



CITY OF MORRO BAY PLANNING COMMISSION AGENDA

*The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life.
The City shall be committed to this purpose and will provide a level of municipal service and safety
consistent with and responsive to the needs of the public.*

**Regular Meeting - Wednesday, September 19, 2012
Veteran's Memorial Building - 6:00 P.M.
209 Surf Street, Morro Bay, CA**

Chairperson Rick Grantham

Vice-Chairperson John Solu
Commissioner Paul Nagy

Commissioner John Fennacy
Commissioner Jessica Napier

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS

PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on matters other than scheduled hearing items may do so at this time. 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 comments must observe the following rules to increase the effectiveness of the Public Comment Period:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Commission meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes so keep your comments brief and to the point.
- All remarks shall be addressed to the Commission, as a whole, and not to any individual member thereof. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Commission meetings is welcome and your courtesy will be appreciated.

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

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. CONSENT CALENDAR

- A-1 Approval of minutes from Planning Commission meeting of August 15, 2012
Staff Recommendation: Approve minutes as submitted.

B. PUBLIC HEARINGS

Public testimony given for Public Hearing items will adhere to the rules noted above under the Public Comment Period. In addition, speak about the proposal and not about individuals, focusing testimony on the important parts of the proposal; not repeating points made by others.

- B-1 **Case No:** Variance #ADO-O67
Site Location: 3202 Beachcomber Street
Proposal: A variance to construct a new single family residence with intermediate floors and a roof deck. This item continued from the August 15, 2012 Planning Commission Meeting
CEQA Determination: Categorical Exemption Class 1.
Staff Recommendation: Denial
Staff Contact: Mary Reents, Contract Planner (805) 772-6270

- B-2 **Case No:** Tentative Tract Map #SOO-111
Site Location: 300 Piney Lane
Proposal: Request to divide an existing one acre parcel into four parcels, the first three parcels are to be flag lots and the fourth parcel will remain in its existing use as a single family residence. Access is via a private easement to the four parcels.
CEQA Determination: Categorical Exemption Class 3.
Staff Recommendation: Approval
Staff Contact: Mary Reents, Contract Planner (805) 772-6270

- B-3 **Case No:** Amend Conditional Use Permit #02-01
Site Location: 1205 Embarcadero
Proposal: Amendment to existing CUP to allow construction of a second story to the Harbor Hut Restaurant. The proposed 686 sq. ft. addition will provide space for a new private office and storage. There will be a 75 sq. ft. net increase in office space when it is relocated from the first floor to the proposed area on the second floor.
CEQA Determination: Categorical Exemption Class 1.
Staff Recommendation: Approval
Staff Contact: Mary Reents, Contract Planner (805)772-6270

- B-4 **Case No:** Conditional Use Permit #UP0-319
Site Location: 1185 Embarcadero
Request: Applicant is requesting a permanent use of existing dock for Virg’s Sport Fishing at GAFCO for both sport fishing (passenger for hire) as well as commercial fishing.

GAFCO was issued a Temporary Use Permit (UPO-319); they wish to make this a permanent use.

CEQA Determination: Categorically Exempt, Section 15301, Class 1

Staff Recommendation: Continue this item to the October 17, 2012 Planning Commission Meeting.

Staff Contact: Mary Reents, Contract Planner (805) 772-6270.

C. UNFINISHED BUSINESS

C-1 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

Upcoming Projects: 589 Morro Avenue-Addition of Roof Deck to SFR
781 Quintana-Burger King signage and remodel
575-591 Embarcadero-Amend Parking Calculations
1000 Ridgeway-Parking Exception

D. NEW BUSINESS

None

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on Wednesday, October 17, 2012, at 6:00 p.m.

PLANNING COMMISSION MEETING PROCEDURES

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Public Services Department, 955 Shasta Avenue, for any revisions or call the department at 772-6261 for further information.

Written testimony is encouraged so it can be distributed in the Agenda packet to the Commission. Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Division at the Public Services Department, 955 Shasta Avenue, no later than 5:00 P.M. the Tuesday (eight days) prior to the scheduled public hearing. Written testimony provided after the Agenda packet is published will be distributed to the Commission but there may not be enough time to fully consider the information. Mail should be directed to the Public Services Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Public Services Department, at Mill's/ASAP, 495 Morro Bay Boulevard, or the Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Materials related to an item on this Agenda submitted to the Planning Commission after publication of the Agenda packet are available for inspection at the Public Services Department during normal business hours or at the scheduled meeting.

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.

The Brown Act forbids the Commission from taking action or discussing any item not appearing on the agenda, including those items raised at Public Comment. In response to Public Comment, the Commission is limited to:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Commission meetings are conducted under the authority of the Chair who may modify the procedures outlined below. The Chair will announce each item. Thereafter, the hearing will be conducted as follows:

1. The Planning Division 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.

APPEALS

If you are dissatisfied with 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. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. 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 for those projects that are in their appeals jurisdiction. 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 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.

AGENDA ITEM: A- 1

DATE: September 19, 2012

ACTION: _____

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION
REGULAR MEETING – AUGUST 15, 2012
VETERANS MEMORIAL HALL – 6:00 P.M.

Chairperson Grantham called the meeting to order at 6:00 p.m.

PRESENT:	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	Paul Nagy	Commissioner
	Jessica Napier	Commissioner
	John Fennacy	Commissioner
STAFF:	Andrea Lueker	City Manager
	Mary Reents	Contract Planner
	Erik Berg-Johansen	Planning Intern
	Cindy Jacinth	Administrative Technician

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS

PUBLIC COMMENT

Chairperson Grantham opened Public Comment period and hearing none closed public comment period.

PRESENTATIONS – None.

Unless an item is pulled for separate action by the Planning Commission, the following actions are approved without discussion.

A. CONSENT CALENDAR

A-1 Approval of minutes from Planning Commission meeting of July 18, 2012
Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Solu moved to approve the Consent Calendar. Commissioner Fennacy seconded and the motion passed unanimously. (5-0).

B. PUBLIC HEARINGS

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – AUGUST 15, 2012

B-1 **Case No:** Variance ADO-O67

Site Location: 3202 Beachcomber Street

Proposal: A variance to construct a new single family residence with intermediate floors and a roof deck.

CEQA Determination: Categorical Exemption Class 1.

Staff Recommendation: Denial

Staff Contact: Mary Reents, Contract Planner (805) 772-6270

Reents informed the Commission that after the staff report was released, the Applicant contacted staff to request a continuance of the hearing item to the second meeting in September.

Chairperson Grantham opened Public Comment period.

Phillip Johnson, resident of Morro Bay, spoke against the proposed project stating his understanding is that this house will be used for a retreat. As a retreat, this would be a business and expressed concern regarding traffic impacts.

Kevin Elder, Attorney representing Sally and Steve Norcross urged the Commission to accept the staff recommendation to deny the request for a variance and stated the Applicant's plan for a 10,000 square foot residence is in violation of the overlay zone for this neighborhood. He also stated that his home could be built as a one story home, instead it exceeds the height limitation and does not fit into the small scale of the neighborhood.

David Brown, Applicant's Architect, confirmed that he is requesting a continuance due to a mix up on the noticing. He stated that what he requested is not what was advertised. He stated his request is to review a code related question not the house.

Charles Martin, resident of Morro Bay, stated this is a unique property. He spoke in favor of the basement style for this property due to the configuration of the property. The existing garage now seems fine for the property and stated the question of basement versus floor needs to be examined.

Tim Gailey, resident of Morro Bay, spoke against the property based on two variance exceptions requested. Mr. Gailey stated the scope and scale of the project does not match the neighborhood.

Chairperson Grantham closed Public Comment period.

Chairperson Grantham stated to the Commission that the consideration is for a continuation and not a review of the variance request. Grantham stated support for the continuance.

Commissioners stated support for the continuance to the second meeting in September.

MOTION: Chairperson Grantham moved to grant the continuance to no later than the September 19, 2012 Planning Commission meeting.

The motion was seconded by Commissioner Nagy and the motion passed unanimously. (5-0).

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – AUGUST 15, 2012

- B-2 **Case No:** Coastal Development Permit CP0-364; Use Permit UP0-341 (Amendment to CUP-12-92)
Site Location: 780 Quintana Road
Proposal: Request to remodel exterior of McDonald's Restaurant and additions to dining, storage area and bathrooms.
CEQA Determination: Categorical Exemption Class 1.
Staff Recommendation: Approval
Staff Contact: Mary Reents, Contract Planner (805) 772-6270

Erik Berg-Johansen presented the staff report.

Chairperson Grantham opened Public Comment period.

Mel Cruz, McDonald's representative, spoke and stated McDonald's is seeking to revitalize the restaurant facilities.

