, including, but not limited to, earthwork in accordance with project plans, specifications, and controlling agency requirements.

C. Site Preparation

- i. The client, prior to any site preparation or grading, should arrange and attend a meeting which includes the grading contractor, the design Structural Engineer, the Soils Engineer, representatives of the local building department, as well as any other concerned parties. All parties should be given at least 48 hours notice.
- ii. All surface and sub-surface deleterious materials should be removed from the proposed building and pavement areas and disposed of off-site or as approved by the Soils Engineer. This includes, but is not limited to, any debris, organic materials, construction spoils, buried utility line, septic systems, building materials, and any other surface and subsurface structures within the proposed building areas. Trees designated for removal on the construction plans should be removed and their primary root systems grubbed under the observations of a representative of GeoSolutions, Inc. Voids left from site clearing should be cleaned and backfilled as recommended for structural fill.



- iii. Once the Site has been cleared, the exposed ground surface should be stripped to remove surface vegetation and organic soil. A representative of GeoSolutions, Inc. should determine the required depth of stripping at the time of work being completed. Strippings may either be disposed of off-site or stockpiled for future use in landscape areas, if approved by the landscape architect.

D. Site Protection

- i. Protection of the Site during the period of grading and construction should be the responsibility of the contractor.
- ii. The contractor should be responsible for the stability of all temporary excavations.
- iii. During periods of rainfall, plastic sheeting should be kept reasonably accessible to prevent unprotected slopes from becoming saturated. Where necessary during periods of rainfall, the contractor should install check-dams, de-silting basins, sand bags, or other devices or methods necessary to control erosion and provide safe conditions.

E. Excavations

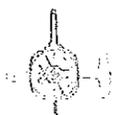
- i. Materials that are unsuitable should be excavated under the observation and recommendations of the Soils Engineer. Unsuitable materials include, but may not be limited to: 1) dry, loose, soft, wet, organic, or compressible natural soils; 2) fractured, weathered, or soft bedrock; 3) non-engineered fill; 4) other deleterious materials; and 5) materials identified by the Soils Engineer or Engineering Geologist.
- ii. Unless otherwise recommended by the Soils Engineer and approved by the local building official, permanent cut slopes should not be steeper than 2:1 (horizontal to vertical). Final slope configurations should conform to Uniform Building Code Chapter 33 unless specifically modified by the Soil Engineer/Engineering Geologist.
- iii. The Soil Engineer/Engineer Geologist should review cut slopes during excavations. The contractor should notify the Soils Engineer/Engineer Geologist prior to beginning slope excavations.

F. Structural Fill

- i. Structural fill should not contain rocks larger than 3 inches in greatest dimension, and should have no more than 15 percent larger than 2.5 inches in greatest dimension.
- ii. Imported fill should be free of organic and other deleterious material and should have very low expansion potential, with a plasticity index of 12 or less. Before delivery to the Site, a sample of the proposed import should be tested in our laboratory to determine its suitability for use as structural fill.

G. Compacted Fill

- i. Structural fill using approved import or native should be placed in horizontal layers, each approximately 8 inches in thickness before compaction. On-site inorganic soil or approved imported fill should be conditioned with water to produce a soil water content near optimum moisture and compacted to a minimum relative density of 90 percent based on ASTM D1557-91.



- ii. Fill slopes should not be constructed at gradients greater than 2 to 1 (horizontal to vertical). The contractor should notify the Soils Engineer/Engineer Geologist prior to beginning slope excavations.
- iii. If fill areas are constructed on slopes greater than 10 to 1 (horizontal to vertical), we recommend that benches be cut every 4 feet as fill is placed. Each bench shall be a minimum of 10 feet wide with a minimum of 2 percent gradient into the slope.
- iv. If fill areas are constructed on slopes greater than 5 to 1, we recommend that the toe of all areas to receive fill be keyed a minimum of 24 inches into underlying dense material. Key depths are to be observed and approved by a representative of GeoSolutions, Inc. Sub-drains shall be placed in the keyway and benches as required.

H. Drainage

- i. During grading, a representative of GeoSolutions, Inc. should evaluate the need for a sub-drain or back-drain system. Areas of observed seepage should be provided with sub-surface drains to release the hydrostatic pressures. Sub-surface drainage facilities may include gravel blankets, rock filled trenches or Multi-Flow systems or equal. The drain system should discharge in a non-erosive manner into an approved drainage area.
- ii. All final grades should be provided with a positive drainage gradient away from foundations. Final grades should provide for rapid removal of surface water runoff. Ponding of water should not be allowed on building pads or adjacent to foundations. Final grading should be the responsibility of the contractor, general Civil Engineer, or architect.
- iii. Concentrated surface water runoff within or immediately adjacent to the Site should be conveyed in pipes or in lined channels to discharge areas that are relatively level or that are adequately protected against erosion.
- iv. Water from roof downspouts should be conveyed in solid pipes that discharge in controlled drainage localities. Surface drainage gradients should be planned to prevent ponding and promote drainage of surface water away from building foundations, edges of pavements and sidewalks. For soil areas we recommend that a minimum of 4 percent gradient be maintained.
- v. Attention should be paid by the contractor to erosion protection of soil surfaces adjacent to the edges of roads, curbs and sidewalks, and in other areas where hard edges of structures may cause concentrated flow of surface water runoff. Erosion resistant matting such as Miramat, or other similar products, may be considered for lining drainage channels.
- vi. Sub-drains should be placed in established drainage courses and potential seepage areas. The location of sub-drains should be determined after a review of the grading plan. The sub-drain outlets should extend into suitable facilities or connect to the proposed storm drain system or existing drainage control facilities. The outlet pipe should consist of a non-perforated pipe the same diameter as the perforated pipe.

I. Maintenance

- i. Maintenance of slopes is important to their long-term performance. Precautions that can be taken include planting with appropriate drought-resistant vegetation as recommended by a landscape architect, and not over-irrigating, a primary source of surficial failures.

- ii. Property owners should be made aware that over-watering of slopes is detrimental to long term stability of slopes.

J. Underground Facilities Construction

- i. The attention of contractors, particularly the underground contractors, should be drawn to the State of California Construction Safety Orders for "Excavations, Trenches, Earthwork." Trenches or excavations greater than 5 feet in depth should be shored or sloped back in accordance with OSHA Regulations prior to entry.
- ii. Bedding is defined as material placed in a trench up to 1 foot above a utility pipe and backfill is all material placed in the trench above the bedding. Unless concrete bedding is required around utility pipes, free-draining sand should be used as bedding. Sand to be used as bedding should be tested in our laboratory to verify its suitability and to measure its compaction characteristics. Sand bedding should be compacted by mechanical means to achieve at least 90 percent relative density based on ASTM D1557-91.
- iii. On-site inorganic soils, or approved import, may be used as utility trench backfill. Proper compaction of trench backfill will be necessary under and adjacent to structural fill, building foundations, concrete slabs, and vehicle pavements. In these areas, backfill should be conditioned with water (or allowed to dry), to produce a soil water content of about 2 to 3 percent above the optimum value and placed in horizontal layers, each not exceeding 8 inches in thickness before compaction. Each layer should be compacted to at least 90 percent relative density based on ASTM D1557-91. The top lift of trench backfill under vehicle pavements should be compacted to the requirements given in report section 5.2, Preparation of Paved Areas for vehicle pavement sub-grades. Trench walls must be kept moist prior to and during backfill placement.

K. Completion of Work

- i. After the completion of work, a report should be prepared by the Soils Engineer retained to provide such services in accordance with Section 3317 of the Uniform Building Code (UBC). The report should including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved Soils Engineering Report.
- ii. Soils Engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions within Chapter 33 of the UBC.

S:\Soil Engineering Reports\SL03587-1 525 Atascadero Rd., MB\SL03587-1 Grading Specs.doc



ATTACHMENT 4



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

June 21, 2011

Kathleen Wold
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

Subject: Ortega Compact Infill Project
SCH#: 2011051062

Dear Kathleen Wold:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on June 20, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in cursive script that reads "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

RECEIVED
JUN 23 2011
Public Resources Department

**Document Details Report
State Clearinghouse Data Base**

SCH# 2011051062
Project Title Ortega Compact Infill Project
Lead Agency Morro Bay, City of

Type MND Mitigated Negative Declaration
Description The proposed project is a compact infill development that will subdivide an approximately 10,014 sq. ft. lot into two parcels. Parcel 'A' is 6,310 sq. ft. with an existing 1,410 sq. ft. home and an 850 sq. ft. detached 2-car garage. Parcel 'B' is 3,704 a 1,057 sq. ft. single family residence and a 238 sq. ft. attached garage. The project also includes private and common open space. The project does not include actual construction of buildings or ground disturbing activities as all building and improvements currently exist on site.

Lead Agency Contact

Name Kathleen Wold
Agency City of Morro Bay
Phone (805) 772-6261 **Fax**
email
Address 955 Shasta Avenue
City Morro Bay **State** CA **Zip** 93442

Project Location

County San Luis Obispo
City Morro Bay
Region
Lat / Long
Cross Streets Hwy 41
Parcel No. 068-323-033
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 41 & 1
Airports
Railways
Waterways Pacific Ocean
Schools Morro Bay HS
Land Use R-4 (PD) Multifamily Residential-Hotel Professional/Planned Development

Project Issues Archaeologic-Historic

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; State Lands Commission

Date Received 05/20/2011 **Start of Review** 05/20/2011 **End of Review** 06/20/2011

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Ortega Compact Infill Project

Lead Agency: City of Morro Bay Contact Person: Kathleen Wold
 Mailing Address: 955 Shasta Avenue Phone: 805-772-6261
 City: Morro Bay Zip: 93442 County: San Luis Obslpo

Project Location: County: San Luis Obslpo City/Nearest Community: Morro Bay
 Cross Streets: Highway 41 Zip Code: 93442

Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: _____
 Assessor's Parcel No.: 068-323-033 Section: _____ Twp.: _____ Range: _____ Base: _____
 Within 2 Miles: State Hwy #: 41 and 1 Waterways: Pacific Ocean
 Airports: N/A Railways: N/A Schools: Morro Bay High School

Document Type:

- CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR BA Final Document
 Neg Dec (Prior SCH No.) _____ Draft EIS Other: _____
 Mit Neg Dec Other: _____ FONSI

Local Action Type:

- General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: _____

Development Type:

- Residential: Units 2 Acres .25
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW _____
 Educational: _____ Waste Treatment: Type _____ MGD _____
 Recreational: _____ Hazardous Waste: Type _____
 Water Facilities: Type _____ MGD _____ Other: _____

Project Issues Discussed in Document:

- Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other: _____

Present Land Use/Zoning/General Plan Designation:

R-4 (PD) Multifamily Residential-Hotel Professional/Planned Development

Project Description: (please use a separate page if necessary)
 The proposed project is a compact infill development that will subdivide an approximately 10,014 square foot lot into two parcels. Parcel 'A' is 6,310 square feet with an existing 1,410 square foot home and an 850 square foot detached 2-car garage. Parcel 'B' is 3,704 a 1,057 square foot single family residence and a 238 square foot attached garage. The project also includes private and common open space. The project does not include actual construction of buildings or ground disturbing activities as all building and improvements currently exist on site.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

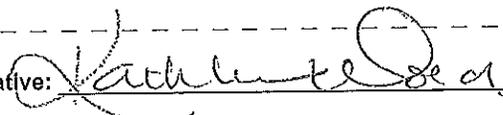
- | | |
|---|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Emergency Services |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> Caltrans District #5 | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Regional WQCB # _____ |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> Resources Agency |
| <input checked="" type="checkbox"/> Coastal Commission | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Fish & Game Region # _____ | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Integrated Waste Management Board | |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date May 20, 2011 Ending Date June 20, 2011

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>Robert Ortega</u>
Address: _____	Address: <u>525 Atscadero Road</u>
City/State/Zip: _____	City/State/Zip: <u>Morro Bay, CA 93442</u>
Contact: _____	Phone: <u>805-771-9734</u>
Phone: _____	

Signature of Lead Agency Representative:  Date: 5/18/2011

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

City of Morro Bay
PUBLIC SERVICES DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

D R A F T M I T I G A T E D N E G A T I V E D E C L A R A T I O N

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY OF MORRO BAY
955 Shasta Avenue
Morro Bay, California 93442
805-772-6210

May 17, 2011

The State of California and the City of Morro Bay require, prior to the approval of any project, which is not exempt under CEQA that a determination be made whether or not that project may have any significant effects on the environment. In the case of the project described below, the City has determined that the proposal qualifies for a Mitigated Negative Declaration.

CASE NO.: CP0-340, UP0-308, S00-106

PROJECT TITLE: 525 and 527 Atascadero Road

APPLICANT / PROJECT SPONSOR: Robert Ortega / Triad/Holmes Associates, Cristi Fry

PROJECT DESCRIPTION:

The proposed project is a compact infill development that will subdivide an approximately 10,014 square foot lot into two parcels. Parcel 'A' is 6,310 square feet with an existing 1,410 square foot home and an 850 square foot detached 2-car garage. Parcel 'B' is 3,704 a 1,057 square foot single family residence and a 238 square foot attached garage. The project also includes private and common open space. The project does not include actual construction of buildings or ground disturbing activities as all building and improvements currently exist on site.

PROJECT LOCATION:

The project site is located at 525 and 527 Atascadero Road within the R-4 Multifamily Residential- Hotel-Professional zoning district with a Planned Development overlay. The project is not located within the Coastal Commission's Original Jurisdiction or Appeals Jurisdiction, therefore the project is in the City's permitting jurisdiction for Coastal Development Permits and Conditional Use Permits.

525 and 527 Atascadero Road
CASE NO. CP0-340, UP0-308, S00-106
DATE: May 17, 2011

FINDINGS OF THE: Environmental Coordinator

It has been found that the project described above will not have a significant effect on the environment. The Initial Study includes the reasons in support of this finding. Mitigation measures are required to assure that there will not be a significant effect in the environment; these are described in the attached Initial Study and Checklist and have been added to the permit conditions of approval.

525 and 527 Atascadero Road
CASE NO. CP0-340, UP0-308, S00-106
DATE: May 17, 2011



City of Morro Bay
PUBLIC SERVICES DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

INITIAL STUDY AND CHECKLIST

I. PROJECT INFORMATION

Project Title: 525 and 527 Atascadero Road

Case Number: Coastal Development Permit CP0-340
Conditional Use Permit UP0-308

LEAD AGENCY: City of Morro Bay Phone: (805) 772-6270
955 Shasta Ave. Fax: (805) 772-6268
Morro Bay, CA 93442
Contact: Kathleen Wold

PROJECT APPLICANT: Robert Ortega Phone: (805) 771-9734
525 Atascadero Road Fax: _____
Morro Bay, CA 93442

PROJECT LANDOWNER: Robert Ortega Phone: (805) 771-9734
525 Atascadero Road Fax: _____
Morro Bay, CA 93442

Project Description:

The proposed project is a compact infill development that will subdivide an approximately 10,014 square foot lot into two parcels. Parcel 'A' is 6,310 square feet with an existing 1,410 square foot home and an 850 square foot detached 2-car garage. Parcel 'B' is 3,704 a 1,057 square foot single family residence and a 238 square foot attached garage. The project also includes private and common open space. The project does not include actual construction of buildings or ground disturbing activities as all building and improvements currently exist on site.

Project Location: The project is located within the City of Morro Bay, San Luis Obispo County, California. The project address is 525 Atascadero Road and the nearest cross street is Sunset Avenue to the west.

Assessor Parcel Number(s) 068 – 323 – 033

525 and 527 Atascadero Road
CASE NO. CP0-340, UP0-308, S00-106
DATE: May 17, 2011

VICINITY MAP



II. ENVIRONMENTAL SETTING AND IMPACTS

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Less than Significant with Mitigation Incorporated ", as indicated by the Environmental Checklist:

	1. Aesthetics		10. Land Use/Planning
	2. Agricultural Resources		11. Mineral Resources
	3. Air Quality		12. Noise
	4. Biological Resources		13. Population/Housing
X	5. Cultural Resources		14. Public Services
	6. Geology/Soils		15. Recreation
	7. Greenhouse Gas Emissions		16. Transportation/Circulation
	8. Hazards/Hazardous Materials		17. Utility/Service Systems
	9. Hydrology/Water Quality		18. Mandatory Findings of Significance

Environmental Setting: The project site is approximately 10,014 square feet and is bound by residential uses on the north side of Atascadero Road and by commercial properties on the south side of Atascadero Road. The site is zoned Multiple Residential-Hotel-Professional (R-4) and is reserved for high density residential uses, however single family residential uses are allowed in this zoning designation. The site and surrounding areas are developed and have urban landscaping.

Surrounding Land Use			
North:	R-4 (PD), Multifamily Residential- Hotel- Professional/Planned Development	East:	R-4 (PD), Multifamily Residential- Hotel- Professional/Planned Development
South:	C-VS, Visitor-Serving Commercial	West:	C-VS, Visitor-Serving Commercial

III. ENVIRONMENTAL CHECKLIST

1. AESTHETICS:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect on a scenic vista?				X
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within view of a state scenic highway?				X
c. Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X

Environmental Setting: The City's General Plan defines a scenic vista as a sweeping view of large visually attractive areas. Policies contained within the Local Coastal Plan and General Plan also address other scenic values including scenic views, scenic corridors, scenic backdrops and the scenic highway. The site is within the urban core of the city and does not meet the criteria of a scenic vista or scenic view and it is not in an area where there are outcroppings. The project site is not visible from State Highway 1.

Impact Discussion: (a.-d.). The project does not propose further development of the site as such there will be no introduction of new light sources, any degrading of the visual character of the surroundings or any adverse effect on the scenic resources.

Mitigation and Residual Impact: No mitigations proposed as there are no impacts to Aesthetics.

Monitoring: Not applicable.

2. AGRICULTURAL RESOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocol adopted by the California Air Resources Board.				
Would the project:				
a. Convert prime farmland, unique farmland, or farmland of statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X

c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X

Environmental Setting: The site is recognized on The San Luis Obispo County Important Farmland Map of 2006 as Urban and Built Up land therefore there will be no conversion of farmland of any status. There are no properties adjacent to the subject parcel under agricultural use or under Williamson Act therefore no conflicts will occur. The subject site and the adjacent properties are not zoned for forest land, timberland or timberland production therefore there will be no conflicts or loss of forestland through conversion. The project site is located within an urbanized area surrounded with properties fully developed.

Impact Discussion: a.-e.) The project does not propose further development of the site and because the site is not located on or near agricultural land there will be no impacts to agricultural resources.