Mrs. Bleems, resident of Morro Bay, stated she has no objections against a larger McDonald's but expressed concern about construction noise impact to neighbors as well as the customer noise impact to neighbors since it is a 24 hour operation.

Mel Cruz, responded to the concerns about noise and stated noise impacts can be minimized to daytime hours. The project duration will be 12 weeks.

Chairperson Grantham closed Public Comment period.

Commissioners stated that noise issues should be addressed.

Commissioner Nagy addressed the issue of signs and stated the need to be fair to local business needs.

MOTION: Commissioner Grantham moved to approve Conditional Use Permit 12-92 and other associated permits with Planning Condition as follows:

- Limit exterior construction noise to the hours of 7am to 7pm

The motion was seconded by Commissioner Fennacy and the motion passed unanimously. (5-0).

- B-3 **Case No:** Conditional Use Permit UP0-340; Parking Exception AD0-O69
Site Location: 660 Bay Street
Proposal: Request to remodel an existing single family residence with a 557.9 square foot addition to existing 671.9 square foot single family residence. The parking exception includes request for tandem parking.
CEQA Determination: Categorical Exemption Class 1.
Staff Recommendation: Approval
Staff Contact: Mary Reents, Contract Planner (805) 772-6270

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – AUGUST 15, 2012

Reents presented the staff report.

Chairperson Grantham opened Public Comment period.

Richard Low, Applicant's Architect and Agent, stated he supports the staff recommendation and is available to answer any questions.

Chairperson Grantham closed Public Comment period.

Commissioners stated support for the project.

MOTION: Commissioner Napier moved to conditionally approve Conditional Use Permit UPO-340 and Parking Exception ADO-069 and adopt the findings included as exhibit A.

The motion was seconded by Commissioner Nagy and the motion passed unanimously. (5-0).

Chairperson Grantham called for a five minute break and the meeting resumed at 6:56pm.

B-4 **Case No:** Tentative Tract Map #SOO-111

Site Location: 300 Piney Lane

Proposal: Request to divide an existing one acre parcel into four parcels, the first three parcels are to be flag lots and the fourth parcel will remain in its existing use as a single family residence. Access is via a private easement to the four parcels.

CEQA Determination: Categorical Exemption Class 3.

Staff Recommendation: Approval

Staff Contact: Mary Reents, Contract Planner (805) 772-6270

Reents presented the staff report.

Commissioners asked Reents to clarify the road and who is responsible for 20 foot extension road. Reents stated this is a private access road similar to a long driveway.

Chairperson Grantham acknowledged that additional correspondence and a petition regarding the project were received.

Chairperson Grantham opened Public Comment period.

Chris Parker, Applicant's Representative, spoke to further clarify the proposed project. Parker addressed the circulating rumors against the project and explained the various ways the project has been designed to lessen impacts to neighbors such as the project is proposing a larger side yard setback than what is required. Also, the front yard setbacks are larger than what is required and the building envelope is designed to be less than the maximum allowed. A fire access turnaround will be added which will also benefit neighborhood garbage collection. Parker also clarified other issues such as drainage, grading and two story compatibility. Parker stated that nothing is proposed to be built right now and that the request is for subdivision.

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REGULAR MEETING – AUGUST 15, 2012

Randall Dennis, property owner, resident of Morro Bay, spoke to urge the Commission to support the project. He stated he worked really hard to get the map correct and the request tonight is to approve the map, and not to “sneak anything by anyone”. The roads and sewer will be improved on Barlow. He stated he lives in this neighborhood and he also wants to protect the neighborhood when the lots are sold.

Matt Beautz, Applicant’s Representative and Civil Engineer and Land Surveyor, discussed the existing road width, the height concerns and the existing sewer main and drainage.

Will Perry, resident of Morro Bay, spoke against the project and asked the Commission to deny the permit. He stated a project on Cabrillo was denied a request to subdivide and the developer was denied the permit. He stated this project will be non-conforming in lot size and setbacks.

Otis Negrubs, resident of Morro Bay, spoke against the project, and addressed issues of the street light, the street width and 40 foot right of way. He expressed concern that the traffic will increase 30% and the street cannot handle this increase.

Eugene Tripp, resident of Morro Bay, spoke against the project and expressed concern about pavement width and possibility for parking. He expressed concern about traffic and blockage of views and stated this will unbalance the neighborhood.

Tom Coryell, resident of Morro Bay, spoke against the project and addressed the issue of two story homes. He stated these are small lots compared to the rest of the neighborhood and suggested that it be approved as two additional lots instead of three. He also stated the project is not consistent with the neighborhood.

Rich Meyer, resident of Morro Bay, spoke against the project and agreed with Mr. Coryell’s comments and agreed with the lot size. He also addressed the issue of utilities arrangement and asked whether they would be underground.

Sue Perry, resident of Morro Bay, spoke against the project and expressed concern about the flag lots and private driveway necessary in order to reach the three lots. Perry stated issues of streets, sewer lateral, storm water, and drainage mitigations, retaining walls, and utilities all must be considered. Perry stated this is a badly designed project which is not in conformity to the houses and lot sizes in the immediate neighborhood. Perry asked the Commission to deny the Applicant’s request for subdivision.

Jay Jay King, spoke in favor of the project. He stated he reviewed the plans and visited the site. He worked on a similar infill lot in Pismo Beach. The applicant has done a lot of things not required in order to make this a better project and he urged the Commission to support and approve the project.

Amy Bowatta, resident of Morro Bay, spoke against the project and requested the Commission require the Applicant to complete an Initial Study. She stated the Class 3 CEQA exemption is wrong because Morro Bay is not an urbanized area which is defined as an area of 50,000 or more. She stated this is not a typical residential project; it has inadequate access to public streets and utilities and does not fit the Morro Heights neighborhood.

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Michelle Nesbit Penzel, resident of Morro Bay, spoke against the project and expressed concern about the proposed three homes that would block views. She also expressed concern about the narrow street.

Robert Penzel, resident of Morro Bay, spoke against the project and stated the Commission should look at the benefit involved not to one person, but to the community. Penzel questioned that when homes are vacant most of the year, where is the benefit to the majority of Morro Bay. Morro Bay is a quaint, ocean village and should stay that way.

Chairperson Grantham asked Mr. Beautz to respond to the utility question. He stated new services would be underground.

Chairperson Grantham closed Public Comment period.

Chairperson Grantham asked Reents to respond to the CEQA comments made during Public Comment. Reents clarified the definition of a urbanized area stating that a Class 3 exemption can be used for projects where it is surrounded by developed urban uses and an infill parcel. Some environmental research of the property has been done relating to archaeological resources and the property does not contain habitat for rare, threatened or endangered species, nor does it have listed grass species. Drainage has been addressed as well as geological concerns. Utilities are adequate for the property. Visual impacts are not protected by CEQA or the City's Local Coastal Plan.

Reents also addressed the Public Comment regarding the Cabrillo project. She stated the denial of the previous Cabrillo project was based on its location in Tract 41 and this project is not located in Tract 41. She stated that according to conversation with the City Attorney, the results of that court case do not apply in this situation.

Commissioners discussed the street width and the street light.

Commissioner Nagy asked about view protection. Reents stated that view protection does not apply to residential views but only views from a public road or area. Reents suggested a condition could be added to do a visual analysis of the view corridor at the time that the property is developed.

Commissioner Fennacy stated support for the project with a condition added to require a view study to support the neighborhood. He stated he supports concerns for the street on existing Piney Lane. He also stated that this is a conforming project and it is not within our tools to address the view impacts.

Commissioner Solu asked Reents to explain the process on a visual study. Reents explained that a view study would show the roof line of a house and show the view corridor.

Commissioner Solu asked about if a street sign can be required to be put on Piney Way stating that Piney Lane is a dead end road. Solu also asked whether conditions of use could be applied such as prohibiting use as a vacation rental. Reents stated she was unfamiliar with the City's

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REGULAR MEETING – AUGUST 15, 2012

local ordinance but stated these vacation rental prohibitions are done in other California cities and a deed restriction would need to be placed on the property.

Chairperson Grantham asked Lueker for clarification from City Attorney Rob Schultz regarding vacation rental restrictions. Lueker noted that Schultz was currently not available.

Chairperson Grantham and Commissioner Nagy stated this is a clean project and stated support for the project.

Commissioner Solu commented that individuals have a right to appeal this to the City Council.

Chairperson Grantham called for a five minute break and resumed the meeting at 8:25pm.

Commissioner Fennacy stated he would make a motion without the view study requirement since the issues have been adequately addressed.

MOTION: Commissioner Fennacy moved to approve Tentative Tract Map #S00-111

Commissioner Solu stated he would be voting no, due to the lack of conditions and that it does not meet the criteria for the neighborhood.