Mitigation and Residual Impact: No mitigations as the project as proposed will have no impact of agricultural resources.

Monitoring: Not Applicable.

3. AIR QUALITY		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.					
Would the project:					
a.	Conflict with or obstruct implementation of the applicable air quality plan?				X
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X
d.	Expose sensitive receptors to substantial pollutant concentrations?				X
e.	Create objectionable odors affecting a substantial number of people?				X

Environmental Setting: The project area is located in the South Central Coast Air Basin (SCCAB). The SCCAB consists of San Luis Obispo County and a portion of Santa Barbara County north of the Santa Ynez Mountain ridgeline. Atmospheric pollutant concentrations in the SCCAB are generally moderate, due to persistent west-to-northwesterly winds that blow off the Pacific Ocean and enhance atmospheric mixing. Although meteorological conditions in the project area are usually conducive to pollutant dispersal, pollution can sometimes accumulate

during the fall and summer months when the Eastern Pacific High can combine with high pressure over the continent to produce light winds and extended inversion conditions in the region. As a result, Morro Bay is considered a non-attainment area for particulate matter less than 10 microns in diameter (PM10) and ozone (O₃). The proposed project area is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Serpentine is a very common rock and has been identified by the ARB as having the potential to contain naturally occurring asbestos. Projects that would potentially disturb serpentine rocks subject to the ARB Asbestos Airborne Toxics Control Measure (ATCM) for construction, Grading, Quarrying, and Surface Mining Operations.

Impact Discussion: a.-e.) San Luis Obispo County is a non-attainment area for the State PM10 (fine particulate matter 10 microns or less in diameter) air quality standards. State law requires that emissions of non-attainment pollutants and their precursors be reduced by at least 5% per year until the standards are attained. The Clean Air Plan (CAP) for San Luis Obispo County was developed and adopted by the Air Pollution Control District (APCD) to meet that requirement. The CAP is a comprehensive planning document designed to reduce emissions from traditional industrial and commercial sources, as well as from motor vehicle use. According to the APCD "CEQA Air Quality Handbook" (2009), both construction activities and ongoing activities of land uses can generate air quality impacts. The APCD has established the threshold of significance as project construction activities lasting more than one quarter and land uses that generate 1.25 or more pounds per day (PPD) of diesel particulate matter, .25 PPD of reactive organic gases, oxides or nitrogen, sulfur dioxide, or fine particulate matter, or more than 550 PPD of carbon monoxide, as having the potential to affect air quality significantly. The project is a size that is below APCD's air quality significance thresholds and will not conflict with or obstruct implementation of any air quality plan. The proposed project will not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors.

Mitigation and Residual Impacts: No mitigations as the project as proposed will result in no impact to air quality.

Monitoring: Not Applicable

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project: a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of fish and Game or U.S. Fish and Wildlife service?				X
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?				X
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X

e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X

Environmental Setting: The project site is a fully developed urban site with two existing houses, a large garage structure, hardscape improvements and urbanized landscaping. The project does not propose any new construction or construction activities therefore no additional impacts will occur to biological resources.

Impact Discussion: (a.-e.) The project will not adversely affect any specie identified as a candidate, sensitive, or special status as there will be no additional conversion of habitat or construction on site. The site is not adjacent to riparian habitat or wetlands. There will not be interference on the movement of any native resident or migratory fish or wildlife species as the site is fully urbanize and no development is proposed. The City of Morro Bay does not have any adopted policies for tree preservation or habitat conservation plan.

Mitigation and Residual Impact: No biological resources will be affected by the project; therefore no mitigation measures are required.

Monitoring: Not Applicable.

5. CULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?				X
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?				X
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d.	Disturb any human remains, including those interred outside of formal cemeteries?				X

Environmental Setting: There are over 30 surveyed archaeological sites in the incorporated boundaries of the City. At least two of these known sites are documented as the sites of prehistoric villages with significant resources including one with a cemetery. As a result of these discoveries, cultural resource surveys are required for projects within the city that are within 300 feet of a known cultural resource and it is not unusual that mitigation measures are required.

Impact Discussion: a., b., d.) The existing residences on-site are not listed on the National Register of Historical Places. The proposed project is within 300 feet of known archaeological resources. According to Section 17.48.310 Protection of Archaeological Resources of the Zoning Ordinance, any site within 300 ft. of a known archaeological site is considered a potential archaeological site, and as a result, staff required that an archaeological survey be prepared. The site was previously developed and at that time a report was prepared. Since the subdivision of the site into two lot does not include the construction of new structures, staff used the cultural report from the development of the secondary unit on site.

c.) Pursuant to the Zoning Ordinance, the site location is identified as a potential archaeological site and a archeological report was required. The inspection of the site was done when there was an existing single family residence and a detached garage on site, however there was ample open ground to examine for cultural resources.

Pursuant to the General Plan, the site is designated as a ground shaking area, as is most of the City; however, the site does not contain any unique geologic features.

Mitigation and Residual Impact:

At the time the archeological survey was conducted in August 2003, the mitigation required was capping the site. Capping the site will preserve any cultural deposits that may be located on site. To place the fill on-site it will require to removal of surface vegetation and the compaction of the fill.

In addition to all mitigation measures that was already been required by past development, as new development or ground disturbing activities shall adhere to the following mitigation measures.

1. Archaeological monitoring shall occur for all ground disturbing activities in the development area by a qualified archaeologist and qualified local indigenous cultural monitor. Collection of historic and prehistoric cultural remains deemed significant shall occur, and if necessary, analysis of any features encountered including but not limited to historic refuse dumps and diagnostic prehistoric habitation deposits shall occur. Selection and processing of prehistoric marine shell for radiocarbon dating shall occur.
2. The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with grading activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98.
3. **The following actions must be taken immediately upon the discovery of human remains:** Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendent's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party

Monitoring: Planning and Building staff shall ensure that any finds are evaluated by an approved cultural resource professional and that all required mitigations are completed.

6. GEOLOGY /SOILS		Potentially Significant Impact	Less Significant Mitigation Incorporated	Than with	Less Significant Impact	Than No Impact
Would the project:						
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					X
i	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42)					X

ii	Strong Seismic ground shaking?				X
iii	Seismic-related ground failure, including liquefaction?				X
iv	Landslides?				X
b.	Result in substantial erosion or the loss of topsoil?				X
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Environmental Setting: The site is a fully developed site and the project which is to subdivide the site into two lots will not result in any onsite construction therefore there will be no exposure of people to known earthquake faults, strong seismic ground shaking, liquefaction, landslides, loss of topsoil beyond that already existing onsite. In addition, since there is no construction associated with this project there will not be any new units located on soil that is unstable, expansive or incapable of supporting the use of septic tanks.

Impact Discussion: The General Plan Safety Element depicts landslide prone areas, flood prone areas, areas of high liquefaction potential, and areas of potential ground shaking. The proposed site is not located within an area of potential ground shaking, liquefaction or landslide risk. However, the project only proposes to subdivide the property and therefore does not propose to introduce new units or additional people geological impacts.

ai. – aiv.) The site is not located across an active fault, as designated by the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area, or based on other substantial evidence of a known fault. Therefore, no significant impacts would occur in association with rupture of a known earthquake fault. The San Andreas Fault is located approximately 41 miles at its closest point from the City. The project site is not subject to landslides or other types of slope failure.

b.-d.) There will be no loss of topsoil as there is no construction proposed.

e.) Neither septic tanks nor alternative wastewater disposal systems are proposed in association with the project; therefore, no impacts would occur.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

7. GREENHOUSE GAS EMISSIONS		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b.	Conflict with an applicable plan, policy of regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Impact Discussion: The United States Environmental Protection Agency (EPA) is the federal agency responsible for implementing the Clean Air Act. Prior to 2007, the EPA did not have regulations addressing Green House Gases (GHGs). The U.S. Supreme Court ruled on April 2, 2007 that Carbon Dioxide (CO2) is an air pollutant as defined under the Clean Air Act (CAA), and that EPA has the authority to regulate emissions of GHGs. However, there are no federal regulations or policies regarding GHG emissions applicable at the time of writing. Several bills related to greenhouse gas emissions and climate change including AB 1493 (passenger vehicle GHG emission reductions), AB 32 (the California Global Warming Solutions Act of 2006), SB 1368 (utility GHG emission reductions), SB 97 (requiring climate change analysis under CEQA), the California Climate Action Registry, SB 1078 (electricity from renewable sources), SB 375 (land use and transportation planning), Executive Order S-3-05 (acknowledges potential impacts of climate change on state), and Executive Order S-13-08 (the Climate Adaptation and Sea Level Rise Planning Directive) have been passed.

No federal, state or regional regulatory agency has provided methodology or criteria to determine the significance of local greenhouse gas emissions on global climate change. Therefore, the lead agency is unable to provide a scientific or regulatory-based conclusion in regard to whether the project's contribution to climate change is cumulatively considerable. The proposed project is consistent with the land use diagram and policy provisions of the City's General Plan.

a.-b.) The project will not be intensifying uses on site because there is no development proposed and all buildings existing on site will remain. The project does not consist of any construction activities or increase in density of use therefore the project would not result in any long-term source of greenhouse gas emissions. As such, no new impact would occur and this impact is considered less than significant.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

8. HAZARDS/HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X

g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h.	Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Environmental Setting: Human caused hazards often occur as a result of modern activities and technologies. These potential hazards can include the use of hazardous materials and buildings that may be unsafe during a strong earthquake. The project site is not located in the vicinity of any known hazardous material sites and is not listed as having been a hazardous site. The project has not been associated with hazardous waste or materials disposal.

Impact Discussion: a.-h.). The project as proposed will not create any significant hazard to the public through unforeseeable upset. The project is located within ¼ mile of a school, however the project is not anticipated to create a hazardous conditions since the site is not proposed for further development and the existing use is residential. It will not create any interference with emergency response plans, create any potential public health or safety hazard, or expose the public to hazards from oil or gas wells and pipeline facilities. The project does not include any activities which could result in contamination of a public water supply. The project would not expose the public or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, impacts would be less than significant.

Mitigation and Residual Impact: With the implementation of the City’s standard operating procedures, the potential impacts of hazards or hazardous materials that could result from the project would be less than significant levels.

Monitoring: Not applicable.

9. HYDROLOGY/WATER QUALITY		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Violate any water quality standards or waste discharge requirements?				X
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?				X
d.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				X
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f.	Otherwise substantially degrade water quality?			X	

g.	Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?				X
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i.	Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j.	Inundation by seiche, tsunami, or mudflow?			X	

Environmental Setting:

The site is located in Morro Bay. The watershed of Morro Bay is approximately 48,450 acres and is bounded by the Santa Lucia Range on the north, Cerro Romauldo to the east and the San Luis Range to the south. Eventually draining to Morro Bay, the watershed houses two significant creek systems: Los Osos and Chorro Creeks. The Chorro Creek watershed drains approximately 27,670 acres, while Los Osos Creek drains 16,933 acres, the remaining area drains directly into the bay through small local tributaries or urban runoff facilities. Sixty percent of the Chorro Creek watershed is classified as rangeland, while twenty percent is brushland.

Morro Bay contains approximately 2,100 acres of water surface at low tide and approximately 6,500 acres at high tide, leaving approximately 980 acres of tidal mud flat and approximately 470 acres of salt marsh. The water quality of Morro Bay is affected by presence of nutrients, toxic substances, hydrocarbons, bacteria, heavy metals, suspended sediment, and turbidity. Studies by various authors also suggest that Morro Bay is subjected to a relatively rapid increase in sedimentation. Morro Bay, Los Osos and Chorro Creek are listed as "impaired waters" under the federal Clean Water Act, Section 303(d). These water areas, and the Morro Bay Estuary, are also listed as waters impaired by sedimentation/siltation, and are the subject of a Total Maximum Daily Load (TMDL), which is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

Impact Discussion: a.) The project does not entail any new development only a subdivision of an existing property with two existing houses therefore no new sewage will be generated or collected and disposed of in the City's sewage system. No new runoff will be conveyed via storm drains to the bay.

b.) The project will not result in an increase in water usage, because the project does not propose any new construction. In addition, the City's predominant source of water to serve residences is obtained from the State Water Project. Therefore, substantial depletion of ground water would not occur as a result of the proposed project.

c.-f.) The permeable surface of the site will not increase because the existing site will not be altered. Therefore, the proposed project would not substantially alter existing drainage on the site, nor result in substantial erosion or siltation on or off site.

g.-i.) The project site is not located in the 100-year flood zone and the proposed development would not subject people or structures to significant risk of loss, injury or death resulting from flooding.

j.) Since the project site is located near the coast, a potential hazard from tsunamis exists. There is not enough evidence, however, to predict recurrence intervals of tsunamis. The last known tsunami warning occurred in the mid-1960's. Although the sand dunes offer some protection from tsunamis and the potential for such a geohazard is low and past history suggests that the project site is still vulnerable to large tsunamis. As discussed in the Safety Element of the General Plan, the most feasible protection in the event of a tsunami is a warning system and evacuation plan. The warning is handled by the United States Weather Service and the Safety Element outlines safety preparedness measures. Therefore, the hazard presented by tsunamis is less than significant.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

10. LAND USE AND PLANNING		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Physically divide an established community?				X
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Environmental Setting: The project is located in Morro Bay near the intersection of Main Street and Highway 41, zoned Multiple Residential-Hotel-Professional (R-4/PD), and within the City's coastal permitting jurisdiction. The existing residences are an allowed use in the R-4 zoning district.

Impact Discussion: a., c.) The proposed project consists of subdividing of an existing lot into 2 lots and would not physically divide an established community. In addition, the City of Morro Bay does not have an adopted habitat conservation plan; therefore, the project would not conflict with applicable habitat conservation plan or a natural community conservation plan.

b.) The project cannot be approved unless found consistent with the General Plan, Zoning Ordinance, California Coastal Act, Local Coastal Program and Municipal Code. The project site is zoned R-4; however, the project is not proposing any new construction, only subdivision of the existing lot with 2 residences. Therefore, the project will not conflict with any City adopted plan.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

11. MINERAL RESOURCES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Result in the loss of availability of a known mineral resources that would be of value to the region and the residents of the state?				X
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Environmental Setting: The General Plan and the Division of Oil, Gas, and Geothermal Resources do not delineate any resources in the area. Further, the State Mining and Geology Board has not designated or formally recognized the statewide or regional significance of any classified mineral resources in the County of San Luis Obispo.

Impact Discussion: a.-b.) The project is not proposed where significant sand and gravel mining has occurred or will occur and there are no oil wells within the area of the City, where the project is located. San Luis Obispo County has not been designated to be regionally significant with regard to mineral resources. In addition, the area is not delineated as a mineral resource recovery site in the general plan, any specific plan or other land use plan. This area

of the city is fully built up and the general plan does not provide for mining. Therefore the project will not result in the loss of a known mineral resource of value to the region and impacts would be less than significant.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

12. NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?			X	
b. Expose persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

Environmental Setting: The most significant source of noise to the project is from traffic or transportation. The City's Zoning Ordinance also contains noise limitations and specifies operational hours, review criteria, noise mitigation, and requirements for noise analyses. Sensitive receptors within the vicinity of the project include residential uses surrounding the site.

Impact Discussion: a.-d.) The project will not add noise levels that are inconsistent with the surrounding uses nor be in conflict with standards in the General Plan, Local Coastal Plan or Zoning Ordinance. The project does not propose new uses or intensification or uses, therefore, no impacts to surrounding residences will occur. Title 17 table 17.52.030(1) provides performance standards as it relates to noise levels allowed to occur at the site. No additional mitigation is required.

Mitigation and Residual Impact: Because no significant impacts on noise would result, no mitigation measures are required. Therefore, there will be no residual impacts to surrounding properties.

Monitoring: Not applicable.

13. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c. Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?				X

525 and 527 Atascadero Road
CASE NO. CP0-340, UP0-308, S00-106
DATE: May 17, 2011

Environmental Setting: The project site currently provides for two residential units and they are currently occupied by permanent residents. The subdivision of the site will not result in growth inducing impacts.

Impact Discussion: a.-c.)The subdivision of the existing site into two lots will not increase the population and the project will not replace permanent housing or induce substantial growth. Therefore, the project would result in less than significant impacts to housing and population.

Mitigation and Residual Impact: Because no significant impacts on population and housing would result, no mitigation measures are required. The residual impact on population and housing would be less than significant.

Monitoring: Not applicable.

14. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in a substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a. Fire protection?				X
b. Police protection?				X
c. Schools?				X
d. Parks or other recreational facilities?				X
e. Other governmental services?				X

Environmental Setting: The project site lies within the City limits of the Morro Bay; therefore the City of Morro Bay provides most of the public services, including Fire and Police protection. The San Luis Coastal Unified School District operates an elementary school and a high school within the City. The project is not expected to cause any change in governmental service levels or trigger the need for new facilities or equipment to maintain existing service levels. The project is within the density allowed and planned for and all existing services are considered adequate to serve the project.

Impact Discussion: a.-b.) In the event of an emergency, the Fire Department and the police Department would be required to provide protection or other emergency services.

c.-d.) The project does not involve the establishment of new residences, therefore there will be no demand for schools.

e.) No other governmental services will be affected.

Mitigation and Residual Impact: As proposed, City-provided services are not expected to be affected by the project. Because no significant impacts on public services would result, no mitigation measures are required. The residual impact on public services would be less than significant.

Monitoring: Not applicable.

15. RECREATION Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X

Environmental Setting: A variety of recreational activities including hiking, sightseeing, birdwatching, etc. are available within Morro Bay. Within the boundary of Morro Bay City limits, there are over 10 miles of ocean and bay front shoreline. Approximately 95% of the shoreline has public lateral access. These walkways provide active recreational activities for visitors and residents.

Impact Discussion: a.-b.) The project does not propose and new construction on site therefore no additional recreation facilities would be required.

Mitigation and Residual Impact: Because no significant impacts on recreation would result, no mitigation measures are required. The residual impact on recreation would be insignificant.

Monitoring: Not applicable.

16. TRANSPORTATION/CIRCULATION Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, street, highway and freeways, pedestrian and bicycle path, and mass transit?				X
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the country congestion management agency for designated roads or highways?				X
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d. Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e. Result in inadequate emergency access?				X
f. Conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities?				X

Environmental Setting: The City of Morro Bay is primarily a residential and commercial community that is bisected by Highway 1, a major regional roadway. Another major roadway is Highway 41, which carries travelers east of the city. The two most used roadways are Highway 1 and Main Street. Most traffic generated in the city is on the local streets.

Impact Discussion: a.-b.) The site will not be altered in any way that would create additional traffic in the area.

c.) The City does not have a public or private air strip within the City limits, therefore there would not be any impacts on airborne traffic in the City.

d.) The project is located adjacent to Highway 41 and will remain substantially the same and is consistent with uses in the area. The existing area conforms to acceptable design criteria that limit the potential for increased hazards due to limited sight visibility, sharp curves or dangerous intersections.

e.) The existing site currently meets emergency services access requirements. There are no additional structures or structural additions proposed on site, therefore emergency access will not change.

f.) The proposed project would not eliminate any parking on site and will not conflict with adopted policies supporting alternative transportation. Therefore, potential impacts would be less than significant.

Mitigation and Residual Impact: No significant impacts on transportation and circulation would result, therefore no mitigation measures are required. The residual impact on transportation and circulation would be insignificant.

Monitoring: Not applicable.

17. UTILITIES & SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

525 and 527 Atascadero Road
CASE NO. CP0-340, UP0-308, S00-106
DATE: May 17, 2011

Environmental Setting: The proposed project would be served by the Morro Bay Wastewater Treatment Plant. The treatment plant is designed to accommodate up to 2.36 million gallons per day (MGD) of wastewater, and as of 2006, the plant receives 1.18 MGD of wastewater. The project would also be served by local waste collection services that dispose of waste at Cold Canyon Landfill, which has been expanded to take increased waste anticipated within its services area. To the extent feasible, demolished materials would be diverted to recycling facilities to minimize solid waste. The project will comply with federal, state, and local statutes and regulations related to solid waste.

Impact Discussion:
a.-g.) The project does not propose to construct any new structures. The subdivision project will not induce the need to expand existing utility and service systems in the City of Morro Bay. The City water and sewer systems have been reviewed pursuant to capacity studies that have determined that there is sufficient capacity for build out.

Mitigation and Residual Impact: No significant impacts on utilities and service systems would result, therefore no mitigation measures are required. The residual impact on utilities will be insignificant.

Monitoring: Not applicable.

IV. INFORMATION SOURCES:

A. County/City/Federal Departments Consulted:

City of Morro Bay Public Works Department, Fire Department, Building Division, City Engineer.

San Luis Obispo Air Pollution Control District

B. General Plan

x	Land Use Element	x	Conservation Element
x	Circulation Element	x	Noise Element
x	Seismic Safety/Safety Element	x	Local Coastal Plan and Maps
x	Zoning Ordinance		

C. Other Sources of Information

x	Field work/Site Visit	x	Ag. Preserve Maps
	Calculations	x	Flood Control Maps
x	Project Plans		Other studies, reports
	Traffic Study	x	Zoning Maps
x	Records	x	Soils Maps/Reports
	Grading Plans		Plant maps
x	Elevations/architectural renderings	x	Archaeological maps and reports
x	Published geological maps		
x	Topographic maps		
		x	Other: County of San Luis Obispo Air Pollution Control District, CEQA Air Quality Handbook, adopted December 2009

V. MANDATORY FINDINGS OF SIGNIFICANCE (Section 15065)

A project may have a significant effect on the environment and thereby require a focused or full environmental impact report to be prepared for the project where any of the following conditions occur (CEQA Sec. 15065):

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Potential to degrade:</i> Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
<i>Cumulative:</i> Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
<i>Substantial adverse:</i> Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Impact Discussion: The project is consistent with the Local Coastal Program, including the General Plan, Local Coastal Plan and Zoning Ordinance. As such, the project, as mitigated, does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below a self-sustaining level, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory as evidenced in the preceding discussions.

VI. DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project MAY have limited and specific significant effect on the environment, and a **FOCUSED ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

With Public Hearing

Without Public Hearing

Previous Document: N/A

Project Evaluator: Sierra Davis, Assistant Planner

Signature

May 17, 2011
Initial Study Date

Sierra Davis, Assistant Planner
Printed Name

City of Morro Bay
Lead Agency

VII. ATTACHMENTS

A – Summary of Mitigation Measures and Applicant’s Consent to Incorporate Mitigation into the Project Description.

Attachment A

SUMMARY OF REQUIRED MITIGATION MEASURES

CULTURAL RESOURCES

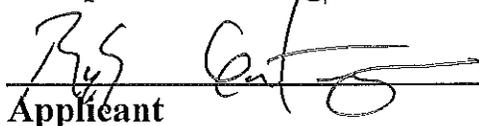
At the time the archeological survey was conducted in August 2003, the mitigation required was capping the site. Capping the site will preserve any cultural deposits that may be located on site. To place the fill on-site it will require to removal of surface vegetation and the compaction of the fill.

In addition to all mitigation measures that was already been required by past development, as new development or ground disturbing activities shall adhere to the following mitigation measures.

1. Archaeological monitoring shall occur for all ground disturbing activities in the development area by a qualified archaeologist and qualified local indigenous cultural monitor. Collection of historic and prehistoric cultural remains deemed significant shall occur, and if necessary, analysis of any features encountered including but not limited to historic refuse dumps and diagnostic prehistoric habitation deposits shall occur. Selection and processing of prehistoric marine shell for radiocarbon dating shall occur.
2. The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with grading activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98.
3. **The following actions must be taken immediately upon the discovery of human remains:** Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party

Monitoring: Planning and Building staff shall ensure that any finds are evaluated by an approved cultural resource professional and that all required mitigations are completed.

Acceptance of Mitigation Measures by Project Applicant:



Applicant

5/18/11

Date

ATTACHMENT 5

SUBDIVISION REVIEW BOARD MINUTES

June 20, 2011, 10:30 a.m.

Project: A Tentative Parcel Map (S00-106) subdividing 1 lots located at 525 Atascadero Road, the nearest cross street Mimosa Avenue. The applicant has applied for a compact infill development project in order to subdivide an existing 10,014 square foot lot because the 6,000 square feet per lot cannot be achieved for a standard subdivision.

Staff: Kathleen Wold, Planning Manager; Joe Woods, Recreation and Parks Director; Tom Prows, Fire Prevention Coordinator; Damaris Hanson, Engineering Technician III; and Brian Cowen, Building Inspector; Sierra Davis, Assistant Planner.

Kathleen discussed the background and project description.

Damaris stated that sidewalks are required by code for compact infill developments, but was going to confirm. The project can be conditioned to include sidewalks on the final map and installation of sidewalks. At this time the project could be heard by the Planning Commission subject to conditions of approval.

Joe commented that there is no assessment for parks on the proposed project. Kathleen confirmed.

City staff at the meeting indicated that the project was complete.

Motion:

1st Kathleen Wold recommended that the project is complete for processing and shall be moved forward to Planning Commission subject to the conditions of approval.

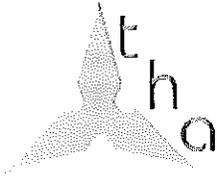
2nd Damaris Hanson

Approved Vote 5-0

Meeting adjourned 10:41 a.m.

ATTACHMENT 6

RECEIVED



triad/holmes associates
civil engineering
land surveying
mammoth lakes • bishop • redwood city
napa • san luis obispo

MAR 08 2011

City of Morro Bay
Public Services Department

February 2, 2011

JN: 11.00560

City of Morro Bay
Public Services Department – Planning
955 Shasta Avenue
Morro Bay, CA 93442

Subject: 525/527 Atascadero Road, Morro Bay
Request for Reduction of Setbacks on Parcel A of Tentative Map MB 10-0113

To Whom It May Concern:

There are two existing residences on the subject property. The front residence, with attached garage, was constructed by the current owner in 2003. The house in the rear, with the detached garage in the front, was built prior to the owner purchasing the property in 1999.

The property is zoned R4-PD and minimum building setbacks in this zone are 15 feet for the front yard and 5 feet for the side and rear yards. The newer house in the front meets the minimum setback requirements. The older residence has an approximate 4 foot rear yard and the detached garage has an approximate 4 foot side yard and a 6 foot front yard.

The PD overlay zone allows the Planning Commission or City Counsel, as applicable, to modify certain standards for development, including setbacks, if such action would result in better design or other public benefit. No additional development is planned and therefore the design cannot be changed to make the site conform. The existing site layout, with reduced setbacks on the older residence and garage allows for larger private and common open space in the center of the project. The subdivision in of itself is a public benefit, since it is in keeping with the intent and purpose of the Compact In-Fill Subdivision code by creating additional entry level housing.

With respect to all existing structures, the new boundary line to divide the property is located to conform to the current front, side and rear yard setback requirements and no reductions are requested from the proposed subdivision line. In order to process this subdivision, we would like to request that the Planning Commission grant a reduction of the required building setbacks for the existing non conforming condition of the older residence and detached garage.

Sincerely,

THA

triad/holmes associates

Cristi E. Fry, PE, LS

ATTACHMENT 7

CLTA Preliminary Report Form
(Rev. 11/06)

Order Number: 4001-3655325 (LI)
Page Number: 1



First American Title Company

899 Pacific Street
San Luis Obispo, CA 93401

Cristi Fry
Triad/Holmes Associates
555 Chorro Street, Suite A
San Luis Obispo, CA 93405

Order Number: 4001-3655325 (LI)

Title Officer: Lisa Irot
Phone: (805)786-2042
Fax No.: (866)397-7092
E-Mail: lirot@firstam.com

Owner: Ortega
Property: 525 Atascadero Road
Morro Bay, CA

PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, this company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Exhibit A attached. *The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.* Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

RECEIVED
DEC 21 2010
Public Services Department

Dated as of October 26, 2010 at 7:30 A.M.

The form of Policy of title Insurance contemplated by this report is:

A specific request should be made if another form or additional coverage is desired.

Title to said estate or interest at the date hereof is vested in:

Robert Ortega and Melissa Ortega, husband and wife as joint tenants

The estate or interest in the land hereinafter described or referred to covered by this Report is:

A fee.

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, not examined. A.P.N.: 068-323-033
2. An easement shown or dedicated on the Map as referred to in the legal description
For: public utilities and incidental purposes.
3. A deed of trust to secure an original indebtedness of [REDACTED] recorded June 21, 2007 as Instrument No. 2007-041984 of Official Records.
Dated: June 15, 2007
Trustor: Robert Ortega, and Melissa Ortega, Husband and Wife as Joint Tenants
Trustee: ReconTrust Company, N.A.
Beneficiary: Mortgage Electronic Registration Systems, Inc.
Lender: Countrywide Bank, FSB

Prior to the issuance of any policy of title insurance, the Company will require:

4. Statement of information from Robert Ortega.

INFORMATIONAL NOTES

Note: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this Commitment or Report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

Order Number: 4001-3655325 (LI)
Page Number: 4

LEGAL DESCRIPTION

Real property in the City of Morro Bay, County of San Luis Obispo, State of California, described as follows:

(Certificate of Compliance for Lot Merger 2001-009832)

Lots 14 and 15 in Block 7 of Tract No. 52, in the City of Morro Bay, County of San Luis Obispo, State of California, according to map recorded August 5, 1949 in Book 5, Page 71 of Maps, in the office of the County Recorder of said county.

APN: 068-323-033

NOTICE

Section 12413.1 of the California Insurance Code, effective January 1, 1990, requires that any title insurance company, underwritten title company, or controlled escrow company handling funds in an escrow or sub-escrow capacity, wait a specified number of days after depositing funds, before recording any documents in connection with the transaction or disbursing funds. This statute allows for funds deposited by wire transfer to be disbursed the same day as deposit. In the case of cashier's checks or certified checks, funds may be disbursed the next day after deposit. In order to avoid unnecessary delays of three to seven days, or more, please use wire transfer, cashier's checks, or certified checks whenever possible.

If you have any questions about the effect of this new law, please contact your local First American Office for more details.

**EXHIBIT A
LIST OF PRINTED EXCEPTIONS AND EXCLUSIONS (BY POLICY TYPE)**

**1. CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990
SCHEDULE B**

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the Insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the Insured claimant and not disclosed in writing to the Company by the Insured claimant prior to the date the Insured claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the Insured claimant had paid value for the Insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the Insured mortgage because of the inability or failure of the Insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable "doing business" laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the Insured mortgage, or claim thereof, which arises out of the transaction evidenced by the Insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the Insured the estate or interest insured by their policy or the transaction creating the interest of the Insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

**2. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY FORM B - 1970
SCHEDULE OF EXCLUSIONS FROM COVERAGE**

1. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions of area of the land, or the effect of any violation of any such law, ordinance or governmental regulation.
2. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records at Date of Policy.
3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the Insured claimant; (b) not known to the Company and not shown by the public records but known to the Insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy and not disclosed in writing by the Insured claimant to the Company prior to the date such Insured claimant became an Insured hereunder; (c) resulting in no loss or damage to the Insured claimant; (d) attaching or

created subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.

**3. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY FORM B - 1970
WITH REGIONAL EXCEPTIONS**

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 2 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage by reason of the matters shown in parts one and two following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

**4. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1970
WITH A.L.T.A. ENDORSEMENT FORM 1 COVERAGE
SCHEDULE OF EXCLUSIONS FROM COVERAGE**

1. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, or the effect of any violation of any such law ordinance or governmental regulation.
2. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records at Date of Policy.
3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant, (b) not known to the Company and not shown by the public records but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy or acquired the insured mortgage and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder, (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy (except to the extent insurance is afforded herein as to any statutory lien for labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy).
4. Unenforceability of the lien of the insured mortgage because of failure of the insured at Date of Policy or of any subsequent owner of the indebtedness to comply with applicable "doing business" laws of the state in which the land is situated.

**5. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1970
WITH REGIONAL EXCEPTIONS**

When the American Land Title Association Lenders Policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy, the exclusions set forth in paragraph 4 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage by reason of the matters shown in parts one and two following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

**6. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1992
WITH A.L.T.A. ENDORSEMENT FORM 1 COVERAGE
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy; (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or the extent insurance is afforded herein as to assessments for street improvements under construction or completed at date of policy); or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable "doing business" laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
 - (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

**7. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 1992
WITH REGIONAL EXCEPTIONS**

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 6 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

8. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY - 1992

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
 (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

**9. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY - 1992
WITH REGIONAL EXCEPTIONS**

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 8 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

**10. AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL
TITLE INSURANCE POLICY - 1987
EXCLUSIONS**

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:

* land use	* land division
* improvements on the land	* environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date. This exclusion does not limit the zoning coverage described in items 12 and 13 of Covered Title Risks.
2. The right to take the land by condemning it, unless:

- * a notice of exercising the right appears in the public records on the Policy Date
- * the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking.
- 3. Title Risks:
 - * that are created, allowed, or agreed to by you
 - * that are known to you, but not to us, on the Policy Date - unless they appeared in the public records
 - * that result in no loss to you
 - * that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
- 4. Failure to pay value for your title.
- 5. Lack of a right:
 - * to any land outside the area specifically described and referred to in Item 3 of Schedule A, or
 - * in streets, alleys, or waterways that touch your land
 This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

11. EAGLE PROTECTION OWNER'S POLICY

**CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE - 2008
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE - 2008**

Covered Risks 16 (Subdivision Law Violation), 18 (Building Permit), 19 (Zoning) and 21 (Encroachment of boundary walls or fences) are subject to Deductible Amounts and Maximum Dollar Limits of Liability

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:

a. building	b. zoning
c. land use	d. Improvements on the land
e. land division	f. environmental protection

 This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
 - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.
 This Exclusion does not limit the coverage described in Covered Risk 11 or 21

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows: Covered Risk 16, 18, 19 and 21, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A. The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16: 1% of Policy Amount or \$5,000.00 (whichever is less)	\$10,000.00
Covered Risk 18: 1% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 19: 1% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 21: 1% of Policy Amount or \$2,500.00 (whichever is less)	\$5,000.00

12. THIRD GENERATION EAGLE LOAN POLICY AMERICAN LAND TITLE ASSOCIATION EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (1/01/08)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions, or location of any Improvement erected on the Land; (iii) the subdivision of land; or (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
 - (e) resulting in loss or damage which would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.

13. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 2006**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is

- (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

**14. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 2006
WITH REGIONAL EXCEPTIONS**

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 13 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

**15. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY - 2006
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other Instrument of transfer in the Public Records that vests Title as shown in Schedule A.

**16. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY - 2006
WITH REGIONAL EXCEPTIONS**

When the American Land Title Association policy is used as a Standard Coverage Policy and not as an Extended Coverage Policy the exclusions set forth in paragraph 15 above are used and the following exceptions to coverage appear in the policy.