The motion was seconded by Commissioner Nagy and the motion passed unanimously. (4-1).

UNFINISHED BUSINESS

C-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.

Reents reviewed the Work Program with Commissioners.

Commissioner Solu requested that work continue on the Sign Ordinance so that it can be forwarded to City Council for approval.

NEW BUSINESS

D-1 Present and take action on the findings of the Subdivision Ordinance subcommittee.
Recommendation: Forward findings of the Subdivision Ordinance subcommittee to the City Council.

MOTION: Commissioner Nagy moved to send this on to City Council.

The motion was seconded by Commissioner Solu and the motion passed unanimously. (5-0).

DECLARATION OF FUTURE AGENDA ITEMS - None

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – AUGUST 15, 2012

ADJOURNMENT

The meeting adjourned at 8:33 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, September 5, 2012 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA NO: B-1

MEETING DATE: September 19, 2012

Staff Report

TO: Planning Commissioners

DATE: July 30, 2012

FROM: Mary Reents, Contract Planner

SUBJECT: Variance ADO-067 for a single family residence to include 2 interior stories (one above ground and one below ground as a basement), located at 3202 Beachcomber. This item is continued from the August 15, 2012 Planning Commission Meeting.

RECOMMENDATION:

CONDITIONALLY DISAPPROVE THE PROJECT

APPLICANT/AGENT: Mark Perry / Perry Enterprises

LEGAL DESCRIPTION/APN: 065-106-032, Lots 1, 2, and 3 Block 9 D

PROJECT DESCRIPTION: The applicant is requesting a major modification to an existing permit to remove an existing single-family residence and replace it with a residence that includes a main above-ground floor, a daylight basement with garage, and flat roof deck. This item was continued from the August 15, 2012, Planning Commission Meeting. The applicant is requesting clarification as to whether the lower level of the structure is a "basement" or a "second story." Please refer to addendum #2 to the August 15, 2012, staff report.

PROJECT SETTING:

<u>Adjacent Zoning/Land Use</u>			
North:	Single Family Residential with S.2.A Overlay (R-1/S.2.A)	South:	Single Family Residential with S.2.A Overlay (R-1/S.2.A)
East:	Single Family Residential with S.2.A Overlay (R-1/S.2.A)	West:	Open Area with Planned Development Overlay (OA-2/PD)

Prepared By:

MR

Department Review: _____

Site Characteristics	
Site Area	11,012 Sq. Ft.
Existing Use	Single-Family Residence
Terrain	Graded
Vegetation/Wildlife	Urbanized Landscaping
Archaeological Resources	Site is not located within 300 feet of an archeological resource
Access	Orcas St. / Panay St.

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Moderate Density Residential
Base Zone District	Single Family Residential (R-1)
Zoning Overlay District	S.2.A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Located in the Coastal Zone and in the appeals jurisdiction

PROJECT ANALYSIS:

Background

The existing residence built in 1954 at 3202 Beachcomber Dr. consists of a main living floor and a garage in the basement with access to Orcas St. In October of 1994 an application was submitted to re-roof the home.

The current home resides on three parcels that have access to Beachcomber Dr. to the West, Panay St. to the North, and Orcas St. to the South. Currently there is a driveway with access to Panay St. and a two-car garage in the basement with access to Orcas St. The residence is within the S.2.A overlay zone which means its current 2-story configuration is non-conforming. The S.2.A zoning code is in place to "...preserve the existing character of physical development in the area within the jurisdiction of the city." The relatively large scale of this 8-bedroom proposal does not fit the vision for a small scale beach community.

Flood Zone

As determined by Associate Engineer Barry Rands, a portion of the property (southernmost corner adjacent to Orcas Street) lies within the 1% chance (100-year) flood boundary on the current version of the FEMA. With the proposal of living quarters in a basement, this information should be considered.

Zoning Ordinance

The proposed project does not meet zoning requirements. Please see the table below.

	Required	Proposed
Front Yard Setback	15 feet	15 feet
Interior Side Yard Setback	5 feet	9 feet

Exterior Side Yard Setback	15 feet	15 feet
Rear Yard Setback	5 feet	5 feet
Lot Coverage	Max. 50%	46%
Height	Elevation shall not exceed 14 feet (1-story)	17-feet (2-story)

PUBLIC NOTICE: Notice of this item was published as a 1/8th page in the San Luis Obispo Tribune newspaper on August 3, 2012, notifying all Morro Bay residents of project. The site notice was posted on Friday, August 3, 2012. Several letters were received regarding the proposed project, and these are attached in Exhibit C.

CONCLUSION: The project as proposed is not consistent with the Morro Bay Zoning Ordinance. Referring specifically to S.2.A zones, Ordinance No. 483 states, “Dwellings are limited to one-story buildings. Two story construction and/or any intermediate floors, such as mezzanines, as defined by the Building Code, are prohibited.” The lots contain no barriers that limit the development of a sufficient one story home within the zoning guidelines, and therefore special treatment of this proposal should not be offered.

Furthermore, the proposed height exceeds the 14 foot limit for flat roofs. Although the plans describe a “pitched roof”, the plans illustrate that the roof does not have a peak. With the absence of a peak, along with the proposed flat roof deck, the proposed residence must follow the requirements for flat roofs. The plans should be modified to include only one-story. The plans should also be modified to include a 17 foot pitched roof (with peak), or in its current roof deck proposal, a roof height reduction to 14 feet.

The Staff recommends that the Planning Commission deny the requested variance for construction of a 2-story residential residence in the R-1 S.2.A zone.

EXHIBITS:

Exhibit A – Findings

Exhibit B – Graphics / Plan Reductions

Exhibit C – August 15, 2012 Staff Report and Correspondence

Exhibit D - Addendum #2

EXHIBIT A

FINDINGS

SITE: 3202 BEACHCOMBER

PROJECT DESCRIPTION:

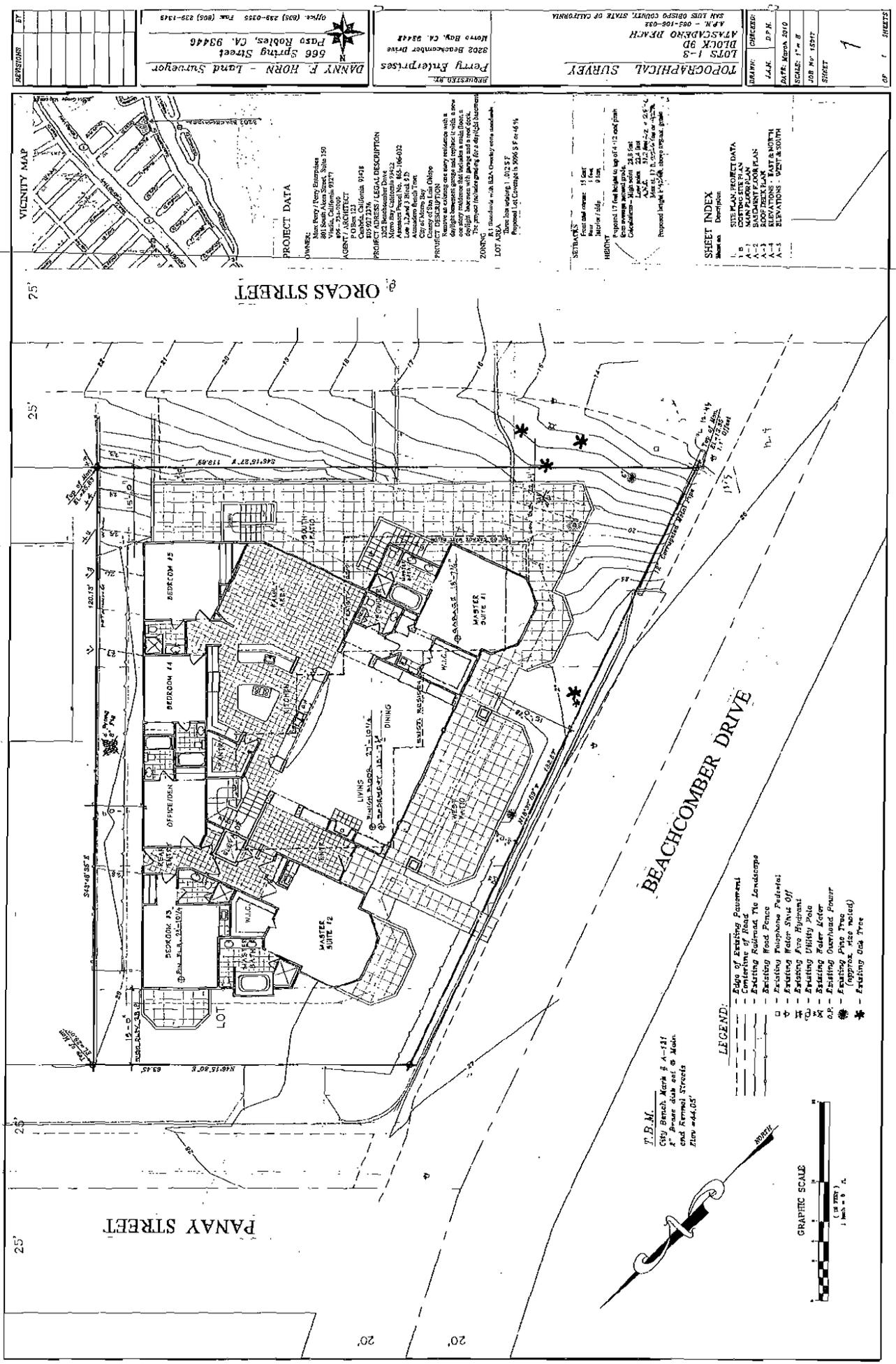
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- A. Categorical exemption 15303 (a): New Construction or Conversion of Small Structure. Construction of a single-family residence is exempt.