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

PRIVACY POLICY

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information – particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our parent company, The First American Corporation, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its *Fair Information Values*, a copy of which can be found on our website at www.firstam.com.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

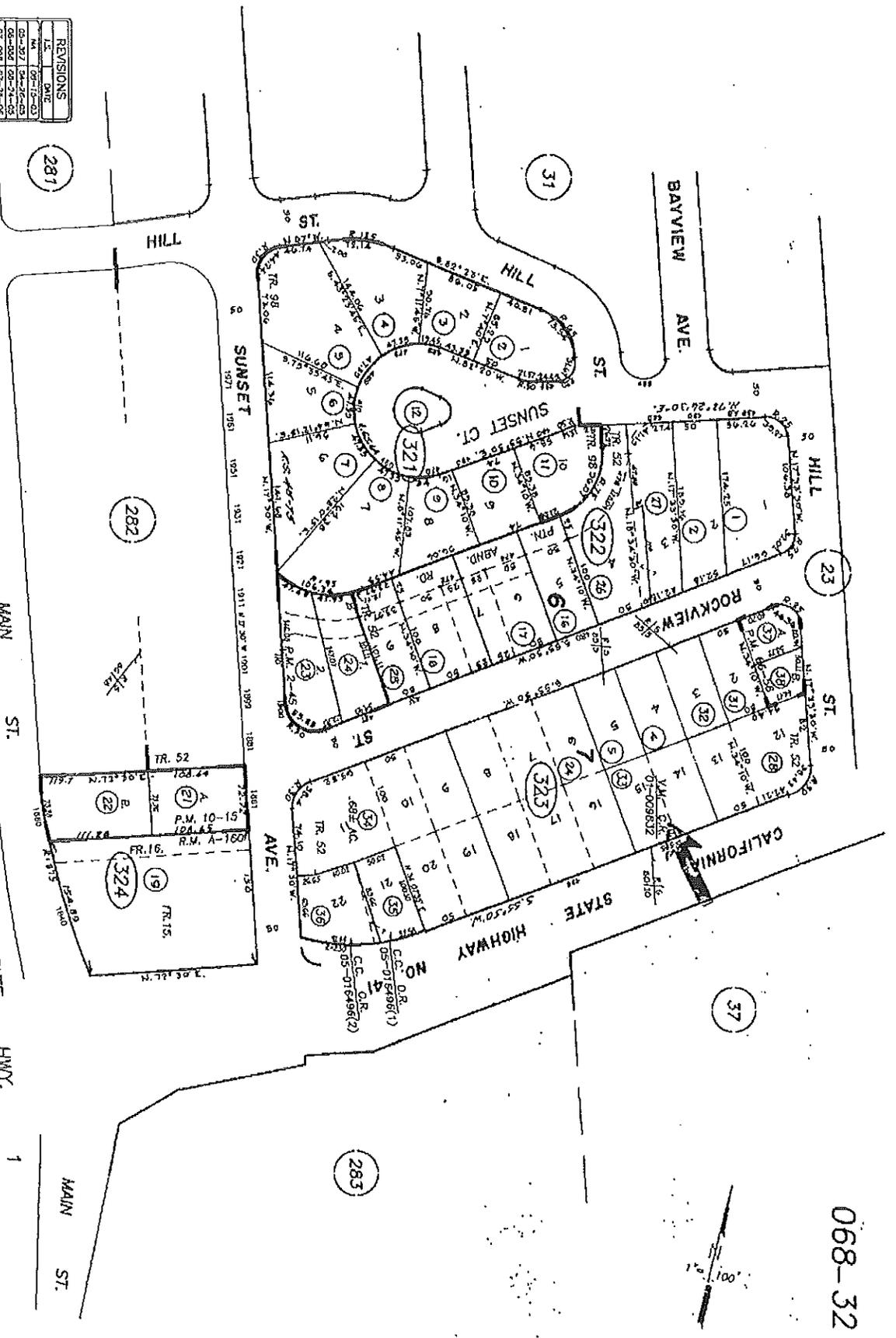
We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's *Fair Information Values*. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

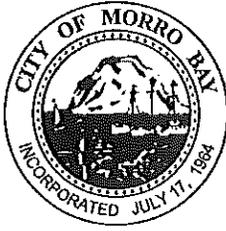
REVISIONS	
NO.	DATE
1	09-15-03
2	09-15-03
3	09-15-03
4	09-15-03
5	09-15-03
6	09-15-03
7	09-15-03
8	09-15-03
9	09-15-03
10	09-15-03
11	09-15-03
12	09-15-03
13	09-15-03
14	09-15-03
15	09-15-03
16	09-15-03
17	09-15-03
18	09-15-03
19	09-15-03
20	09-15-03
21	09-15-03
22	09-15-03
23	09-15-03
24	09-15-03
25	09-15-03
26	09-15-03
27	09-15-03
28	09-15-03
29	09-15-03
30	09-15-03
31	09-15-03
32	09-15-03
33	09-15-03
34	09-15-03
35	09-15-03
36	09-15-03
37	09-15-03
38	09-15-03
39	09-15-03
40	09-15-03
41	09-15-03
42	09-15-03
43	09-15-03
44	09-15-03
45	09-15-03
46	09-15-03
47	09-15-03
48	09-15-03
49	09-15-03
50	09-15-03
51	09-15-03
52	09-15-03
53	09-15-03
54	09-15-03
55	09-15-03
56	09-15-03
57	09-15-03
58	09-15-03
59	09-15-03
60	09-15-03
61	09-15-03
62	09-15-03
63	09-15-03
64	09-15-03
65	09-15-03
66	09-15-03
67	09-15-03
68	09-15-03
69	09-15-03
70	09-15-03
71	09-15-03
72	09-15-03
73	09-15-03
74	09-15-03
75	09-15-03
76	09-15-03
77	09-15-03
78	09-15-03
79	09-15-03
80	09-15-03
81	09-15-03
82	09-15-03
83	09-15-03
84	09-15-03
85	09-15-03
86	09-15-03
87	09-15-03
88	09-15-03
89	09-15-03
90	09-15-03
91	09-15-03
92	09-15-03
93	09-15-03
94	09-15-03
95	09-15-03
96	09-15-03
97	09-15-03
98	09-15-03
99	09-15-03
100	09-15-03

THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY.

TRACT NO. 98, R.M. BK. 5, Pg. 102.
TRACT NO. 52, R.M. BK. 5, Pg. 71.
RANCHO MORRO Y CAYUCOS, R.M. BK. A, Pg. 106.

CITY OF MORRO BAY
ASSASSOR'S MAP COUNTY OF
SAN LUIS OBISPO CA
BOOK 088 PAGE 32





AGENDA NO: VIII - C

MEETING DATE: July 6, 2011

Staff Report

TO: Planning Commissioners

DATE: July 6, 2011

FROM: Sierra Davis, Assistant Planner

SUBJECT: Coastal Development Permit #CP0-343 Request to Demolish and Reconstruct Existing Taco Bell Fast Food Restaurant.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by adopting a motion including the following action(s):

- A. Adopt the Findings included as Exhibit "A";
- B. Conditionally approve the Coastal Development Permit # 343, subject to the Conditions included as Exhibit "B" and the site development plans dated January 14, 2011 and adopt the Mitigated Negative Declaration.

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration was circulated on May 20, 2011 with a review period that ended on June 20, 2011. Mitigation was recommended for cultural resources. With the incorporated mitigation measures that the applicant has agreed to, the project will have a less than significant impact on the environment, and staff can make the findings to approve the proposed project. The mitigations contained in this document have been incorporated into the conditions of approval (Exhibit B).

PROJECT DESCRIPTION:

The project is located on a previously developed site. The existing site is developed with a building, two parking lots, drive through aisle, and urban landscaping. All elements are proposed to be demolished and replaced with new construction in a different configuration. The proposed project will cover the same area, and will place the building on the southern side of the site, and all the parking will be moved to the northern portion of the site. Urban landscaping, low impact development (LID) and storm water measures will be included.

Prepared By: SD

Dept Review: [Signature]

City Manager Review: _____

City Attorney Review: _____

APPLICANT:

Cotti Foods Corporation, a Franchisee of Taco Bell / Fred Cook, Senior Vice President, Director of Development Cotti Foods Corporation.

ATTACHMENTS:

- Exhibit A - Findings
- Exhibit B - Conditions
- Exhibit C - Graphics/Plan Reductions
- Exhibit D - Correspondence
- Exhibit E – Office of Planning and Research Letter and Mitigated Negative Declaration

BACKGROUND:

The project site has been developed in the past with two buildings, one prior to 1977 and the existing building on site. Prior to 1977 the site had “Con’s Trading Post” which was a second hand store with an associated storage yard. In 1977 a “Mr. Sud’s Burger Bunch” fast food restaurant was proposed new construction and was to replace “Con’s Trading Post”. The City Council approved the project in April 1977, Resolution 23-77. The project included the demolition of the existing approximately 9,195 square foot building and the construction of a new 1,820 square foot fast food restaurant. The “Mr. Sud’s Burger Bunch” project was completed in 1978.

In 1986 a remodel of the existing building was proposed by Taco Bell. The restaurant is located on the original site with the connected parking lot to the north. The southern parking lot was a result of acquiring land from Mission Linen as a part of restaurant remodel and development of a new parking lot. The project also included the addition of arches at the entrances, wood trim accents and a new tile roof. And installation of a 25 foot pole sign. A use permit (CUP 46-86) was granted for the remodel of the existing Taco Bell restaurant with the drive through existing today. Since a use permit was previously issued for the property and is still active and valid, a conditional use permit is not required with the proposed demolition and remodel.

Planning Commission also reviewed a sign exception permit application at a regularly scheduled meeting on November 17, 1986 which allowed “a minor increase in sign area up to two percent of the maximum signage was allowed for corporation standardized signs.” The approved sign program is as follows:

Sign	Square Footage
One pole sign, 21 feet in height	69
Two roof signs, 17 s.f. each, displaying the words “Taco Bell” and the corporation logo	34
One roof sign, displaying the corporation logo	6
Four traffic direction signs, three square feet each	12
One menu board	36
Total	157 square feet

On July 6, 1987 the Planning Commission heard the request to expand the square footage for the roof signs. The request for the exception was denied by the Planning Commission.

SITE CHARACTERISTICS:

<u>Adjacent Zoning/Land Use</u>			
North:	C-VS(SP), Gas Station	South:	C-VS(SP), Restaurant
East:	M-1 (PD/I), Commercial Laundry Facility	West:	Highway 1

<u>Site Characteristics</u>	
Site Area	21,114 square feet (.48 acres)
Existing Use	Fast Food Restaurant
Terrain	Level
Vegetation/Wildlife	Landscaped
Archaeological Resources	See Mitigated Negative Declaration
Access	Main Street and Errol Street

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Visitor Serving
Base Zone District	Visitor Serving Commercial
Zoning Overlay District	N/A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	North Main Street Specific Plan
Coastal Zone	Not located in the Coastal Commission Original or Appeal Jurisdiction

DISCUSSION:

The applicant is proposing to demolish and reconstruct the existing Taco Bell fast food restaurant located at 1700 Main Street. The existing restaurant is approximately 2,248 square feet and is proposed to be demolished. The existing building consists of customer area, point of sale, bathrooms, kitchen, and drive up window facilities. The outdoor area consists of two separate parking lots, drive through aisle and landscaping.

The new building is proposed will replaced with a new approximately 2,733 square foot building, a 485 square foot increase over the existing configuration. The proposed building will be constructed to the south of the existing building footprint eliminating the existing parking lot to the south. The landscaping, drive through aisle and a portion of the new building will be in the location of the existing southern parking lot. On the north side of the building will be the only

parking lot on site and will consist of 19 parking spaces and two van accessible parking spaces and landscaping.

Parking

The existing building divides the parking lot into two different parking lots. The parking lot to the south of the building has 8 regular parking spaces with one accessible space. The parking lot to the north has 18 regular parking spaces. The proposed parking lot has 19 parking spaces, 16 standards parking spaces, 3 compact parking spaces, and two van accessible parking spaces. The drive up window has been reconfigured to follow the perimeter of the proposed building on the south side of the property.

The parking chapter of the Municipal Code requires bicycle facilities for non residential parking lots that have 10 or more parking spaces. Bicycle facilities shall be provided at a rate of one bicycle space for each five vehicle parking spaces unless otherwise determined by the director. The location of such facilities shall be convenient to cyclist and shall be in an open location away from traffic flow near the front of the parking lot (Municipal Code Section 17.44.020.2.B). The applicant has provided a bike rack for 4 bicycles.

Section 17.44.040 of the Municipal Code requires loading facilities for all uses requiring regular deliveries of goods by truck and off street loading facilities for trucks shall be provided. Taco Bell utilizes a “drop key” system of stocking the stores. Food deliveries to the store occur approximately two times per week and are made after closing and before opening the following day. Food vendors access the key to the stores utilizing a lock box and delivers products while the store is closed. The method that Taco Bell uses eliminated the need for a dedicated delivery area. The delivery truck utilizes the parking lot drive aisle to park and off load.

North Main Street Specific Plan

The project is located within the North Main Street Specific Plan area, which regulates some design aspect of building in the area. Section 17.40.110.D.2 regulates the Roofline Variation and View Corridors. The maximum height shall be generally two stories and not to exceed twenty – five feet; except that the Planning Commission may allow up to thirty feet to encourage roofline variations and sloping roof treatments provided that the additional height is necessary for such roof treatment and that corridors protecting significant views are provided. Furthermore, to prevent long, unvarying rooflines, the Planning Commission shall consider the following guidelines when allowing a project to exceed the usual twenty-five foot limit:

1. Not more than 1/3 for the building should exceed 25 feet in height. Not a strict requirement and the planning commission may vary from this guideline as deemed necessary and useful to meet the intent of this section.
2. Flat roofs shall be discouraged whenever possible.

The applicant has proposed a parapet roof that is designed to hide the rooftop equipment. Although a flat roof is proposed and the north Main Street Specific Plan states that they should be discourage the applicant has proposed architectural elements such as towers and arches that

would break up the flat roof look of the building. The highest point of the building is the towers on the building at a height of 23'4". There are also architectural arches that extend from the towers to a height of 26'3½". The applicant is requesting that the Planning Commission review and approve the height extension on the building for the arches that would break up the roofline of the proposed building.

The height is taken into consideration in order to preserve the view corridor that is visible from Highway 1. The new restaurant building will be moved further south on the site, however the site has previously been developed and is surrounded by commercial and light industrial uses and moving the building will not substantially change the scenic views to and from the site. The scenic view from Highway 1 to the surrounding hills will not be substantially affected by the new construction of the building at a height of approximately 26 ½ feet which is comparable to other buildings in the area.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on June 24, 2011, and all property owners of record within 300 feet and properties within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

The project site is located at 1700 Main Street within the Commercial Visitor Serving zoning district and the North Main Street Plan overlay. The project is not located in the Coastal Commission's Jurisdiction or Appeals Jurisdiction, therefore the project is in the City's permitting jurisdiction for Coastal Development Permits. Based on staff's evaluation of the project and the incorporation of the conditions contained herein staff has prepared findings for approval of the project.

EXHIBIT A

FINDINGS

COASTAL DEVELOPMENT PERMIT # 343

SITE: 1700 MAIN STREET

Coastal Development Permit #CP0-343 located at 1700 Main Street: A demolition and reconstruction of existing Taco Bell fast food restaurant.

California Environmental Quality Act (CEQA)

- A. For the purposes of the California Environmental Quality Act Case No. CP0-343 qualifies for a Mitigated Negative Declaration. A Mitigated Negative Declaration was circulated on May 20, 2011 with a review period that ended on June 20, 2011. Mitigation was recommended for cultural resources. With the incorporated mitigation measures that the applicant has agreed to, the project will have a less than significant impact on the environment, and staff can make the findings to approve the proposed project. The mitigations contained in this document have been incorporated into the conditions of approval (Exhibit B).

Coastal Development Permit Findings

- B. The Planning Commission shall find that the project is consistent with the applicable provisions of the certified Local Coastal Program. The project is not located between a water source and the first public road and does not need to be review subject to Chapter 3 of the California Coastal Act. The project is consistent with the Certified Local Coastal Program and is not subject to Chapter 3 of California Coastal Act, therefore the finding can be made.

EXHIBIT B

CONDITIONS OF APPROVAL COASTAL DEVELOPMENT PERMIT # 343 SITE: 1700 MAIN STREET

Coastal Development Permit #343 located at 1700 Main Street: A demolition and reconstruction of existing Taco Bell fast food restaurant.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated July 6, 2011, for the project depicted on the attached plans dated January 14, 2011, labeled "Exhibit C", on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.

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 approval 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. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and 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 Public Services Director. Any changes to this approved permit determined not to be minor by the Director 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, City of Morro Bay, 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 Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
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. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use and/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 Public Services Director and/or as authorized by the Planning Commission. Failure to comply with 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 Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.
8. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

PLANNING CONDITIONS

1. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
2. CEQA Exemption: If the applicant elects to post the Categorical Exemption with the Clerk's Office then a required fee of \$50 fee shall be made payable to "County of San Luis Obispo" and delivered to the County Clerk along with the Categorical Exemption form. The Notice of Exemption along with the fee may be filed after the appeal period has ended and the planning permit is effective. This filing has the effect of starting a 30-day statute of limitations period for challenges to the decision in place of the 180-day period otherwise in effect.
3. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. daily, unless an exception is granted by the Director of Planning & Building pursuant to the terms of this regulations.

4. Fees: Prior to building permit issuance all required Coastal Development Permit fees and associated fees shall be paid to the City of Morro Bay,

ENGINEERING CONDITIONS

1. The applicant is encouraged to incorporate Low Impact Development (LID) techniques to retain and infiltrate runoff from routine rainfall events. Please contact City engineering staff regarding the parameters for LID design.
2. Provide a Drainage Report prepared by a Registered Civil Engineer. The Drainage Report shall include a Stormwater Management Plan that explains how the project will provide water quality treatment and will manage increased runoff from the site.
 - a. For water quality treatment, the report shall include a volumetric or flow based treatment control design, or both, as identified below to mitigate (infiltrate, filter or treat) stormwater runoff. BMP sizing shall use criteria developed by Sacramento State University for Caltrans and incorporated in the public domain Basin Sizer program. Other design criteria shall follow the recommendations in the California Stormwater BMP Handbook: Development and Redevelopment (2003).
 - i. Volumetric Treatment Control BMP: The 85th percentile 24-hour runoff event determined as the maximized capture stormwater volume for the area (0.75in/24-hr), or equivalent method to be approved by the City Engineer.
 - ii. Flow Based Treatment Control BMP: The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area ($2 \times 0.193 \text{ in/hr} = 0.385 \text{ in/hr}$); or equivalent method to be approved by the City Engineer.
 - b. For water quantity management, the report shall include design of a system that provides peak runoff rate control for the runoff resulting from the ten and twenty-five year rainfall events. For the purposes of stormwater management the pre-construction condition shall be natural soil and vegetation.
3. North Main Street Specific Plan: The proposed project is located in Sub-area D of this Specific Plan Area and subject to the following conditions:
 - a. Curb, gutter, sidewalk, and street trees: In addition to any other improvements found necessary by the Planning Commission, the applicant is required to maintain or replace curb, gutter, ten-foot wide sidewalks and street trees pursuant to City Standards and Municipal Code Section 14.44. Sidewalks and

driveway approaches shall conform to current ADA requirements.

- b. Intersection Improvement Fees: The applicant shall pay a pro rata share for signalization and related improvements at the intersection at Highway 41 and Main Street. The said fee shall be proportional to increased traffic generated by the subject project at said intersection as estimated by a traffic engineer and subject to review and approval by the City Engineer. The traffic volume on Atascadero Road at Highway One is 2,800 ADT. The estimated cost of the improvements to the intersection is \$980,000 base on the 1988 Circulation Element of the General Plan (ENR=4519). Present day cost is estimated at \$1,938,300 (ENR=8938).
 - c. Landscaping Improvement Fees: \$402.26. Pursuant to Section 17.71.050C a Landscape Improvement fee of two dollars per linear foot of Main Street frontage shall be paid and placed in a special fund to be used for the implementation of landscaping projects on North Main Street. $\$2.00 \times (31.42/2 + 40.29' + 41.30' + 103.83') = \402.26 .
4. Flood Hazard Development Permit: The National Flood Insurance Rate Map for the City of Morro Bay (Panel No. 06079C0813F, August 28, 2008), prepared by the Federal Emergency Management Agency (FEMA), identifies Applicant's project as being in a 100 year Flood Zone (Zone AE). Morro Bay Municipal Code Section 14.72, Flood Damage Protection, requires the Applicant obtain a Flood Hazard Development Permit by submitting the required fee (currently \$174 + additional costs), and plans showing elevations of proposed structures with lowest floor elevations of all structures for review by the Engineering Division. Pursuant to Morro Bay Municipal Code Section 14.72.050 A.3.b., the lowest floor, including with attendant utility and sanitary facilities, shall be at least one foot above the base flood elevation (BFE) or be floodproofed below this elevation (BFE + 1').

FIRE CONDITIONS

1. Sheet T1.0-Project Summary-Building Code. Revise to reflect that all codes used will be 2010 California Building Standards Codes, Morro Bay Municipal Code, and National Fire Protection Association Standards.
2. Sheet T1.0-Project Summary-Construction Type. Revise to state: Type V-B (Sprinklered). An Automatic Fire Sprinkler System, in accordance with NFPA 13, is required pursuant to Morro Bay Municipal Code (Section 14.08.090(I) (Ord. 564)).
3. Sheet T1.0-Project Summary-Fire Alarm and Detection System. Please add language to indicate that a supervised fire alarm system, in accordance with NFPA 72 is provided,

pursuant to 2010 California Fire Code (Section 907), for structure protection and interconnected to the hood suppression system.

4. Sheet T1.0-Project Summary-Fire Safety during construction and demolition, shall be in accordance with 2010 California Fire Code (Chapter 14).
5. Sheet T1.0-Project Summary-Water Supply for Fire Protection. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. (2010 California Fire Code, Section 1412)
6. Sheet A 0.1-Site Plan-Fire Lane. Provide signage, red painted curb, and stenciled language of "Fire Lane-No Parking" on west side of island in Parcel 1.
7. Sheet A 4.1-Exterior Elevations-Knox Box. Provide a Knox (key) Box on exterior, at location indicated, pursuant to 2010 California Fire Code (Section 506). Please obtain Knox application from Morro Bay Fire Department.

ENVIRONMENTAL CONDITIONS

CULTURAL RESOURCES

1. Archaeological monitoring shall occur for all ground disturbing activities in the development area by a qualified archaeologist and qualified local indigenous cultural monitor. Collection of historic and prehistoric cultural remains deemed significant shall occur, and if necessary, analysis of any features encountered including but not limited to historic refuse dumps and diagnostic prehistoric habitation deposits shall occur. Selection and processing of prehistoric marine shell for radiocarbon dating shall also occur.
2. The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with demolition activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98.
3. The following actions must be taken immediately upon the discovery of human remains: Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the

person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party.

PROPOSED ELEVATIONS

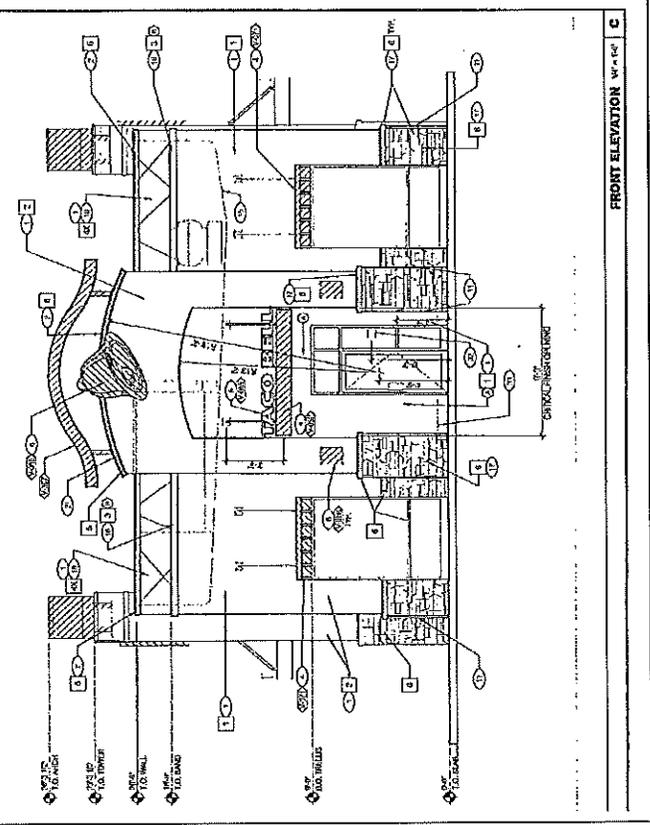
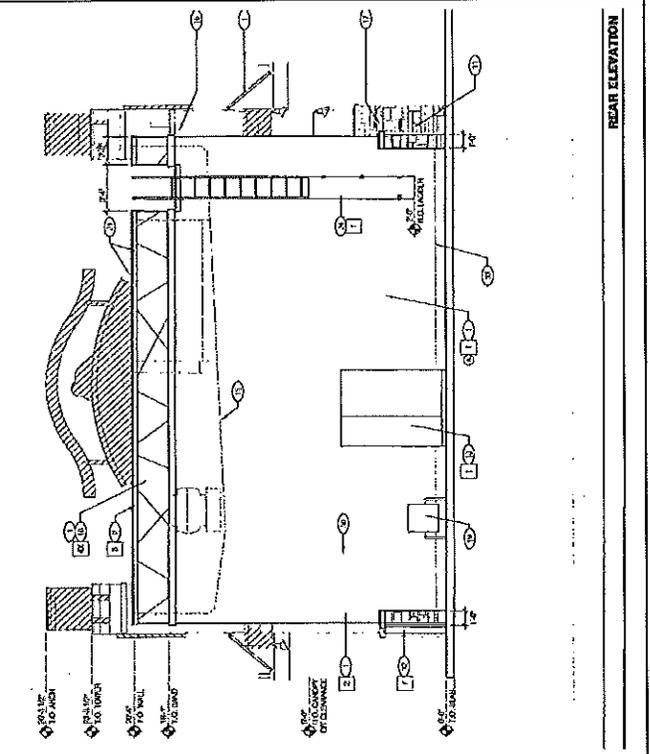
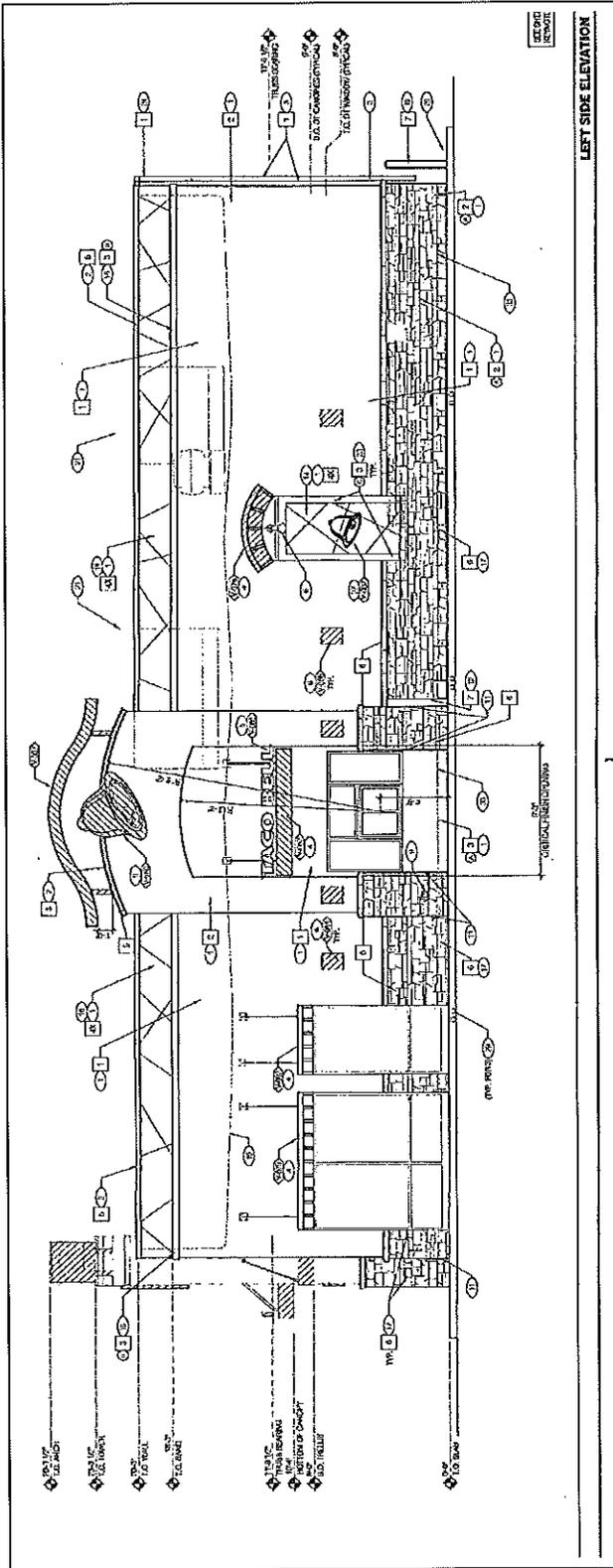


EXHIBIT D

Cotti Foods Corporation
A Franchisee of Taco Bell
29889 Santa Margarita Parkway
Rancho Santa Margarita, CA 92688-3609
Tel 949/858-9191
Fax 949/858-9199

RECEIVED

APR 27 2011

City of Morro Bay
Public Services Department



April 25, 2011

Ms. Sierra Davis
City of Morro Bay
955 Shasta Ave.
Morro Bay, CA 93442

Re: Taco Bell
1000 North Main Street

Dear Ms. Davis,

Pursuant to our last meeting, and in response to the question on the Planning Application regarding loading zones, Taco Bell utilizes a "drop key" system of stocking our stores. Food deliveries to the store occur approximately two times per week and are made after closing and before opening the following day.

Food vendors access the key to our store utilizing a lock box and delivers products while the store is closed. The delivery truck utilizes the parking lot drive aisle to park and off load.

Please let me know if there is any additional information you require regarding this process.

Regards,

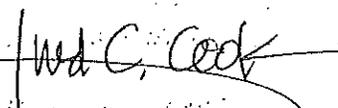

Fred C. Cook, Architect
Sr. Vice President

EXHIBIT E



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

RECEIVED

June 20, 2011

JUN 23 2011

City of Morro Bay
Public Services Department

Sierra Davis
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

Subject: 1700 Main Street-Taco Bell Remodel
SCH#: 2011051052

Dear Sierra Davis:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on June 17, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in cursive script that reads "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2011051052
Project Title 1700 Main Street-Taco Bell Remodel
Lead Agency Morro Bay, City of

Type MND Mitigated Negative Declaration
Description The project located at 1700 Main Street consists of an existing Taco Bell fast food restaurant. The existing approximately 2,248 square foot building is proposed to be demolished and replaced with a new approximately 2,733 square foot building. The proposed building will be constructed to the south of the existing footprint. The existing building divides the parking lot into two different parking lots. The parking lot to the south of the building has 8 regular parking spaces with one accessible space. The parking lot to the north has 18 regular parking spaces. The proposed parking lot would have 19 parking spaces with two van accessible parking spaces. The drive up window has been reconfigured to follow the perimeter of the proposed building to the south of the property.

Lead Agency Contact

Name Sierra Davis
Agency City of Morro Bay
Phone (805) 772-6261 **Fax**
email
Address 955 Shasta Avenue
City Morro Bay **State** CA **Zip** 93442

Project Location

County San Luis Obispo
City Morro Bay
Region
Lat / Long
Cross Streets Highway 41
Parcel No. 068-283-035 & 068-283-036

Township	Range	Section	Base
-----------------	--------------	----------------	-------------

Proximity to:

Highways Hwy 1, 41
Airports
Railways
Waterways Pacific Ocean
Schools Morro Bay HS
Land Use CVS (Visitor-Serving Commercial District) Visitor Serving District

Project Issues Archaeologic-Historic

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Native American Heritage Commission

Date Received 05/19/2011 **Start of Review** 05/19/2011 **End of Review** 06/17/2011

City of Morro Bay
PUBLIC SERVICES DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

D R A F T M I T I G A T E D N E G A T I V E D E C L A R A T I O N

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY OF MORRO BAY
955 Shasta Avenue
Morro Bay, California 93442
805-772-6210

May 17, 2011

The State of California and the City of Morro Bay require, prior to the approval of any project, which is not exempt under CEQA that a determination be made whether or not that project may have any significant effects on the environment. In the case of the project described below, the City has determined that the proposal qualifies for a Mitigated Negative Declaration.

CASE NO.: CP0-343

PROJECT TITLE: 1700 Main Street, Demolition and Reconstruction of a Fast Food Restaurant

APPLICANT / PROJECT SPONSOR: Cotti Foods Corporation, a Franchisee of Taco Bell / Fred Cook, Senior Vice President, Director of Development Cotti Foods Corporation

PROJECT DESCRIPTION: The project located at 1700 Main Street consists of an existing Taco Bell fast food restaurant. The existing approximately 2,248 square foot building is proposed to be demolished and replaced with a new approximately 2,733 square foot building. The proposed building will be constructed to the south of the existing footprint. The existing building divides the parking lot into two different parking lots. The parking lot to the south of the building has 8 regular parking spaces with one accessible space. The parking lot to the north has 18 regular parking spaces. The proposed parking lot would have 19 parking spaces with two van accessible parking spaces. The drive up window has been reconfigured to follow the perimeter of the proposed building to the south of the property.

PROJECT LOCATION:

The project site is located at 1700 Main Street within the Commercial Visitor Serving zoning district with the North Main Street Plan overlay. The project is not located in the Coastal Commission's Jurisdiction or Appeals Jurisdiction, therefore the project is in the City's permitting jurisdiction for Coastal Development Permits.

1700 Main Street
CASE NO. CP0-343
DATE: May 17, 2011

FINDINGS OF THE: Environmental Coordinator

It has been found that the project described above will not have a significant effect on the environment. The Initial Study includes the reasons in support of this finding. Mitigation measures are required to assure that there will not be a significant effect in the environment; these are described in the attached Initial Study and Checklist and have been added to the permit conditions of approval.



City of Morro Bay
PUBLIC SERVICES DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

INITIAL STUDY AND CHECKLIST

I. PROJECT INFORMATION

Project Title: 1700 Main Street Demolition and Reconstruction of Fast Food Restaurant

Case Number: Coastal Development Permit #CP0-343

LEAD AGENCY: City of Morro Bay Phone: (805) 772-6270
955 Shasta Ave. Fax: (805) 772-6268
Morro Bay, CA 93442
Contact: Kathleen Wold

Project Applicant: Cotti Food Corporation Phone: (949) 858-9191
A Franchisee of Taco Bell Fax: _____
26111 Antonio Parkway, Suite 100
Rancho Santa Margarita, CA 92688-5597

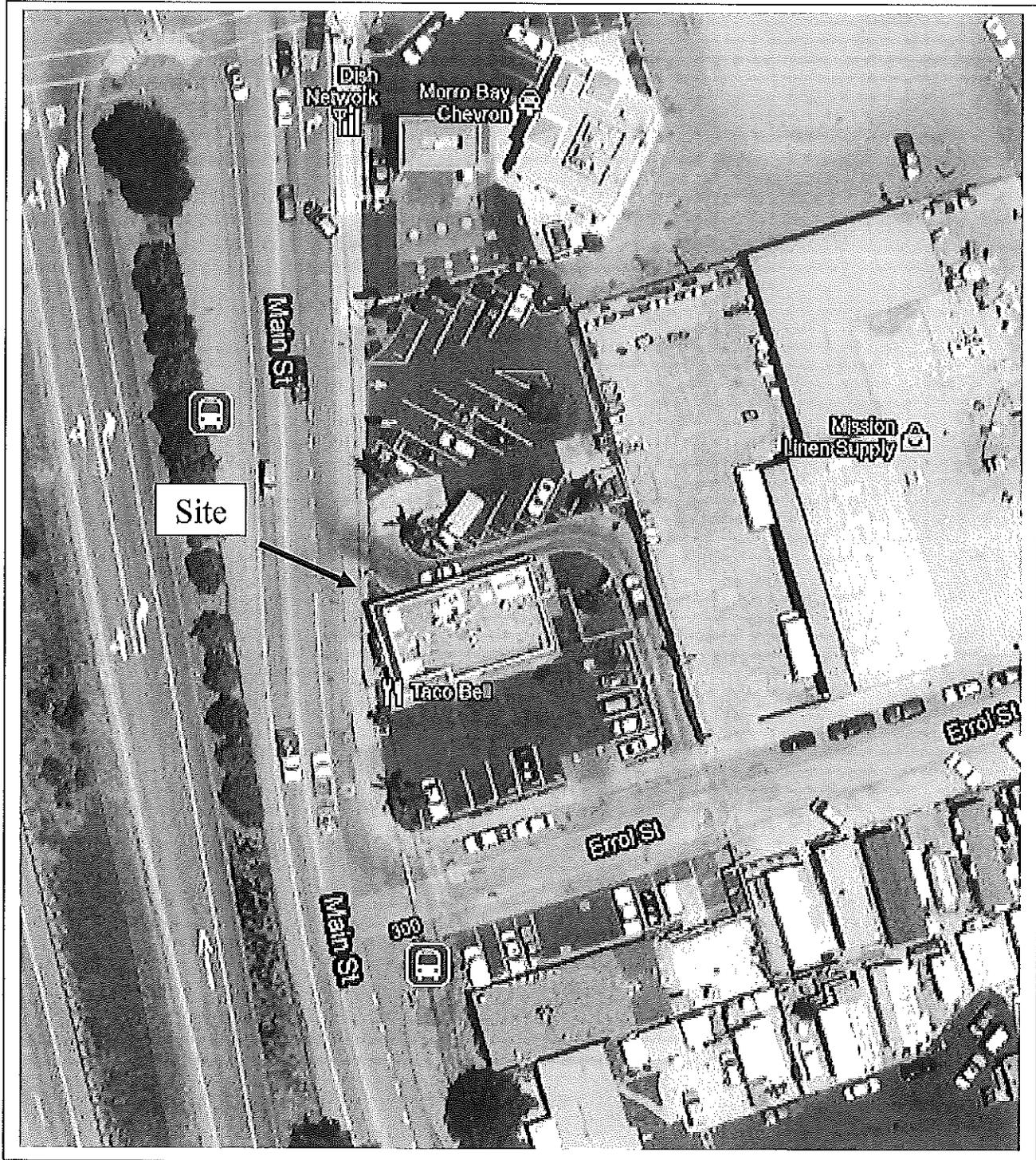
Project Landowner: James W. Sampson Family Trust Phone: (805) 482-6574
85 Cerro Crest Drive Fax: _____
Camarillo, CA 93010-1603

Project Description: The project located at 1700 Main Street consists of an existing Taco Bell fast food restaurant. The existing approximately 2,248 square foot building is proposed to be demolished and replaced with a new approximately 2,733 square foot building. The proposed building will be constructed to the south of the existing footprint. The existing building divides the parking lot into two different parking lots. The parking lot to the south of the building has 8 regular parking spaces with one accessible space. The parking lot to the north has 18 regular parking spaces. The proposed parking lot would have 19 parking spaces with two van accessible parking spaces. The drive up window has been reconfigured to follow the perimeter of the proposed building to the south of the property.