VARIANCE FINDINGS

- A. Not a Special Privilege: It has been determined that a special privilege would be given if this project is approved. The zoning restrictions clearly prohibit 2-story homes in the S.2.A overlay, and the plans do not comply with this restriction.
- B. Special Circumstances with Property: There are no barriers or special circumstances associated with the lots that hinder construction of a sufficient 1-story home. It is practical for the plans to be redesigned to comply with current zoning requirements.
- C. Consistency with General Plan and LCP: The residential home proposal is inconsistent with the visions of the General Plan and the Local Coastal Plan. The proposed building does not fit the residential zoning requirements defined in this area. The purpose of the S.2.A. Overlay Zone is to “preserve the existing character of physical development in the area within the jurisdiction of the city, west of Highway One, north of Azure Street and south of Tract 2110 (Toro Lane).” This overlay zone specifies a height restriction of 14 feet. One of the priorities of the Coastal Act is the protection of the character of the community and its neighborhoods. The residential home proposal is inconsistent with the character of the surrounding residential area and its character since adjacent homes are single story and are low profile structures that do not detract from the overall character of the neighborhood.

EXHIBIT B

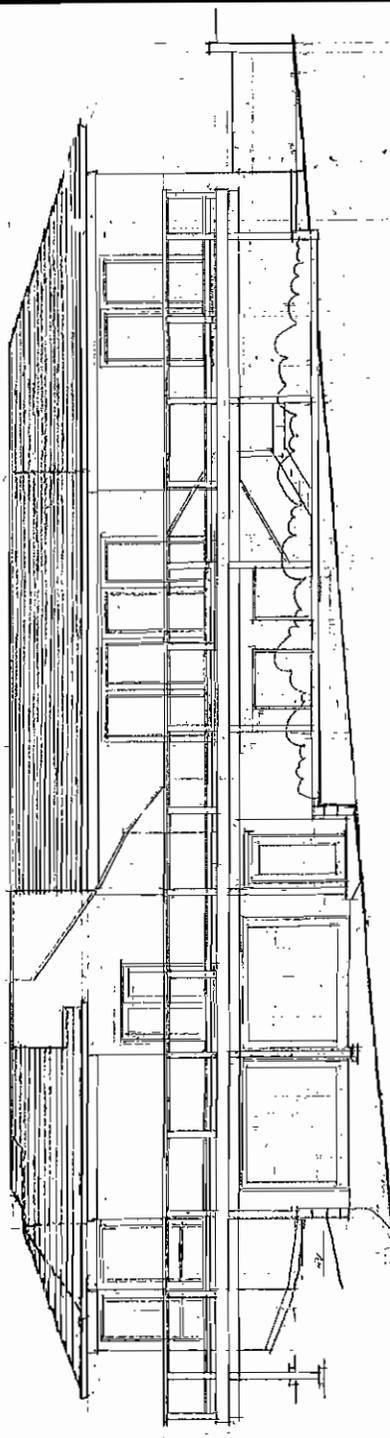


NO.	
REVISIONS	

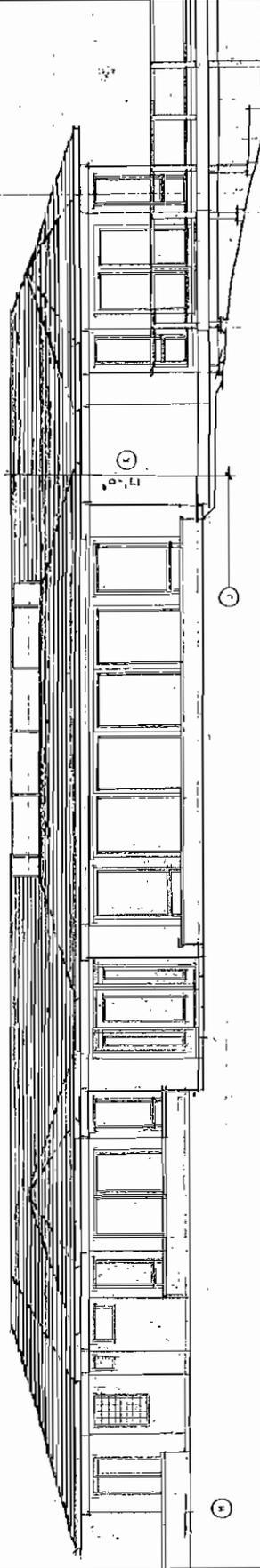
DAVID M. BROWN
ARCHITECT
1000 17th Street
Morro Bay, California 94032

PROPOSED NEW CONSTRUCTION PERMITS
PERRY RESIDENCE
11
100 BEACH DRIVE
MORRO BAY, CALIFORNIA

DATE	
CHECKED	
SCALE	
TITLE	
JOB NO.	
SHEET	
A-5	



**SOUTH ELEVATION
ORCAS STREET VIEW**



**WEST ELEVATION
BEACHCOMBER STREET VIEW**

TYPICAL ELEVATION NOTES:

- 1 ROOFING: CONCRETE TEE
- 2 WINDOWS: ALUMINUM, VINYL GLAZ
- 3 WALLS: EXTERIOR PLASTER/ STUCCO
- 4 HANDRAILS: WOOD AND GLASS
- 5 PLASTER WALLS: ROCK OR STUCCO
- 6 NATURAL GRADE
- 7 FIN. 9" GRADE
- 8 HIGH POINT
- 9 LOW POINT
- 10 AVG. NATURAL GRADE
- 11 MAXIMUM BUILDING HEIGHT
- 12 WOOD GARAGE DOOR

EXHIBIT C



AGENDA NO: B-1
MEETING DATE: August 15, 2012

Staff Report

TO: Planning Commissioners **DATE:** July 30, 2012

FROM: Mary Reents, Contract Planner

SUBJECT: Variance ADO-067 for a single family residence to include 2 interior stories (one above ground and one below ground as a basement), located at 3202 Beachcomber.

RECOMMENDATION:
CONDITIONALLY DISAPPROVE THE PROJECT

APPLICANT/AGENT: Mark Perry / Perry Enterprises

LEGAL DESCRIPTION/APN: 065-106-032, Lots 1, 2, and 3 Block 9 D

PROJECT DESCRIPTION: The applicant is requesting a major modification to an existing permit to remove an existing single-family residence and replace it with a residence that includes a main above-ground floor, a daylight basement with garage, and flat roof deck.

PROJECT SETTING:

<u>Adjacent Zoning/Land Use</u>			
North:	Single Family Residential with S.2.A Overlay (R-1/S.2.A)	South:	Single Family Residential with S.2.A Overlay (R-1/S.2.A)
East:	Single Family Residential with S.2.A Overlay (R-1/S.2.A)	West:	Open Area with Planned Development Overlay (OA-2/PD)

<u>Site Characteristics</u>	
Site Area	11,012 Sq. Ft.
Existing Use	Single-Family Residence
Terrain	Graded
Vegetation/Wildlife	Urbanized Landscaping
Archaeological Resources	Site is not located within 300 feet of an archeological resource
Access	Orcas St. / Panay St.

Prepared By: M. Reents

Department Review: [Signature]

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Moderate Density Residential
Base Zone District	Single Family Residential (R-1)
Zoning Overlay District	S.2.A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Located in the Coastal Zone and in the appeals jurisdiction

PROJECT ANALYSIS:

Background

The existing residence built in 1954 at 3202 Beachcomber Dr. consists of a main living floor and a garage in the basement with access to Orcas St. In October of 1994 an application was submitted to re-roof the home.