Project Location: The project is located within the City of Morro Bay, San Luis Obispo County, California. The project address is 1700 Main Street, between Errol Street to the south and Atascadero Road to the north.

Assessor Parcel Number(s) 068 – 283 – 035 & 068 – 283 – 036

VICINITY MAP



II. ENVIRONMENTAL SETTING AND IMPACTS

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Less than Significant with Mitigation Incorporated ", as indicated by the Environmental Checklist:

	1. Aesthetics		10. Land Use/Planning
	2. Agricultural Resources		11. Mineral Resources
	3. Air Quality		12. Noise
	4. Biological Resources		13. Population/Housing
X	5. Cultural Resources		14. Public Services
	6. Geology/Soils		15. Recreation
	7. Greenhouse Gas Emissions		16. Transportation/Circulation
	8. Hazards/Hazardous Materials		17. Utility/Service Systems
	9. Hydrology/Water Quality		18. Mandatory Findings of Significance

Environmental Setting: The project is located on a previously developed site. The existing site is developed with a building, two parking lots, drive through aisle, and urban landscaping. All elements are proposed to be demolished and replaced with new construction in a different configuration. The proposed project will cover the same area, and will place the building on the southern side of the site, and all the parking will be moved to the northern portion of the site. Urban landscaping will be included.

Surrounding Land Use			
North:	Commercial Visitor Serving, gas station	East:	Light Industrial, Commercial laundry
South:	Commercial Visitor Serving, restaurant	West:	California State Highway 1

III. ENVIRONMENTAL CHECKLIST

1. AESTHETICS: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?			X	
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within view of a state scenic highway?			X	
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

Environmental Setting: The General Plan and the Local Coastal Plan contain policies that protect the City's visual resources. The waterfront and Embarcadero are designated as scenic view areas in the City's Visual Resources and Scenic Highway Element. The Morro Rock, sand spit, harbor and navigable waterways are all considered significant scenic resources. Between the on-site and surrounding trees, portions of the harbor are visible from the site.

Impact Discussion: a.-c.) The project proposes to demolish an existing approximately 2,248 square foot fast food restaurant and parking lot on the site. The proposed project consists of new construction of an approximately 2,733 square foot fast food restaurant, newly configured parking lot and drive through, and new landscaping. The new restaurant building will be moved further south on the site, however the site has previously been developed and is surrounded by commercial and light industrial uses and moving the building will not substantially change the scenic views to and from the site. The scenic view from Highway 1 to the surrounding hills will not be substantially affected by the new construction of the building at a height of approximately 25 feet which is comparable to other uses in the area. The building is proposed at a height of 20 feet 6 inches with architectural details up to 27 feet. The North Main Street Specific Plan allows buildings to exceed the 25 foot height limit if approved by Planning Commission. The provision is to encourage roof line variation as deemed appropriate by Planning Commission.

Heavy equipment including standard construction equipment such as dump trucks, backhoes, etc. will be used; however, due to the temporary nature of the activities, there will not be a significant impact to scenic views and scenic views to the eastern hills surrounding the area will remain unobstructed.

d.) The proposed light sources on the new building are designed to be directed onsite lighting; no lighting will be directed off site or toward Highway 1. The lighting will be directed onto the building and light from inside the business during business hours may be seen from outside, however the light sources are not bright enough to affect other sites or in excess of what currently exists on site. The project also proposes four light fixtures in the parking lot and in the drive through aisle. The light fixtures are directed down and are for security purposes. There are no additional light sources associated with the reconstruction of the site beyond the light sources associated with the current development.

Mitigation and Residual Impact: Visual resources will not be impacted, therefore no mitigation is required.

Monitoring: Not applicable.

2. AGRICULTURAL RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocol adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert prime farmland, unique farmland, or farmland of statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X

Environmental Setting: The existing commercial visitor serving use on the site is consistent with the zoning designation of Visitor Serving Commercial (C-VS/SP). The property and surrounding areas are not zoned for agricultural uses. The site has not historically been used for farming nor has it been designated as prime farmland. The site is identified as urban and built up development on the San Luis Obispo County Map of Important Farmland 2006.

Impact Discussion: a.-e.) The project is the demolition and reconstruction of an existing fast food restaurant. The site and surrounding land uses are not zoned or suitable for agricultural uses. Therefore the project will not impact farmland and have no impacts on agricultural resources.

Mitigation and Residual Impact: No agricultural resources will be affected by the project; therefore no mitigation measures are required.

Monitoring: Not Applicable.

3. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			X	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d. Expose sensitive receptors to substantial pollutant concentrations?			X	
e. Create objectionable odors affecting a substantial number of people?			X	

Environmental Setting: The project area is located in the South Central Coast Air Basin (SCCAB). The SCCAB consists of San Luis Obispo County and a portion of Santa Barbara County north of the Santa Ynez Mountain ridgeline. Atmospheric pollutant concentrations in the SCCAB are generally moderate, due to persistent west-to-northwesterly winds that blow off the Pacific Ocean and enhance atmospheric mixing. Although meteorological conditions in the project area are usually conducive to pollutant dispersal, pollution can sometimes accumulate during the fall and summer months when the Eastern Pacific High can combine with high pressure over the continent to produce light winds and extended inversion conditions in the region. As a result, Morro Bay is considered a non-attainment area for particulate matter less than 10 microns in diameter (PM10) and ozone (O₃).

The proposed project area is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Serpentine is a very common rock and has been identified by the ARB as having the potential to contain naturally occurring asbestos. Projects that would potentially disturb serpentine rocks subject to the ARB Asbestos Airborne Toxics Control Measure (ATCM) for construction, Grading, Quarrying, and Surface Mining Operations.

Impact Discussion: a., c., d.) San Luis Obispo County is a non-attainment area for the State PM10 (fine particulate matter 10 microns or less in diameter) air quality standards. State law requires that emissions of non-attainment pollutants and their precursors be reduced by at least 5% per year until the standards are attained. The Clean Air Plan (CAP) for San Luis Obispo County was developed and adopted by the Air Pollution Control District (APCD) to meet that requirement. The CAP is a comprehensive planning document designed to reduce emissions from traditional industrial and commercial sources, as well as from motor vehicle use. According to the APCD "CEQA Air Quality Handbook" (2009), both construction activities and ongoing activities of land uses can generate air quality impacts. The APCD has established the threshold of significance as project construction activities lasting more than one quarter and land uses that generate 1.25 or more pounds per day (PPD) of diesel particulate matter, .25 PPD of reactive organic gases, oxides of nitrogen, sulfur dioxide, or fine particulate matter, or more than 550 PPD of carbon monoxide, as having the potential to affect air quality significantly. The project is a size that is below APCD's air quality significance thresholds.

The project site is currently developed with the same use. The project consists of demolition of the existing structure, 2 parking lots and drive through aisle and reconstruction of the site with a structure, parking lot and drive through aisle. The new structure will be approximately 485 square feet larger than the existing building, which has

the potential for release of additional pollutants; however the uses on site will be substantially the same size and use, therefore producing substantially the same level of pollutants.

The property is located in the Visitor Serving Commercial zoning district which is adjacent to the intersection of the California Highway 1 and Highway 41, two major entry points into and through the City for vehicular traffic which contributes to the pollutants in the City. The proposed use is not a new use on this site, therefore it is not anticipated that the project will create additional vehicular traffic to the site. The project would generate roadway traffic only during construction, when workers and trucks would be traveling to and from the project site. The truck and equipment traffic would utilize major roadways and the number of daily vehicle trips that would be generated during construction would not add substantially to local traffic volumes. Considering this, the project would not be expected to create or contribute substantially to the violation of air standards, and construction activities would be for a limited period of time.

b., d., e.) The project proposes the demolition of an approximately 2,248 square foot restaurant, 2 parking lots and a drive through aisle on a 21,114 square foot lot. The entire lot is covered by the structure, paved with cement or asphalt or landscaped area, therefore the demolition, construction and associated activities has the potential to result in the emission of ROG, NOx, and Diesel Particulate Matter. No objectionable odors would be produced from the project during or following construction. Standard construction practices required by the Municipal Code will be imposed upon the project and the project will be subject to comply with all permit requirements for demolition including APCD notification requirements. The project itself will not contribute to any substantial increase in Air Quality impacts in the long term beyond those associated with the business currently onsite.

Mitigation and Residual Impacts: The project is subject to standard construction practices, including dust control measures required by the Municipal Code and review by the APCD to address short-term air quality impacts related to construction.

With the implementation of the City's standard operating procedures and review by the APCD, potential impacts to air quality resulting from the project would be reduced to less than significant levels, no additional mitigation is required.

Monitoring: All permit conditions shall be required as notes on the plans and Public Services Department staff shall monitor compliance with the conditions in the normal course of reviewing demolition plans.

4. BIOLOGICAL RESOURCES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife service?				X
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?				X

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X

Environmental Setting: The project consists of the demolition and reconstruction of an existing restaurant, parking lot, drive through and landscaped areas. The entire lot is covered with the structure, asphalt, concrete and fragmented landscaped areas adjacent to the two parking lots. The site does not contain any natural vegetation or habitat for species, therefore the reconstruction and/or the development of the site will not result in any significant impacts to Biological Resources.

Impact Discussion:

a.) The project site does not contain any special status species and the demolition will not impact any riparian habitat, as there is none on-site. The project does propose to install a small amount of vegetation.

As there is no special status species on-site, the short-term noise impacts associated with construction are not viewed as significantly impacting biological resources.

b.-d.) Potential impacts to eelgrass, waters of the U.S., and migratory fish and wildlife species would not result from the proposed project, as the project is not adjacent to the bay.

e.,f.) No policies or ordinances protecting biological resources, or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan govern the project site; therefore, no impacts on biological resources would result.

Mitigation and Residual Impact: No biological resources will be affected by the project; therefore no mitigation measures are required.

Monitoring: Not Applicable.

5. CULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?		X		
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?		X		
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X		

Environmental Setting: There are over 30 surveyed archaeological sites in the incorporated boundaries of the City. At least two of these known sites are documented as the sites of prehistoric villages with significant resources including one with a cemetery. As a result of these discoveries, cultural resource surveys are frequently required for new development within the city and it is not unusual that mitigation measures are required.

Impact Discussion: a., b., d.) The existing site is not listed on the National Register of Historical Places. The proposed project is in close proximity to three archaeological sites; CA-SLO-2222 and CA-SLO-19 and CA-SLO-165. According to Section 17.48.310 Protection of Archaeological Resources of the Zoning Ordinance, any site within 300 ft. of a known archaeological site is considered a potential archaeological site, and as a result, staff required that an archaeological survey be prepared.

The archeologist that evaluated the project site concluded that: "Project plans indicate that reconstruction of the Taco Bell restaurant has little chance of encountering cultural resources and almost no chance of having measurable adverse impact on the natural environment. Additional archaeological investigations at this location are not recommended." Although additional investigations of the site were not recommended, the City of Morro Bay shall require a cultural monitor on site for all activities that cause ground disturbance, because of the indicated close proximity to known cultural resources.

c.) Pursuant to the Zoning Ordinance, the site location is identified as a potential archaeological site; however no paleontological resources have been found onsite and there is no evidence to suggest that the site would uncover any future paleontological resources. Pursuant to the General Plan, the site is designated as a ground shaking area, as is most of the City; however, the site does not contain any unique geologic features.

Mitigation and Residual Impact:

1. Archaeological monitoring shall occur for all ground disturbing activities in the development area by a qualified archaeologist and qualified local indigenous cultural monitor. Collection of historic and prehistoric cultural remains deemed significant shall occur, and if necessary, analysis of any features encountered including but not limited to historic refuse dumps and diagnostic prehistoric habitation deposits shall occur. Selection and processing of prehistoric marine shell for radiocarbon dating shall occur.
2. The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with grading activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98.
3. **The following actions must be taken immediately upon the discovery of human remains:** Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party.

Monitoring: Planning and Building staff shall ensure that any finds are evaluated by an approved cultural resource professional and that all required mitigations are completed.

6. GEOLOGY /SOILS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42)			X	
ii Strong Seismic ground shaking?			X	
iii Seismic-related ground failure, including liquefaction?			X	
iv Landslides?				X
b. Result in substantial erosion or the loss of topsoil?			X	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Environmental Setting: The site is located within the Tidelands area of the Morro Bay Estuary, on the coastal edge of the Santa Lucia Range, within the Coast Range Geomorphic Province of California. The existing site is covered or landscaped with non-native vegetation.

Impact Discussion: The General Plan Safety Element depicts landslide prone areas, flood prone areas, areas of high liquefaction potential, and areas of potential ground shaking. The proposed site is located within an area of potential ground shaking and has moderate to high liquefaction potential.

a.-i.) The project consists of the demolition of an approximately 2,248 square foot restaurant, two parking lots, drive through and landscaping. A new 2,733 square foot restaurant will be constructed with a new parking lot and drive through configuration and required landscaping. This project would not increase the risk of ground failure since the applicant submits soils reports and the structure and associated facilities will comply with the construction and stabilization methods for the soil type. In addition, the site is not located across any active fault, as designated by the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area, or based on other substantial evidence of a known fault. Therefore, no significant impacts would occur in association with rupture of a known earthquake fault.

a.-ii. – iv., c.) The San Andreas Fault is located approximately 41 miles at its closest point from the City. The site is located in an area that has the potential for ground shaking and a moderate to high liquefaction potential. The same use is currently located on the site and the new construction of the same use will not expose a substantial amount of new structures or people to the risk of ground shaking, liquefaction potential or landslide.

b.-d.) The project consists of demolition and reconstruction of the same use on the property. The construction timeline includes the demolition and immediate reconstruction of the new structures. The site is an urban site that

has been previously developed and compacted therefore extensive grading is not required limiting the potential for top soil erosion. The proposed structures have been engineered and will be constructed for the type of soil found on site.

e.) Neither septic tanks nor alternative wastewater disposal systems are proposed in association with the project; therefore, no impacts would occur.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

7. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			x	
b. Conflict with an applicable plan, policy of regulation adopted for the purpose of reducing the emissions of greenhouse gases?				x

Impact Discussion: The United States Environmental Protection Agency (EPA) is the federal agency responsible for implementing the Clean Air Act. Prior to 2007, the EPA did not have regulations addressing Green House Gases (GHGs). The U.S. Supreme Court ruled on April 2, 2007 that Carbon Dioxide (CO₂) is an air pollutant as defined under the Clean Air Act (CAA), and that EPA has the authority to regulate emissions of GHGs. However, there are no federal regulations or policies regarding GHG emissions applicable at the time of writing. Several bills related to greenhouse gas emissions and climate change including AB 1493 (passenger vehicle GHG emission reductions), AB 32 (the California Global Warming Solutions Act of 2006), SB 1368 (utility GHG emission reductions), SB 97 (requiring climate change analysis under CEQA), the California Climate Action Registry, SB 1078 (electricity from renewable sources), SB 375 (land use and transportation planning), Executive Order S-3-05 (acknowledges potential impacts of climate change on state), and Executive Order S-13-08 (the Climate Adaptation and Sea Level Rise Planning Directive) have been passed.

No Federal, state or regional regulatory agency has provided methodology or criteria to determine the significance of local greenhouse gas emissions on global climate change. Therefore, the lead agency is unable to provide a scientific or regulatory-based conclusion in regard to whether the project's contribution to climate change is cumulatively considerable. In the short-term, the proposed project could result in minor increases in emission of greenhouse gases during the demolition and reconstruction process. Such an increase would not individually contribute to global climate change; however, it could contribute considerably to the cumulative or global emission of GHGs. The proposed project is consistent with the land use diagram and policy provisions of the City's General Plan.

a.-b.) The proposed project is consistent with the land use diagram and policy provisions of the City's General Plan. The proposed project consists of larger building that will consist of approximately 485 more square feet. The configuration of the parking lot, drive through aisle and landscaping is substantially different, which will eliminate approximately 7 parking spaces and shorten the drive through aisle, therefore reducing the amount of cars that can be accommodated on site when compared to the existing configuration.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

8. HAZARDS/HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h. Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Environmental Setting: Human caused hazards often occur as a result of modern activities and technologies. These potential hazards can include the use of hazardous materials and buildings that may be unsafe during a strong earthquake. The existing improvements are proposed for removal with no replacement structures or improvements proposed. The project site is not located in the vicinity of any known hazardous material sites and is not listed as having been a hazardous site. The project has not been associated with hazardous waste or materials disposal.

Impact Discussion:

a.-b.) The release of fuel from temporary construction operations could potentially have a significant impact on the public or the environment; however, the Fire Department is responsible for responding to any hazardous materials spills. Procedures include collecting any spilled fuel or oil with containers and absorbing remaining liquids with an absorbent substance. The storm drains are also blocked to prevent liquids from entering the storm drain system. After the liquid has been collected, the material is deposited into approved hazardous materials containers and then properly disposed of depending upon the nature of the spill.

Demolition of existing structures that might possibly contain lead-based paint or asbestos building materials could cause the materials to be released as airborne particles or as particulate matter, which could affect construction workers and the general public. However, the project will be reviewed by the APCD for any impact that could be caused by the demolition.

The reconstruction of the facilities does not involve any hazardous materials or the transportation of hazardous materials to the site. The facilities will be utilized as a restaurant facility and will be monitored by the County Health Department for hazards to the public.

c.) The project is located within ¼ mile of Morro Bay High School, however the proposed project does not involve the transportation, use, or emission of hazardous materials, therefore the school will not be negatively affected by the proposed project.

d.) The Department of Toxic Substances Control tracks hazardous sites in the State of California and has identified two cleanup sites on the same site in the City of Morro Bay, one that is closed and one that is currently active. The proposed project is not located on a hazardous site or previous cleanup site. The project site is located adjacent to a Permitted Underground Storage Tank Facility for the Chevron Gas Station located at the corner of Highway 41 and Main Street and no report of underground leaking has been identified, therefore is not a hazard in the immediate area.

e.-f.) The project is not located in the vicinity of an airport.

g.) The project is located on private property adjacent to Main Street. Although Main Street is a main thoroughfare through the City for emergency response vehicles the project will stage all construction on site or be required to get an encroachment permit for construction staging areas on the public right of way. At no time will staging be allowed at a location that will impair the flow of traffic or create traffic hazards. The final project will be entirely on a private property and will not encroach into the public right of way; therefore the project will not physically impair emergency response plans.

h.) The project will not create any interference with emergency response plans, create any potential public health or safety hazard, or expose the public to hazards from oil or gas wells and pipeline facilities. The project does not include any activities which could result in contamination of a public water supply. The project would not expose the public or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, impacts would be less than significant.