The current home resides on three parcels that have access to Beachcomber Dr. to the West, Panay St. to the North, and Orcas St. to the South. Currently there is a driveway with access to Panay St. and a two-car garage in the basement with access to Orcas St. The residence is within the S.2.A overlay zone which means its current 2-story configuration is non-conforming. The S.2.A zoning code is in place to "...preserve the existing character of physical development in the area within the jurisdiction of the city." The relatively large scale of this 8-bedroom proposal does not fit the vision for a small scale beach community.

Flood Zone

As determined by Associate Engineer Barry Rands, a portion of the property (southernmost corner adjacent to Orcas Street) lies within the 1% chance (100-year) flood boundary on the current version of the FEMA. With the proposal of living quarters in a basement, this information should be considered.

Zoning Ordinance

The proposed project does not meet zoning requirements. Please see the table below.

	Required	Proposed
Front Yard Setback	15 feet	15 feet
Interior Side Yard Setback	5 feet	9 feet
Exterior Side Yard Setback	15 feet	15 feet
Rear Yard Setback	5 feet	5 feet
Lot Coverage	Max. 50%	46%
Height	Elevation shall not exceed 14 feet (1-story)	17-feet (2-story)

Amendment. The site notice was posted on Friday, August 3, 2012. Several letters were received regarding the proposed project, and these are attached in Exhibit C.

CONCLUSION: The project as proposed is not consistent with the Morro Bay Zoning Ordinance. Referring specifically to S.2.A zones, Ordinance No. 483 states, “Dwellings are limited to one-story buildings. Two story construction and/or any intermediate floors, such as mezzanines, as defined by the Building Code, are prohibited.” The lots contain no barriers that limit the development of a sufficient one story home within the zoning guidelines, and therefore special treatment of this proposal should not be offered.

Furthermore, the proposed height exceeds the 14 foot limit for flat roofs. Although the plans describe a “pitched roof”, the plans illustrate that the roof does not have a peak. With the absence of a peak, along with the proposed flat roof deck, the proposed residence must follow the requirements for flat roofs. The plans should be modified to include only one-story. The plans should also be modified to include a 17 foot pitched roof (with peak), or in its current roof deck proposal, a roof height reduction to 14 feet.

The Staff recommends that the Planning Commission deny the requested variance for construction of a 2-story residential residence in the R-1 S.2.A zone.

EXHIBITS:

Exhibit A – Findings

Exhibit B – Graphics / Plan Reductions

Exhibit C – Correspondence

EXHIBIT A

FINDINGS

SITE: 3202 BEACHCOMBER

PROJECT DESCRIPTION:

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- A. Categorical exemption 15303 (a): New Construction or Conversion of Small Structure. Construction of a single-family residence is exempt.

VARIANCE FINDINGS

- A. Not a Special Privilege: It has been determined that a special privilege would be given if this project is approved. The zoning restrictions clearly prohibit 2-story homes in the S.2.A overlay, and the plans do not comply with this restriction.
- B. Special Circumstances with Property: There are no barriers or special circumstances associated with the lots that hinder construction of a sufficient 1-story home. It is practical for the plans to be redesigned to comply with current zoning requirements.
- C. Consistency with General Plan and LCP: The residential home proposal is inconsistent with the visions of the General Plan and the Local Coastal Plan. The proposed building does not fit the residential zoning requirements defined in this area. The purpose of the S.2.A. Overlay Zone is to “preserve the existing character of physical development in the area within the jurisdiction of the city, west of Highway One, north of Azure Street and south of Tract 2110 (Toro Lane).” This overlay zone specifies a height restriction of 14 feet. One of the priorities of the Coastal Act is the protection of the character of the community and its neighborhoods. The residential home proposal is inconsistent with the character of the surrounding residential area and its character since adjacent homes are single story and are low profile structures that do not detract from the overall character of the neighborhood.

EXHIBIT C

135 Orcas St
Morro Bay, CA 93442

City of Morro Bay Planning Department
595 Harbor Street
Morro Bay, CA 93442

February 27, 2012

Dear Planning Commission Board:

This is a letter to express our concerns over a proposed building project at 3202 Beachcomber Drive. As you are well aware the house next door to ours has submitted plans asking for a variance to local codes and wants to build an approximately 10,000 square foot home with at least eight bedrooms, 10 bathrooms, a theater room, game rooms, computer room, living rooms, and a roof deck with 2,300 square feet to include two Jacuzzis. In addition, there are plans to build decks on all sides. This proposed project is on three lots that will affect many families in the surrounding neighborhood. Our concerns include: a two story exemption, the intended use of the structure, the height of the roof line, the size of the structure, visual impacts to neighbors, and the safety of surrounding families' homes.

The beach tract is composed of R1 S.2 Overlay Zone Standards, single-family houses that are commonly two to four bedroom homes. It is zoned single story and exemptions should not be granted to make two or more story homes beneath or above grade. Please refer to S.2A-7. The size of this structure far exceeds the characteristics of the neighborhood and will stand out as something other than a single-family residence. We have been told the owners intend to use this structure as a retreat center for a school they are associated with in Visalia. We hope this is false information and that a single-family residence is the goal on this property, though the current home is not normally occupied and therefore we have been unable to confirm this.

The proposed height of the new roofline also violates the intent of the regulations as the plans indicate a primarily flat roof that would normally follow a 14 feet restriction. However, on the outside edges of the plans small gable sections are added which is likely in hopes for 17 feet height allowance of the entire structure. The intent of code S.2A-7 does not allow this. Due to the extreme size of this project, this will block many coastal views and violate the S.2A-7 code. The visual impacts will affect views from houses that surround the structure on three sides. The safety concerns are the potential effects of soil removal to allow for four bedrooms below ground which may include weakening surrounding foundations in an area with clay soil and a below grade creek-bed (running under Orcas Street).

RECEIVED

FEB 27 2012

City of Morro Bay
Public Services Department

Having grown up in this community, we have made this our home because it is a safe and beautiful neighborhood. We appreciate your time in considering the local impacts that this project presents. Our hope is not to stop others from building their own dream home but to encourage them to build it within the characteristics of the neighborhood and within the intent of the building codes. We are very fortunate to live in this area and respect the lasting impacts of your decisions.

Thank you,


Mandy R. Gailey
Tim and Mandy Gailey
(234-1855)

Public Services Department

City of Morro Bay

955 Shasta

Morro Bay, CA 93442

RECEIVED

July 13, 2012

JUL 13 2012

City of Morro Bay
Public Services Department

RE: CASE No. ADO-067

Dear Sir,

I agree with the staff recommendation to "Deny The Request For Variance" for Case No. ADO-067, 3202 Beachcomber.

Degradation of the Beach Track Codes solely for an end-user design desire must not be allowed. The Beach Track building Codes are there for a purpose – to assure physical conformity for all property owners. The codes are fair & have given property owners the assurance that if monitored and enforced, all will continue to enjoy the uniqueness of the Beach Track for future years.

Respectfully submitted,

Handwritten signatures of Margaret Cooper and James Rodgers. Margaret's signature is on top, and James' is below it, both in cursive.

James and Margaret Rodgers

150 Rennel St.

Morro Bay, CA 93442

Ms. Sandie Okada



8/4/12

RE: CASE No. ADO-067

I CONCUR WITH THE
STAFF RECOMMENDATION
TO DENY REQUEST FOR
VARIANCE

Sandie Okada

RECEIVED

AUG 06 2012

City of Morro Bay
Public Services Department



LH185TA



HUMANE SOCIETY
LEGISLATIVE FUND

2100 L Street, NW
Suite 310
Washington, DC 20037
www.hsif.org

Horses © Don Squares/Artista By Design Licensing.



WARREN A. SINSHEIMER III
DAVID A. JUHNKE
JUNE R. McIVOR
HERBERT A. STROH
KEVIN D. ELDER
JOSHUA W. MARTIN



SINSHEIMER JUHNKE McIVOR & STROH, LLP
ATTORNEYS AT LAW

Of Counsel:
ROBERT K. SCHIEBELHUT
K. ROBIN BAGGETT

E-Mail:
KElder@sjmslaw.com

August 8, 2012

Client: 4324.001

Rick Grantham
Paul Nagy
Jessica Napier
John Solu
John Feunacy
Planning Commission

c/o Mary Reents, Contract Planner
Public Services Department
955 Shasta Avenue
Morro Bay, California 93442

VIA ELECTRONIC MAIL
mreents@morro-bay.ca.us

Re: Residence at 3202 Beachcomber Drive: ADO-067 – Request for Variance

Dear Ladies and Gentlemen:

On behalf of our clients Sally and Steve Norcross, we respectfully submit this letter in relation to the above-referenced matter for consideration prior to the August 15, 2012, Planning Commission hearing. Our clients respectfully request that the Planning Commission accept the Planning Department Staff's recommendation and deny the applicant's request for a variance.

The applicant's plans call for a two-story structure with nearly 10,000 square feet of living space, a flat roof, a roof deck, and second-story wrap around decks.

The City of Morro Bay's Code of Ordinances, Chapter 17.40, Special Treatment Overlay and Combining Districts and Specific Plans, Section 17.040.050 S.2.A.7 provides:

Dwelling height limit, fourteen (14) feet for flat roofs and top of deck railing; provided, however, that for peaked roofs (4 in 12 or greater pitch) and other architectural features, a height of up to seventeen (17) feet may be permitted. Dwellings are limited to one-story buildings. Two story construction and/or any intermediate floors, such as mezzanines, as defined by the Building Code, is prohibited.

The plans submitted by the applicant clearly show a two-story house. The fact that the first story may be partially concealed by the grade of the lot doesn't change the structure into a one-story house. Allowing the first floor to be characterized as a "non-floor" will eviscerate the purpose and intent of the Special Treatment Overlay, that of prohibiting the construction of residences with more than one floor.

Further, the elevations on the plans show that the structure will exceed the maximum height of 14 feet allowed for flat roofs in the Special Treatment Overlay.

Mary Reents, Contract Planner, et al.
Public Services Department
August 8, 2012
Page 2 of 2

Quoting from the Planning Department's website, the "guiding principle is that all new and remodeled development fit in to the small town scale of the community while preserving and strengthening the unique small coastal town image and character of Morro Bay." A nearly 10,000 square foot residence, that has two floors and exceeds height limitations, certainly doesn't fit in to the small town scale of this neighborhood.

For the reasons cited above, we respectfully request that the Planning Commission follow Staff's recommendations, and deny the variance.

Thank you for your time and consideration of this important matter.

Sincerely,

SINSHEIMER JUHNKE McIVOR & STROH, LLP

A handwritten signature in black ink, appearing to read 'K. Elder', written over a horizontal line.

KEVIN D. ELDER

EXHIBIT D

AGENDA ITEM NO: Addendum # 2 to
DATE: 8-15-12 Item B-1
ACTION: _____

City of Morro Bay

Morro Bay, CA 93442

(805) 772-6200

www.morro-bay.ca.us



MEMORANDUM

To: Planning Commission
From: Mary Reents
Date: August 13, 2012
RE: Addenda to Item B-1; 3202 Beachcomber

This afternoon I received a telephone call from David Brown, the applicant's representative, regarding the original variance request to determine whether the home is a one story/two story construction. The attached correspondence refers to the original variance request.

Also attached is correspondence from the building and fire departments regarding conditions of approval.

The applicant is also requesting a continuance of this item to a future Planning Commission meeting. This item was originally on the July 18, 2012, Planning Commission agenda and was continued to the August 15, 2012, meeting. This would be a second request for continuance.

FINANCE
595 Harbor Street

ADMINISTRATION
595 Harbor Street

FIRE DEPT.
715 Harbor Street

PUBLIC SERVICES
955 Shasta Avenue

HARBOR DEPT.
1275 Embarcadero Road

CITY ATTORNEY
595 Harbor Street

POLICE DEPT.
870 Morro Bay Boulevard

RECREATION & PARKS
1001 Kennedy Way

DAVID M. BROWN
ARCHITECT

RECEIVED

August 13, 2012

AUG 13 2012

Mary Reents
Contract Planner
City of Morro Bay

City of Morro Bay
Public Services Department

Re: Mark Perry - Applicant
3202 Beachcomber

Dear Mary

I received the staff report on the above referenced project on Friday August 10, 2012. I had requested a hearing to address a code issue relative to one story development within this neighborhood. I had submitted letters, documents and code information specific to the actual variance request. None of that information was included in the staff report. I was disappointed to find that the scheduled hearing was for a house at that location and was not about the specific code info that is the subject of the variance. Please continue this hearing for one month. Thank you

DAVID BROWN



CITY OF MORRO BAY
PUBLIC SERVICES DEPARTMENT
955 SHASTA STREET ♦ MORRO BAY, CA 93442 ♦ 805.772.6261

SEP 08 2011

VARIANCE APPLICATION

Project address: 3202 BEACHCOMBER Case No.: AD0-067
Existing use: RESIDENTIAL SINGLE FAMILY Existing sq. ft.: LIV: 1900 GAR/STOR: 720
Project description: REMOVE AND REPLACE WITH NEW S.F.R. W/ BASEMENT New sq. ft.: LIV: 9025 GAR: 916
Lot: 1-3 Block: 9D Tract: ATASCADERO BEACH APN: 065-106-032

Applicant: MARK PERRY Day phone: 805-927-3376
Address: 801 S. AKERS SUITE 150

INTACT City: VISALIA CA. State/zip code: 93277

AGENT Agent (If any): DAVID W. BROWN Day phone: 927-3376

Address: P.O. BOX 123

City: CAMPBELL CA. State/zip code: 93428

Property owner: PERRY ENTERPRISES Day phone: _____

Address: 801 S. AKERS SUITE 150

City: VISALIA CA. State/zip code: 93277

Acceptance of this application does not imply approval/authorization of this request. I realize that this application may be denied or that conditions may be attached to this request to assure compliance with applicable Municipal Code requirements.

Mark Perry Date: 8 24 2011
Applicant signature Date:

SAME
Property owner's signature Date

APPLICATION SUBMITTAL REQUIREMENTS - SEE PAGE TWO

CITY OF MORRO BAY
PUBLIC SERVICES DEPARTMENT
955 Shasta Street ♦ Morro Bay, CA 93442 ♦ 805.772.6261

VARIANCE APPLICATION SUPPLEMENT

ATTACH THIS SUPPLEMENT TO THE VARIANCE APPLICATION FORM.
PLEASE TYPE OR PRINT CLEARLY. ATTACH ADDITIONAL SHEETS AS NECESSARY.

I. JUSTIFICATION FOR A VARIANCE

The Variance allows an applicant to obtain relief from a development standard or zoning requirement that should not be applied to the proposed project because of some unusual circumstance-relating to the physical characteristics of the project site. California State Law (Government Code Section 65906) provides granting of a Variance from the strict terms of a zoning ordinance only when special circumstances applicable to the property including: size, shape, topography, location, and surroundings deprives the property of privileges enjoyed by other properties in the surrounding vicinity. The law also requires that the granting of any Variance shall not constitute a special privilege inconsistent with the zoning limitations on other properties in the vicinity and in the same zone district. The Government Code prohibits granting a Variance to authorize a land use or activity not normally allowed by the zoning that covers the property.

The zoning ordinance (Section 17.60.060) allows the granting of a Variance only when three findings (based on the state law) can be made. This form helps the applicant explain how the requested Variance will satisfy the required findings.

II. EXPLANATION OF FINDINGS

A. Explain why the requested Variance does not constitute a granting of special privileges inconsistent with the limitation upon other properties in the vicinity also in the same zone district as the subject property.

SEE ATTACHED LETTER

DAVID M. BROWN
ARCHITECT

August 28, 2011

Dept of Public Works
City of Morro Bay
955 Shasta Ave.
Morro Bay CA. 93422

Re: Variance application
Perry Residence
3202 Beachcomber Drive
Morro Bay, CA.

Dear Sir,

We are applying for a variance as the only avenue left to us to continue with the permit processing of our proposed residence . The project is located on three R-1 lots on the corner of Beachcomber Drive , Panay and Orcas Street in Morro Bay. There is an existing residence with a basement garage that fronts Orcas Street below. The Zoning is R-1 with an S.2A Overlay Zone Standards. (see attached). The specific request for the variance has to do with standard number S.2A-7. which reads as follows:

“ Dwelling height limit, fourteen feet for flat roofs and top of deck railing: provided, however, that for peaked roofs (4 in 12 or greater pitch) and other architectural features, a height up to seventeen feet may be permitted. dwellings are limited to one story buildings. Two story construction and/or any intermediate floors, such as mezzanines, as defined by the Building Code, is prohibited. “

We are not requesting a variance relative to the height of the building, the project as proposed is within the 17 height limit to the top of the 4 and 12 pitched roof and is generally the same or less than the heights of the surrounding neighbors. The variance request has to do with the height of the home but rather the one story / two story construction definition in the Building Codes. We met previously with the Morro Bay Director of Public Works who reviewed information and graphic data relative to our proposed project. (see attached). He concluded that the project was a two story structure and would not be in compliance with item number 7. Planning staff recommended that we redesign the building so that it is in compliance with S.2A-7.