Mitigation and Residual Impact: With the implementation of the City's standard operating procedures, the potential impacts of hazards or hazardous materials that could result from the project would be less than significant levels.

Monitoring: Prior to issuance of demolition permits, evidence that the project has been reviewed by the APCD shall be submitted to the Public Services Department.

9. HYDROLOGY/WATER QUALITY		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Violate any water quality standards or waste discharge requirements?			X	
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?				X

d.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				X
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f.	Otherwise substantially degrade water quality?			X	
g.	Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?				X
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i.	Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j.	Inundation by seiche, tsunami, or mudflow?			X	

Environmental Setting:

The site is located in Morro Bay. The watershed of Morro Bay is approximately 48,450 acres and is bounded by the Santa Lucia Range on the north, Cerro Romauldo to the east and the San Luis Range to the south. Eventually draining to Morro Bay, the watershed has two significant creek systems: Los Osos and Chorro Creeks. The Chorro Creek watershed drains approximately 27,670 acres, while Los Osos Creek drains 16,933 acres, the remaining area drains directly into the bay through small local tributaries or urban runoff facilities. Sixty percent of the Chorro Creek watershed is classified as rangeland, while twenty percent is brushland.

Morro Bay contains approximately 2,100 acres of water surface at low tide and approximately 6,500 acres at high tide, leaving approximately 980 acres of tidal mud flat and approximately 470 acres of salt marsh. The water quality of Morro Bay is affected by presence of nutrients, toxic substances, hydrocarbons, bacteria, heavy metals, suspended sediment, and turbidity. Studies by various authors also suggest that Morro Bay is subjected to a relatively rapid increase in sedimentation. Morro Bay, Los Osos and Chorro Creek are listed as "impaired waters" under the federal Clean Water Act, Section 303(d) and are the subject of a Total Maximum Daily Load (TMDL), which is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

Impact Discussion:

a.) The project proposes to demolish and reconstruct a fast food restaurant with the new restaurant approximately 485 square feet larger than the existing restaurant. The majority of the increase in the size of the building will be in the kitchen area. The restaurant will have substantially the same restaurant capacity for patrons and employees; therefore a minimal amount of new sewage will be generated or collected and disposed of in the City's sewage system.

The current site is covered with impervious materials (i.e. structure, asphalt, concrete, and minimal landscaping). The proposed project will have a larger structure on site, parking lot, and required landscaping. The proposed project is required to maintain storm water on-site; therefore there will be less runoff than from the existing site, because storm water requirements were not in place when the existing building and parking lots were constructed.

b.) Projects which involve the replacement of a use or occupancy where the number of water equivalencies required by new use or occupancy is less than or equal to those credited to the highest number of water equivalencies credited to legally permitted, non-temporary uses, which have existed in the building since January 1, 1977, based upon the

most current water equivalency table contained in Section 13.20.070 of this code. Any use or occupancy discontinued prior to 1977 shall not be credited with equivalencies. The existing use is awarded a credit of 8.5424 water units. The new construction will require an additional 1.843 water units for the additional square footage in the proposed structure. The Municipal Code states that if the project requires a building permit, which it does, the building division shall be responsible for checking availability of water equivalency units. In addition, the City's predominant source of water to serve residences is obtained from the State Water Project and will not substantially deplete ground water.

	Average Water Use Rate		Unit Factor	Total
	Cubic Feet Per Year Per Unit Factor	Usage Equated to Water Equivalency Per Unit Factor	Per 1000 Sq. Ft./ or Seat/ or Unit/ or Site	WEUs
Fast Food (Take-Out)	41,700	3.80	483 sq. ft.	1.83

c.-e.) The proposed project will not substantially alter the existing drainage on-site because the site will remain substantially impervious. The existing site has a structure, two parking lots, drive aisle and required landscaping. The proposed project will have a structure, parking lot, drive aisle, and required landscaping. The project site does not have a stream or river that crosses the site and the storm water will be required to be retained on-site therefore substantial erosion and siltation will not occur.

f.) The proposed development would not result in an increase in runoff since the project proposes to demolish an existing restaurant and replace it with a new fast food restaurant. Since the project site is less than one acre, a Construction Activities Storm Water General Permit is not required, per the Federal Clean Water Act. However, pursuant to the City's demolition process, an erosion control plan will be required. This is a component of the permit process that can be relied upon to ensure that water quality issues associated with erosion will be suitably addressed.

g.-i.) The project site is located in a floodway area which is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood height. The applicant is required to add soil to the project site to increase so the building pad height will be raised out of the flood area. With such requirements in place the proposed development would not subject people or structures to significant risk of loss, injury or death resulting from flooding.

j.) Since the project site is located near the coast, a potential hazard from tsunamis exists. However there is not enough evidence to predict recurrence intervals of tsunamis. The last known tsunami warning occurred in the mid-1960's. Although the sand dunes offer some protection from tsunamis and past history suggests that the project site is still vulnerable to large tsunamis. As discussed in the Safety Element of the General Plan, the most feasible protection in the event of a tsunami is a warning system and evacuation plan. The warning is handled by the United States Weather Service and the Safety Element outlines safety preparedness measures. Therefore, the hazard presented by tsunamis is less than significant when approved safety measures are adhered.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

10. LAND USE AND PLANNING		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Physically divide an established community?				X

b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Environmental Setting: The project is located at the intersection of Main Street, Highway 41 and Highway 1 and is zoned Visitor Serving Commercial. The area has primarily visitor serving commercial uses such as gas stations, fast food restaurants and motels to service the intersection of the two main entry points for visitors into the City of Morro Bay.

Impact Discussion: a., c.) The existing structure and associated facilities will be demolished and replaced with new construction and the current use of a fast food restaurant will remain the same. The project site is located adjacent to Main Street and Highway 1 and would not physically divide an established community. In addition, the City of Morro Bay does not have an adopted habitat conservation plan; therefore, the project would not conflict with applicable habitat conservation plan or a natural community conservation plan.

b.) The project cannot be approved unless found consistent with the General Plan, Zoning Ordinance, California Coastal Act, Local Coastal Program and Municipal Code. The project site is zoned Visitor Serving Commercial and the use is remaining the same, therefore, the project will not conflict with any city adopted plan.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

11. MINERAL RESOURCES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Result in the loss of availability of a known mineral resources that would be of value to the region and the residents of the state?				X
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Environmental Setting: The General Plan and the Division of Oil, Gas, and Geothermal Resources do not delineate any resources in the area. Further, the State Mining and Geology Board has not designated or formally recognized the statewide or regional significance of any classified mineral resources in the County of San Luis Obispo.

Impact Discussion: a.-b.) The project is not proposed where significant sand and gravel mining has occurred or will occur and there are no oil wells within the area where the project is located. San Luis Obispo County has not been designated to be regionally significant with regard to mineral resources. In addition, the area is not delineated as a mineral resource recovery site in the general plan, any specific plan or other land use plan. This area of the City is fully built up and the general plan does not provide for mining. Therefore the project will not result in the loss of a known mineral resource of value to the region and impacts would be less than significant.

Mitigation and Residual Impact: No mitigation measures are required.

Monitoring: Not applicable.

12. NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?			X	
b. Expose persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

Environmental Setting: The most significant source of noise to the project is from traffic and mechanical apparatuses on the roof of the structure. The project site located adjacent to Light Industrial use which increases the ambient noise levels in the area. The City's General Plan Noise Element threshold for traffic noise exposure is 60dB for most land uses; however restaurant use is not specifically mentioned. The City's Zoning Ordinance also contains noise limitations and specifies operational hours, review criteria, noise mitigation, and requirements for noise analyses. Sensitive receptors within ¼ mile of the restaurant include residential uses and Morro Bay High School.

Impact Discussion: a.-d.) The project will not add noise levels that are inconsistent with the surrounding uses and are in conflict with standards in the General Plan, Local Coastal Plan or Zoning Ordinance. The proposed project is the demolition of an existing fast food restaurant and new construction of a fast food restaurant that is approximately 485 square feet larger. The noise emitted from the site will be substantially the same, because the use is not changing.

Construction noise represents a short-term impact related to the use of construction equipment including trucks, loaders, bulldozers, and backhoes. The potential noise levels are dependent on the location of the equipment on the site as well as the actual number and types of equipment used during construction. Standard construction conditions placed on the project will limit hours of construction and reduce the noise levels of equipment during construction. Therefore, no impacts to surrounding residences will occur. Title 17 table 17.52.030(1) provides performance standards as it relates to noise levels allowed to occur at the site.

Mitigation and Residual Impact: Because no significant impacts of noise would result, no mitigation measures are required and there will be no residual impacts to surrounding properties.

Monitoring: Not applicable.

13. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

c. Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?				X
---	--	--	--	---

Environmental Setting: The project site does not currently provide any housing opportunities. The property is zoned for visitor serving commercial which does not allow residential uses.

Impact Discussion: a.-c.)The demolition of the existing restaurant and new construction of a replacement restaurant will not increase the population and the project will not replace permanent housing or induce substantial growth. Therefore, the project would result in less than significant impacts to housing and population.

Mitigation and Residual Impact: Because no significant impacts on population and housing would result, no mitigation measures are required. The residual impact on population and housing would be less than significant.

Monitoring: Not applicable.

14. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in a substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a. Fire protection?				X
b. Police protection?				X
c. Schools?				X
d. Parks or other recreational facilities?				X
e. Other governmental services?				X

Environmental Setting: The project site lies within the sphere of influence of the City of Morro Bay; therefore the City of Morro Bay provides most of the public services, including Fire and Police protection. The San Luis Coastal Unified School District operates an elementary school and a high school within the City. The project is not expected to cause any change in governmental service levels or trigger the need for new facilities or equipment to maintain existing service levels. The project is within the density allowed and planned for and all existing services are considered adequate to serve the project.

Impact Discussion: a.) In the event of an emergency at the site during the removal of the structure, the Fire Department would be required to provide fire protection or other emergency services. The proposed project is not expected to require additional fire protection services since the restaurant is being replaced with a like structure. The new structure will be constructed to today's fire code, therefore the building is potentially safer than the existing building, however the chance of a fire remains the same.

b.) Police protection services for the site during construction would be similar to those currently provided by the Morro Bay Police Department. Vandalism, theft of materials and equipment and burglary would be of potential concern. After completion of the project the Police Department will provide services to the site.

c.-d.) The project does not involve the establishment of a residence; therefore there will be no demand for schools.

e.) No other governmental services will be affected.

Mitigation and Residual Impact: City-provided services are not expected to be affected by the project. Because no significant impacts on public services would result, no mitigation measures are required. The residual impact on public services would be less than significant.

Monitoring: Not applicable.

15. RECREATION		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b.	Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X

Environmental Setting: A variety of recreational activities including hiking, sightseeing, birdwatching, etc. are available within Morro Bay. Within the boundary of Morro Bay City limits, there are over 10 miles of ocean and bay front shoreline. Approximately 95% of the shoreline has public lateral access. These walkways provide active recreational activities for visitors and residents.

Impact Discussion: a.-b.)The demolition and replacement of the restaurant is not growth inducing and will not impact existing park and recreational facilities.

Mitigation and Residual Impact: Because no significant impacts on recreation would result, no mitigation measures are required. The residual impact on recreation would be insignificant.

Monitoring: Not applicable.

16. TRANSPORTATION/CIRCULATION		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, street, highway and freeways, pedestrian and bicycle path, and mass transit?				X
b.	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the country congestion management agency for designated roads or highways?				X
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X

d. Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e. Result in inadequate emergency access?				X
f. Conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities?				X

Environmental Setting: The City of Morro Bay is primarily a residential and commercial community that is bisected by Highway 1, a major regional roadway. Another major roadway is Highway 41, which carries travelers east of the City. The two most used roadways are Highway 1 and Main Street. Most traffic generated in the city is on the local streets.

Impact Discussion:

a.-b.) The existing restaurant structure is proposed for demolition and the subsequent construction of the new restaurant will not substantially increase the traffic trips to and from the site, because the use is not changing. The building is increasing by approximately 485 square feet and has the potential to accommodate a marginal amount of additional customers.

The largest impact on traffic levels and circulation effectiveness would be affected in large part due to the construction activity and equipment associated with the project, which will temporarily result in minor increases in traffic to and from the site. Once construction is complete, traffic volumes and impacts will return to substantially the same level as the existing site.

c.) The proposed project will not have any impact on airborne traffic.

d.) The project will remain substantially the same and is consistent with uses in the area. The existing area conforms to acceptable design criteria that limit the potential for increased hazards due to limited sight visibility, sharp curves or dangerous intersections.

e.) The existing and proposed project meet emergency services access requirements, therefore the project will not result in inadequate emergency access.

f.) The proposed project site is located on a high volume frontage road, Main Street, and is adjacent to Highway 101 and crosses over Highway 41. Main Street provides sidewalk, bicycle lanes, vehicular lanes from cars, busses and trolleys. The applicant is required to install within the sidewalk an accessible cutout at the corner. The project will actually improve circulation on site and upgrade the public right of way; therefore, potential impacts would be less than significant.

Mitigation and Residual Impact: No significant impacts on transportation and circulation would result; therefore no mitigation measures are required. The residual impact on transportation and circulation would be insignificant.

Monitoring: Not applicable.

17. UTILITIES & SERVICE SYSTEMS Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e.	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Environmental Setting: The proposed project will be located on a currently developed site with the same use. The new project will substantially comply with the existing requirements for water, wastewater and solid waste. The proposed project would be served by the Morro Bay Wastewater Treatment Plant. The project would also be served by local waste collection services that dispose of waste at Cold Canyon Landfill, which has been expanded to take increased waste anticipated within its services area. To the extent feasible materials from the demolition activities would be diverted to recycling facilities to minimize solid waste. The project will comply with federal, state, and local statutes and regulations related to solid waste.

Impact Discussion:

a. There could be a minor increase in wastewater due to the reconstruction of the site and the resulting increase in business, however any increase will be minor as there is no intensification of the use on site, therefore there is no potential for the project to exceed wastewater treatment requirements.

b., c., d., e.)The project site is currently serviced by the Morro Bay/Cayucos Wastewater Treatment Facility and the resulting project will not cause a substantial increase in the amount of water that is required to be treated, therefore the treatment facilities can accommodate the current and proposed water and wastewater volumes and new construction or expansion of treatment facilities not necessary as a result of this project.

f.-g.) The demolition and construction phase of the project will produce solid waste in excess of the current solid waste produced on site. The City Public Services Department requires demolition project to recycle a portion of the waste from the demolition and provide documentation for review. The applicant is responsible for provide waste removal from the site and will not be handled by regular waste pickup.

Once the proposed project is complete the regular solid waste pickup by the City contractor will resume. The current production of solid waste is unlikely to increase with the new restaurant facilities because is it substantially the same size with the same customer and kitchen capacity. The applicant will provide a trash and recycling dumpster in a screened facility that will be picked up from the site at regular intervals. Since the size and capacity of the facility is substantially the same the solid waste can be accommodated at the existing facilities.

Mitigation and Residual Impact: No significant impacts on utilities and service systems would result; therefore no mitigation measures are required. The residual impact on utilities will be insignificant.

Monitoring: Not applicable.

IV. INFORMATION SOURCES:

A. County/City/Federal Departments Consulted:

City of Morro Bay Public Services Department (Planning, Building, and Public Works Divisions), Fire Department.
San Luis Obispo Air Pollution Control District

B. General Plan

x	Land Use Element	x	Conservation Element
x	Circulation Element	x	Noise Element
x	Seismic Safety/Safety Element	x	Local Coastal Plan and Maps
x	Zoning Ordinance		

C. Other Sources of Information

x	Field work/Site Visit	x	Ag. Preserve Maps
x	Calculations	x	Flood Control Maps
x	Project Plans		Other studies, reports
	Traffic Study	x	Zoning Maps
x	Records	x	Soils Maps/Reports
	Grading Plans		Plant maps
x	Elevations/architectural renderings	x	Archaeological maps and reports
x	Published geological maps		
x	Topographic maps		
		x	Other: County of San Luis Obispo Air Pollution Control District, CEQA Air Quality Handbook, adopted December 2009

V. MANDATORY FINDINGS OF SIGNIFICANCE (Section 15065)

A project may have a significant effect on the environment and thereby require a focused or full environmental impact report to be prepared for the project where any of the following conditions occur (CEQA Sec. 15065):

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Potential to degrade: Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
Cumulative: Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
Substantial adverse: Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Impact Discussion: The project is consistent with the Local Coastal Program, including the General Plan, Local Coastal Plan and Zoning Ordinance. As such, the project, as mitigated, does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below a self-sustaining level, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory as evidenced in the preceding discussions.

VI. DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have limited and specific significant effect on the environment, and a **FOCUSED ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

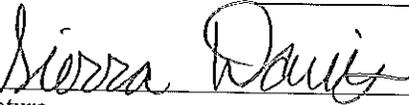
With Public Hearing

Without Public Hearing

Previous Document: N/A

Project Evaluator:

Sierra Davis, Environmental Coordinator



Signature

May 17, 2011
Initial Study Date

Sierra Davis, Assistant Planner
Printed Name

City of Morro Bay
Lead Agency

VII. ATTACHMENTS

A – Summary of Mitigation Measures and Applicant’s Consent to Incorporate Mitigation into the Project Description.

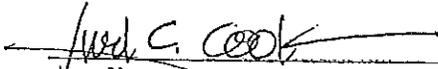
Attachment A

SUMMARY OF REQUIRED MITIGATION MEASURES

CULTURAL RESOURCES

1. Archaeological monitoring shall occur for all ground disturbing activities in the development area by a qualified archaeologist and qualified local indigenous cultural monitor. Collection of historic and prehistoric cultural remains deemed significant shall occur, and if necessary, analysis of any features encountered including but not limited to historic refuse dumps and diagnostic prehistoric habitation deposits shall occur. Selection and processing of prehistoric marine shell for radiocarbon dating shall also occur.
2. The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with demolition activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98.
3. The following actions must be taken immediately upon the discovery of human remains:
Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendent's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party.