It is our contention that the proposed residence is in fact in compliance with the above standard . The project as designed is considered a one story building as defined by the Building Codes. That includes the Building Codes that were in effect at the time of the adoption of the R-1/S.2.A Standards and the current Codes that are in effect now. I have presented in the attached documentation, a code analysis that illustrates the point that the proposed project, as defined by the Building Code, is classified as a one story building. Basically, by the Building Code, an underground basement is not considered a story and the above ground portion of the dwelling is by Code definition a one story building and therefore in compliance with standard number 7. Since the definition of a "story" seemed so clear in the Building Codes, I inquired as to where the definition of a "story" was derived from to make the determination of non compliance for the proposed project. The answer was that the definition that was relied on was taken from the dictionary and not the Building Codes. While I can appreciate that opinion I do not necessarily agree with it and that is not as is stated in S.2.A -7.

Consequently, it appears that our only remedy is to file the variance application form.

Justification for a Variance and Explanation of Findings

This variance request does not grant any special privileges to this project. There will be no increased height limits, no increase in lot coverage, and no decrease in setbacks. It is still classified as a one story residence per the Building Codes. The house currently has a basement / garage and this project expands that area below grade. From the exterior , the home will have architectural features consistent with the neighborhood. While the house is larger then others in the neighborhood, the main floor at 4937 SF does sit on three lot and is consistent with allowable lot coverage area. The majority of the basement addition is underground and noticeable only from the very end of Orcas Street which is a dead end street

The special circumstances associated with the site include the following . It currently has an existing basement / garage that will be expanded. The three lot site encompasses the entire corner of three streets and is one of only two lots in the entire subdivision that can accessed directly from Orcas street at a level nine feet below the main buildable area of the residence above. There is only one other lot, across the street that, that has that special circumstance of a substantial elevation change.

The granting of a variance will not adversely affect the health, safety, or welfare of the neighborhood. We are consistent with neighborhood zoning requirements including all those in R-1 S.2A. albeit a portion of standard number 7 is in question and the focus of this variance request. Access from Orcas Street below will continue and since it is at the end of the dead end street there is little or no vehicular traffic.

The basement is below grade and upon completion there will be no outward evidence that this house is any different than others existing in the neighborhood. The height will be maintained at 17 feet , the same as others in the neighborhood and that will not change.

In conclusion, I respectfully request , that the Morro Bay Planning Commission approve the variance request or confirm that the that the proposed project is in compliance with the provisions of zoning standards R-1 S.2A, including item number 7 . I have included additional documentation as to the code analysis for the requirements of story determination.

Thank you for your time and consideration

A handwritten signature in black ink, appearing to read 'David M Brown', with a long horizontal flourish extending to the right.

David M Brown
Architect / Agent
C13122

PROJECT DATA

OWNER:

Mark Perry / Perry Enterprises
801 South Akers Street, Suite 150
Visalia, California 93277
805 - 734-9000

AGENT / ARCHITECT

P O Box 123
Cambria, California 93428
805 927 3376

PROJECT ADDRESS / LEGAL DESCRIPTION

3202 Beachcomber Drive
Morro Bay California 93422
Assessors Parcel No. 065-106-032
Lots 1,2,and 3 Block 9 D
Atascadero Beach Tract
City of Morro Bay
County of San Luis Obispo

PROJECT DESCRIPTION

Remove an existing one story residence with a daylight basement garage and replace it with a new one story residence that includes a main floor, a daylight basemen with garage and a roof deck.

The project includes grading for a daylight basement.

ZONING

R 1 Standards with S.2A Overlay zone standards

LOT AREA

Three lots totaling 11,012 square feet
Proposed lot coverage at 44 % or 4,937 S F

BUILDING AREA

Existing Residence Living area is 1900 S F with
A 720 S F Garage / Storage Basement
Proposed residence Main Floor is 4937 S F
Basement Living area is 3827 S F
Garage / Shop area is 1258 S F
Total Gross Structural area is 10,022 S F

SETBACKS

Front and corner	15 feet
Rear	5 feet
Interior / side	9 feet

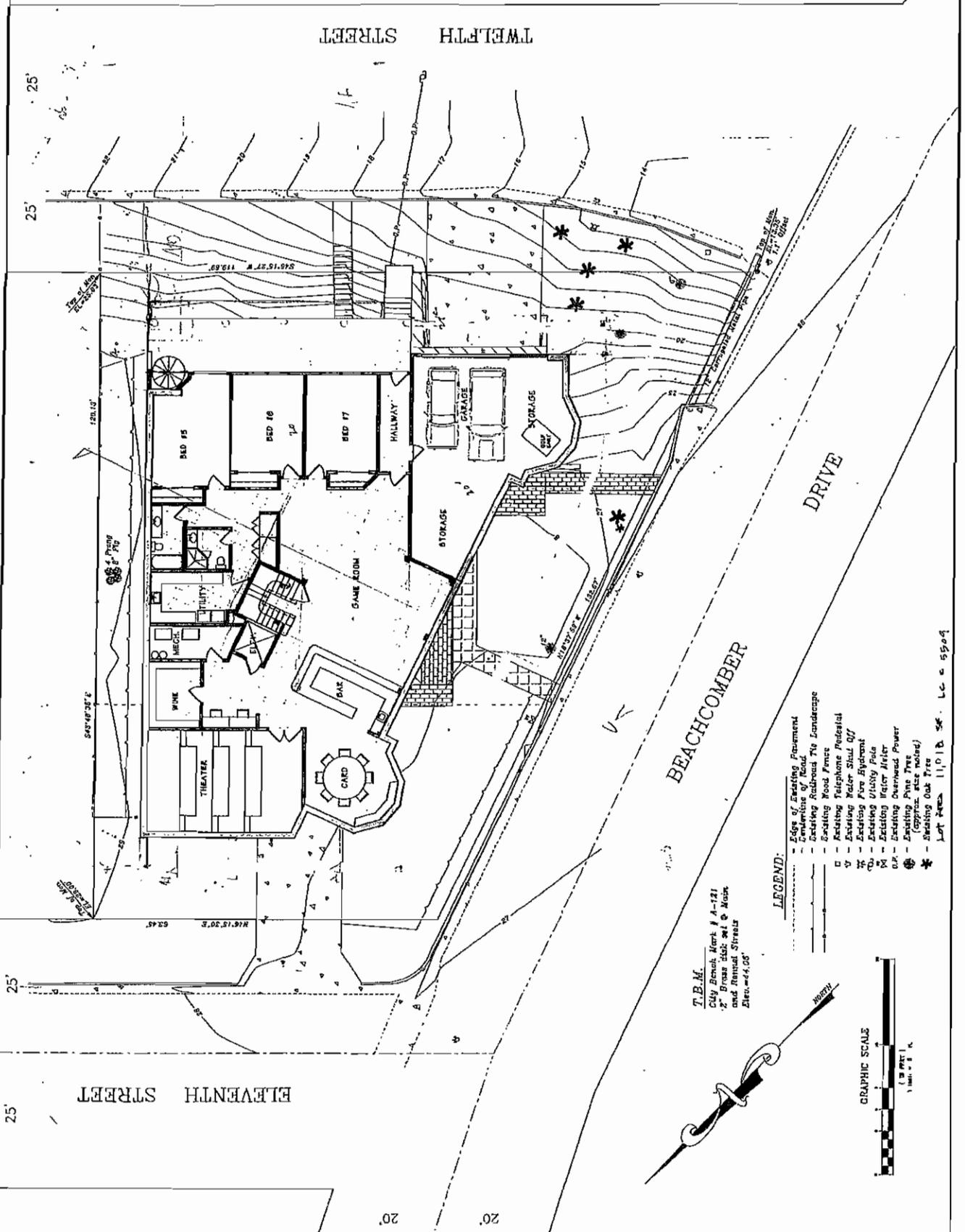
DATE: March 2010	SCALE: 1" = 6'	JOB No: 15017
SHEET		

TOPOGRAPHICAL SURVEY
 LOTS 1-3
 BLOCK 9D
 ATASCADERO B
 A.P.N. - 063-108-1
 SAN LUIS OBISPO COUNTY, STATE OF CALIFORNIA

Requested By:
 Perry Enterprises
 6202 Beckenbush Drive
 Morro Bay, CA 93442

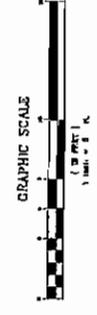
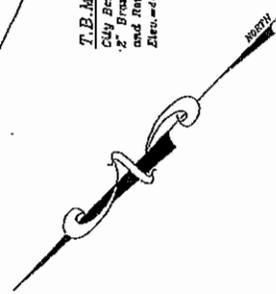
DANNY F. HORN - Land Surveyor
 586 Spring Street
 Pas Pds. CA 93446
 Office (805) 833-0328 Fax (805) 833-1349

REVISIONS	BY	DATE



- LEGEND:**
- Edge of Existing Pavement
 - Centerline of Road
 - Existing Railroad To Landscape
 - Existing Wood Fence
 - Existing Telephone Pedestal
 - Existing Meter Shaft Off
 - Existing Fire Hydrant
 - Existing Utility Pole
 - Existing Meter Meter
 - Existing Overhead Power
 - Existing Pine Tree (approx. size noted)
 - Existing Oak Tree

T.B.M.
 City Bench Mark # A-121
 2" Brass disk set in Rock
 and Reveal Streets
 Elev. = 4.05'



Lot Area 11,018.56 Lc = 550.4

SPECIAL TREATMENT OVERLAY AND COMBINING DISTRICTS AND SPECIFIC PLANS

S.2A Overlay Zone Standards

A. Purpose

The purpose of the Special Treatment (S) Overlay Zone is to provide standards to permit development of properties which, because of their location, size or configuration, require unusual or unique design criteria.