Acceptance of Mitigation Measures by Project Applicant:


Applicant

5/17/2011
Date



City of Morro Bay Public Services Current Project Tracking Sheet

Agenda Item : IX - A

Date: 7/6/11

Action:

New items or items which have been recently updated are italicized. Approved projects are deleted on next version of log.

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
Hearing or Action Ready							
1	Ortega	525 & Atascadero 527	12/21/10	CP0-340 UP0-308	<i>Compact In-Fill Development.</i> Requested additional documents from agent on 1/20/11. Environmental document completed and routed for 30-day review ending on June, 20, 2011. Planning Commission 7/6/2011.	SD	PC
2	Cotti Corporation	1700 Main Street	1/24/11	CDP-343	<i>Coastal Development Permit</i> for Demo and reconstruction of a fast food restaurant. Incomplete Letter 2/24/11. Applicant submitted arc report 3/15/11. Resubmittal 4/11/11. Environmental document completed and routed for 30-day review ending on June, 20, 2011. Scheduled July 2011 PC meeting.	SD	PC
3	Tellian	3039 Ironwood	3/11/11	CP0-348	<i>New Single Family Residence.</i> Incomplete Letter 4/15/11. Resubmittal 6/1/11. Deemed complete 6/11/11. Noticed on 6/13/11. Permit approved 6/29/2011	SD	AD
4	Moores	1169 Market	4/20/11	UP0-318	<i>Virg's Landing, MUP.</i> Noticed on 6/14/11. Permit approved 6/29/2011	SD	PC
5	Fageol	270 Shasta	4/22/11	CP0-352	<i>Remodel and Addition.</i> Incomplete Letter 5/31/11. Resubmittal 6/6/11. Resubmittal 6/16/11. Deemed complete ready to be scheduled for Planning Commission Meeting.	SD	PC
6	Botich	206 Main	5/12/11	AD0-062	<i>Parking Exception.</i> Exception to allow an increase in the percentage of compact stalls. Noticed 6/16/11. Neighbor submitted material in opposition of the request	SD	AD
30 -Day Review, Incomplete or Additional Submittal Review							
7	Dan Reddell	550 Morro Bay Blvd	6/14/10	UP0-293	<i>Farmer's Market .</i> Conditional Use Permit for vendors and events. Resubmittal 6/17/10. Scheduled for 9/20/10 PC Mtg. Met with agent 8/24/10 and discussed feasibility of project, needs to be revised. Resubmitted 12/29/10. Project scheduled for 2/7/2011 but applicant changed project description on 1/21/2011, item then pulled to evaluate new project. City staff waiting on applicant's agent to resubmit. Resubmittal 3/4/11. Incomplete Letter 4/28/11. Applicant's agent submitted response letter 5/20/11. A TUP is under review to allow activity on a temporary basis for the summer.	SD	PC
8	Morro Bay Chamber	Main between Pacific and Harbor	8/9/10	UP0-298	Use Permit to establish the Farmer's Market on Main Street between Harbor and Pacific Streets. The market will be conducted every Saturday between 2 p.m. and 7 p.m. With a maximum of 50 vendors. Continued to 1/3/10 PC Meeting. Applicant has continued project to date uncertain so they can meet with stakeholders.	SD	PC
9	Romero	291 Shasta Ave	1/19/11	CDP-341	<i>Coastal Development Permit</i> for single family residence. Incomplete Letter 2/18/11.	SD	AD
10	Daniels	606 Agave	3/3/11	CP0-338	<i>Minor Modification to CDP.</i> Incomplete letter 3/29/11. Applicant resubmitted	SD	AD
11	Stepelmann	361-363 Main	3/8/11	CP0-347	<i>Tree Removal.</i> Incomplete letter 4/13/11.	SD	AD
12	Carlstrom	482 Kern	5/5/11	CP0-354	<i>Demo and Rebuild.</i> Incomplete Letter 6/1/11. Applicant resubmitted on 6/20/2011	SD	AD
13	Kircher	350 Java	5/10/11	CP0-353	<i>Demo/Reconstruct SFR.</i> Incomplete Letter 6/7/11.	SD	AD

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
14	City of Morro Bay	595 Harbor	5/13/11	CP0-355	Generator to be located at City Hall.	SD	AD
15	City of Morro Bay	3060 Ironwood	5/18/11	CP0-295	Tennis Court Improvements at Dal Mar Park.	SD	PC
Projects in Process							
16	Dan Reddell	1 Jordan Terrace	7/25/08	UP0-223 & CP0-285	New SFR. Submitted 7/25/08, Inc. Later 8/19/08; resubmitted 2/24/09, project under review. Letter sent to agent regarding issues. Applicant and staff met 1/20/10 on site to further discuss issues. Resubmittal 2/16/10. Administrative Draft Initial Study complete. Comment review period ends 6/22/10. Comments received on MND. Project tentatively scheduled for September 2011	JH/KW	PC
17	California State Park	201 State Park Drive	2/11/09	CP0-303 & UP0-254	Solar Panels at the State Park with the addition of one carport structure for support of the panels. Coastal Development Permit and Conditional Use Permit. Comments sent 3/23/10. Applicant has withdrawn this permit on May 6, 2011	SD/KW	PC
18	City of Morro Bay	Citywide	5/1/10	AD0-047	Text Amendment Modifying Section 17.68 "Signs". Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs. 5/17/2010. A report on the status of this project brought to PC on 2/7/2011. Planning Commission made recommendations and forwarded to Council. Anticipate a City Council public hearing on the draft ordinance on May 2011. Scheduled for 5/10/11 CC meeting, item was continued. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. The item shall be brought back to City Council first meeting in November.	KW	PC/CC
Environmental Review							
19	Larry Newland	Embarcadero	11/21/05	UP0-092 & CP0-139	Embarcadero-Maritime Museum (Larry Newland). Submitted 11/21/05, Incomplete 12/15/05 Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Incomplete 3/7/07. Resubmitted 5/25/07 Incomplete Letter sent 6/27/07 Met to discuss status 10/4/07 Incomplete 2/4/08. Met with applicants on 3/3/09 regarding inc. later. Applicant resubmitted additional material on 9/30/2009. Met with applicants on 2/19/2010. Environmental documents being prepared. Applicant working with City Staff regarding an lease for the subject site. Applicants enter into an agreement with City Council on project. Meeting held with city staff and applicants on 2/3/2011. Meeting held with applicant on 2/23/2011. Applicant to provide revised site plan. Staff is processing a "Summary Vacation (abandonment)" for a portion of Surf Street.	KW	PC
20	Chevron	3072 Main	12/31/08	CP0-301	Remove Underground Pipes. Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed. Requested additional documentation 4/29/10. Requested Information submitted 2/9/11. Submitted requested documents 2/9/11. Contacted consulting firm to process environmental document. Consulting firm responded in the process of putting together proposal 6/20/11.	SD	PC

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
Coordinating with Other Jurisdictions							
21	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	EIR	WWTP Upgrade. Submitted 7/1/08, Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent renoticing. Staff reviewing screencheck document. Public draft out for review and comments. Comment period open until 11/4/2010. Project scheduled for 12-6-2010 P.C. Project rescheduled for 12/20/2010. City Council Meeting on January 11, 2011. Project heard before CCC on March 11, 2011, and additional studies and materials are required. City working with consultant to provide information. Workshops held on 6/27/2011 and 6/28/2011 to receive comments on the proposed Wastewater Treatment Plant (WWTP) Upgrade Project alternatives analysis process, candidate evaluation criteria, and preliminary site identification.	RL	PC/CC/RW OCB
22	City of Morro Bay	887 Atascadero	3/9/09	N/A	Nutmeg Water Tank Upgrade (City of Morro Bay CIP project). Oversight of County of San Luis Obispo application process. Preapplication meeting 3/9/09. Consultant coordination meeting 3/12/09.	KW	SLO County
23	John King	60 Lower State Park	7/2/08		Lower parking lot resurface and construction of 2 new stairways. Submitted 7/02/08, PC Tent 10/6, PC Date TBD Applicant coordinating w/ CCC 10/20/08.	KW	PC
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive							
24	SLO County	60 Lower State Park	09/28/04	CP0-063	Master Plan for Golf Course. Submitted 9/28/04, On hold per applicant, project to be amended. Resubmitted 2/9/07 Tentative PC 3/19/07 Continued, date uncertain; Planting trees.	KW	PC/CC
25	Cameron Financial	399 Quintana	04/11/07	CP0-233	New Commercial Building. Submitted 4/11/07, Inc. Letter 5/09/07. Sent letter 1/25/2010 to applicant requesting direction, letter returned not deliverable	KW	AD
26	West Millennium Homes	895 Monterey	7/10/07	CUP-151 S00-067 & CP0-215	Mixed-use building. 16 residential units and 3 commercial units, Submitted 7/10/07, Inc Later 7/25 Resubmitted 1/14/08 SRB 3/10/08.	KW	PC
27	Kenneth & Lisa Blackwell	2740 Dogwood	07/20/07	UP0-178	Addition to nonconforming residence. Submitted 7/20/07, Complete, tentative PC 9/17/07 Continued, date uncertain Resubmitted 10/31/07, PC 12/17/07 Continued, date uncertain.	KW	PC
28	Jeff Gregory	1295 Morro	09/25/07	CP0-254	Coastal Development Permit to allow a second single family residence on lot with an existing home. Incomplete letter sent 10/9/2007. Intent to Deem Application Withdrawn Letter sent 12/29/09. Response from applicant 1/8/10 keep file open indefinitely.	KW	AD
29	Nicki Fazio	360 Cerrito	08/15/07	CP0-246	Appeal of Demo/Rebuild SFR and 2 trees removal. Continued to a date uncertain.	KW	PC
30	Burt Caldwell, (Embarcadero 801 LLC)	801 Embarcadero	5/15/08	UP0-212	Conference Center. Submitted 5/15/08, Inc Ltr 5/23 Resubmitted MND Circulating 7/15/08 PC 9/2 Approved, CC 9/22/08 Approved, CDP granted by CCC. Waiting for Precise Plan submittal. Applicant has submitted a request for a time extension on November 4, 2010. Extension granted, now expires 12/11/11. No active submittal	KW	PC/CC/ CCC
31	Ron McIntosh	190 Olive	8/26/08	UP0-232 & CP0-288	New SFR. Submitted 8/26/08, Inc. Letter 9/24/08; Resubmitted 12/10/08, 1/9/09 request for more information. Applicant resubmitted on 2/06/09. Environmental under review. Applicant and City agree to continuance. Applicant put project on hold.	SD	PC
32	Pina Noran	2176 Main	10/3/08	CUP-35-99 & CDP-66-99R	Convert commercial space to residential use. Submitted 10/03/08, Inc. Later 10/22/08, resubmitted 2/5/09. Project still missing vital information for processing 11/30/09. Called applicant 3/22/10 and requested information. Applicant is considering a redesign of the project.	KW	PC

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
33	James Maul	530, 532, Morro Ave 534	3/12/10	SP0-323 & UP0-282	Parcel Map. CDP & CUP for 3 townhomes. Incomplete letter sent 4/20/10. Met with applicant 5/25/10. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter.	SD	PC
34	Hamrick Associates	1129 Market	6/10/10	UP0-291	Remodel and Addition. Incomplete letter 6/23/10. Submitted additional information 6/30/10. Submitted additional information 7/7/10. Building Comments. 7/9/10. Met with agent 7/15/10. Applicant will resubmit addressing fire/building comments.	SD	PC
35	Tank Farm	1290 Embarcadero	2/27/10	N/A	Tank Demo. Demo of seven tanks at the Morro Bay Power Plant. Materials submitted and under review. All materials submitted to date have been reviewed and sent back to the applicant. Applicant indicated to staff that the project is on hold until better weather in 2011. Dynegey has assigned new project manager, anticipate demo to commence 5/2011.	SD	AD
36	Frantz	499 Nevis	9/27/10	CP0-337	New SFR. Incomplete Letter 10/7/10. Meeting with applicant's representative on 11/16/2010. Applicant has indicated that he is redesigning project-project placed on hold. Applicant resubmitted building permit plans but has not resubmitted for the Coastal Development Permit.	SD	PC
Projects in Building Plan Check							
37	Taurus Sulaitis	540 Fresno	6/23/10	Building	SFR Addition. Incomplete letter 7/13/10. Resubmittal 11/15/10. Met with applicant on 12/21/10. Incomplete letter 12/21/10. Resubmittal 3/10/11. Planning variance noticed. Applicant needs to submit plans for building permit. Variance granted and applicant has submitted for a building permit.	SD	N/A
38	Viole/Held	575 - 591 Embarcadero	11/1/10	Building	New Commercial Building. Incomplete Memo 12/2/10. No response from applicant (2/3/11). Applicant had issues to resolve with the CCC and those have now been resolved. Based on the CCC's action a redesign is being pursued.	SD	N/A
39	Romero	291 Shasta Ave	1/19/11	Building	New single family residence. Incomplete Letter 2/18/11.	SD	N/A
40	Cotti Corporation	1700 Main Street	2/7/11	Building	Taco Bell Demo/Remodel. Incomplete, changes need to be made to planning permit, plans returned 3/7/11. Project scheduled for P.C. approval on July 6, 2011 and in the interim other issues and reviews are being undertaken by Fire, Building.	SD	N/A
41	Lapp	1548 Main Street	3/1/11	Building	Express Check. Wind and solar System. Incomplete Submittal 3/15/11. Resubmittal 3/3/11. Incomplete letter 3/24/11. Resubmittal 3/28/11. Incomplete letter 4/14/11.	SD	N/A
42	Abbot	843 Quintana	3/1/11	Building	Express Check. Incomplete letter 3/24/11. Resubmittal 3/28/11. Incomplete letter 4/14/11.	SD	N/A
43	Lankford	2780 Juniper	3/3/11	Building	Single Family Remodel/Addition. Incomplete memo 4/12/11. Resubmittal 5/16/11. Incomplete memo 6/8/11.	SD	N/A
44	Piper	2998 Greenwood	4/11/11	Building	Demo/Rebuild. Noticed 4/20/11 for CDP. Incomplete letter 5/11/11. Mailed deed restriction 5/13/11. Revised deed restriction 6/16/11.	SD	N/A
45	Rowland	2630 Maple	4/14/11	Building	Elevator. Denied project because elevator was located in 20'x20' garage, where 2 covered and enclosed parking spaces are required, letter sent 4/18/11. Resubmittal 5/25/11. Incomplete memo 6/9/11.	SD	N/A
46	Kimbrell	323 Shasta	4/15/11	Building	Stairs and Railing Replacement. Incomplete Letter 4/18/11.	SD	N/A
47	Olson	2740 Dogwood	5/4/11	Building	SFR Remodel and Addition. Incomplete Memo 5/17/11.	SD	N/A
48	Fitness Works	500 Quintana	5/10/11	Building	Exercise room on mezzanine. Incomplete memo 6/1/11.	SD	N/A

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
49	<i>Lebbad</i>	<i>2720 Cedar</i>	<i>5/12/11</i>	<i>Building</i>	<i>Bedroom Addition. Incomplete Memo 6/1/11.</i>	<i>SD</i>	<i>N/A</i>
50	<i>Salwasser</i>	<i>781 Market</i>	<i>5/24/11</i>	<i>Building</i>	<i>T.I. for Wine Bar.</i>	<i>SD</i>	<i>N/A</i>

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
Aging Building Permits - No response from applicant in more than 90 days.							
51	Don Doubledee	360 Morro Bay Blvd	5/15/09	Building	Mixed Use Project - Ciano. Comments sent 2/25/10.	SD	N/A
52	Valori	2800 Birch Ave	2/10/10	Building	Remodel/Repair. Sunroom, garage, and study. Comments sent 2/24/10	SD	N/A
53	Colhover	2800 Dogwood	3/8/10	Building	New SFR. Comments sent 3/25/10.	SD	N/A
54	Ronald Stuard	490 Avalon	4/22/10	Building	SFR Addition. 79 sf. bedroom addition. Comments sent 4/27/10.	SD	N/A
55	Joe Silva	570 Avalon	5/12/10	Building	SFR Addition. 84 sf. addition. Comments sent 5/17/10.	SD	N/A
56	Lou McGonagill	690 Olive	6/7/10	Building	SFR Addition. 1,000 sf. addition with garage. Incomplete letter 6/28/10. Resubmittal 9/29/10. Incomplete Memo 11/16/10.	SD	N/A
57	Frantz	499 Nevis	9/27/10	Building	New SFR. Incomplete Memo 10/7/10.	SD	N/A
58	Hall	2234 Emerald Circle	12/2/10	Building	New SFR. Incomplete Memo 12/21/10.	SD	N/A
Final Map Under Review							
59	Zinngarde	1305 Teresa	5/9/11	Map	Final Map. Public Works review of the final map, CCR's and conditions of approval.	KW	CC
Projects & Permits with Final Action							
60	Leage	1185 Embarcadero	4/28/11	UP0-319	Temporary Use Permit, Sport Fishing at GAFCO. Noticed 5/13/11. Elevated to Planning Commission. Scheduled for 6/15/11 PC Meeting.	KW	PC



City of Morro Bay
Public Services
Advanced Planning Work Program

Work Item	Planning Commission	City Council	Coastal Commission	Comments	Estimated Staff Hours
Neighborhood Compatibility Standards	TBD	TBD			120 to 160
Strategic plan for managing the greening process					200 to 300
	Annual Updates	Annual Updates			
Draft Urban Forest Management Plan	TBD	TBD			200 to 300
CEQA Implementation Guidelines	TBD	TBD	NA		120 to 160
Update CEQA checklist pursuant to SWMP (2/2011)	TBD	TBD			120 to 160
Downtown Visioning	TBD	TBD			120 to 160
PD Overlay	TBD	TBD			80
Annexation Proceeding for Public Facilities		TBD			TBD
Sign Ordinance Update	2/16/11	11/1/11			50 to 100
<i>Planning Commission Generated Items</i>					
Work Item	Requesting Body				Estimated Staff Hours
Pedestrian Plan	Planning Commission			To be incorporated into Bicycle Transportation, currently under preparation.	TBD
<i>Items Requiring Further Analysis When Received Back From The Coastal Commission</i>					
Work Item	Plng. Comm.	City Council	Coastal Comm.		Estimated Staff Hours
Updated Zoning Ordinance	TBD	TBD			1,800
Updated General Plan/LCP	TBD	TBD			1,800

2011

Yellow highlight indicates Planning Commission meeting date
Red highlight indicates City holiday

Agenda NO. X-A
Meeting Date July 6, 2011

January

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

March

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31