The purpose of this overlay zone is to preserve the existing character of physical development in the area within the jurisdiction of the City, west of State Highway One, north of Azure Street. Where this overlay zone fails to specify the location and type of development permitted, the existing R-1 classification shall be deemed to contain the applicable definitions and specifications. The following special standards apply to the S.2A Overlay Zone:

1. Minimum front yard setback, fifteen (15) feet, including garage.
2. Minimum interior side yard setback, five (5) feet.
3. Minimum exterior side yard setback (corner lot), fifteen (15) feet, including garage.
4. Maximum lot coverage permitted, fifty percent.
5. Minimum rear yard setback, five (5) feet.
6. Lot area less than three thousand five hundred (3,500) square feet lot area, with a residence under 1400 sq. ft, one car garage or carport permitted.
7. Dwelling height limit, fourteen (14) feet for flat roofs and top of deck railing; provided, however, that for peaked roofs (4 in 12 or greater pitch) and other architectural features, a height of up to seventeen (17) feet may be permitted. Dwellings are limited to one-story buildings. Two-story construction and/or any intermediate floors, such as mezzanines, as defined by the Building Code, is prohibited.

R-1 Standards apply otherwise.

Procedure for Special Treatment Overlay Zones [Formerly 17.40.040]

Depending on the primary zone in effect, plans, drawings, illustrations and other material necessary to support the proposal for improvement and to identify the development in relation to the requirements shall be submitted to the Director, who shall review these plans and forward his recommendation to the Planning Commission for action. The Planning Commission shall thereafter approve, conditionally approve or disapprove said plans. Approval of the Planning Commission shall constitute authority for the issuance of a permit, (Ord. 263 § 1 (part), 1984)

CHAPTER 5 GENERAL BUILDING HEIGHTS AND AREAS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter control the height and area of structures hereafter erected and additions to existing structures.

[F] 501.2 Address numbers. Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

SECTION 502 DEFINITIONS

502.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

AREA, BUILDING. The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

BASEMENT. That portion of a building that is partly or completely below grade plane (see "Story above grade plane" in Section 202). A basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

EQUIPMENT PLATFORM. An unoccupied, elevated platform used exclusively for mechanical systems or industrial process equipment, including the associated elevated walkways, stairs and ladders necessary to access the platform (See Section 505.5).

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

HEIGHT, BUILDING. The vertical distance from grade plane to the average height of the highest roof surface.

HEIGHT, STORY. The vertical distance from top to top of two successive finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

MEZZANINE. An intermediate level or levels between the floor and ceiling of any story and in accordance with Section 505.

SECTION 503 GENERAL HEIGHT AND AREA LIMITATIONS

503.1 General. The height and area for buildings of different construction types shall be governed by the intended use of the building and shall not exceed the limits in Table 503 except as modified hereafter. Each part of a building included within the exterior walls or the exterior walls and fire walls where provided shall be permitted to be a separate building.

Exception: [HCD-1] Limited-density owner-built rural dwellings may be of any type of construction which will provide for a sound structural condition. Structural hazards which result in an unsound condition and which may constitute a substandard building are delineated by Section 17920.3 of the Health and Safety Code.

503.1.1 Special industrial occupancies. Buildings and structures designed to house special industrial processes that require large areas and unusual heights to accommodate cranes or special machinery and equipment, including, among others, rolling mills, structural metal fabrication shops and foundries; or the production and distribution of electric, gas or steam power, shall be exempt from the height and area limitations of Table 503.

503.1.2 Buildings on same lot. Two or more buildings on the same lot shall be regulated as separate buildings or shall be considered as portions of one building if the height of each building and the aggregate area of buildings are within the limitations of Table 503 as modified by Sections 504 and 506. The provisions of this code applicable to the aggregate building shall be applicable to each building.

503.1.3 Type I construction. Buildings of Type I construction permitted to be of unlimited tabular heights and areas are not subject to the special requirements that allow unlimited area buildings in Section 507 or unlimited height in Sections 503.1.1 and 504.3 or increased height and areas for other types of construction.

service (including charter service) on a regular and continuing basis.

STAGE. See Section 410.2.

STAIR. See Section 1002.1.

STAIRWAY. See Section 1002.1.

STORY means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than 6 feet (1829 mm) above grade for more than 50 percent of the total perimeter or is more than 12 feet (3658 mm) above grade at any point, the basement or unused under-floor space shall be considered as a story. There may be more than one floor level within a story as in the case of a mezzanine or mezzanines.

STORY, FIRST means the lowest story in a building which qualifies as a story and which provides the basic services or functions for which the building is used. A floor level in a building having only one floor level shall be classified as a first story, if the floor level is not more than 4 feet (1219 mm) below grade for more than 50 percent of the total perimeter, or more than 8 feet (2438 mm) below grade at any point.

STRUCTURAL FRAME is considered to be the columns and the girders, beams, trusses and spandrels having direct connections to the columns and all other members which are essential to the stability of the building as a whole.

TEXT TELEPHONE is machinery or equipment that employs interactive text-based communications through the transmission of coded signals across the standard telephone network. Text telephones can include, for example, devices known as TTYs (teletypewriters) or computers.

TRANSIENT LODGING is a building, facility or portion thereof, excluding inpatient medical care facilities, that contains one or more dwelling units or sleeping accommodations. Transient lodging may include, but is not limited to, resorts, group homes, hotels, motels and dormitories.

TRANSIT BOARDING PLATFORM is a horizontal, generally level surface, whether raised above, recessed below or level with a transit rail, from which persons embark/disembark a fixed rail vehicle.

TREAD is the horizontal member of a step.

VEHICULAR WAY is a route intended for vehicular traffic, such as a street, driveway or parking lot.

WALK is a surfaced pedestrian way not located contiguous to a street used by the public. (As differentiated from the definition of "Sidewalk" in Section 202.)

WORK STATION is an area defined by equipment and/or work surfaces intended for use by employees only, and generally for one or a small number of employees at a time. Examples include ticket booths; the employee side of grocery store checkstands; the bartender area behind a bar; the employee side of snack bars, sales counters and public counters; guardhouses; toll booths; kiosk vending stands; lifeguard stations;

maintenance equipment closets; counter and equipment areas in restaurant kitchens; file rooms; storage areas; etc.

SECTION 1103B BUILDING ACCESSIBILITY

1103B.1 Scope. Accessibility to buildings or portions of buildings shall be provided for all occupancy classifications except as modified or enhanced by this chapter. Occupancy requirements in this chapter may modify general requirements, but never to the exclusion of them. When a building or facility contains more than one use, the occupancy specific accessibility provisions for each portion of the building or facility shall apply.

An accessible route of travel complying with Section 1114B.1.2 shall connect all elements and spaces within a building or facility. Multistory buildings and facilities must provide access to each level, including mezzanines, by ramp or passenger elevator complying with Section 1116B. If more than one elevator is provided, each passenger elevator shall comply with Section 1116B.

Exceptions:

1. Floors or portions of floors not customarily occupied including, but not limited to, nonoccupiable or employee spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways or freight (nonpassenger) elevators, and frequented only by service personnel for repair or maintenance purposes such spaces as elevator pits and elevator penthouses, piping and equipment catwalks, and machinery rooms.
2. The following types of privately funded multistory buildings do not require a ramp or elevator above and below the first floor:
 - 2.1. Multistoried office buildings (other than the professional office of a health care provider) and passenger vehicle service stations less than three stories high or less than 3,000 square feet (279 m²) per story.
 - 2.2. Any other privately funded multistoried building that is not a shopping center, shopping mall or the professional office of a health care provider, or a terminal, depot or other station used for specified public transportation, or an airport passenger terminal. (In such a facility, any area housing passenger services, including boarding and debarking, loading and unloading, baggage claim, dining facilities, and other common areas open to the public must be on an accessible route from an accessible entrance) and that is less than three stories high or less than 3,000 square feet (279 m²) per story if a reasonable portion of all facilities and accommodations normally sought and used by the public in such a building are accessible to and usable by persons with disabilities.

Class III system. See Section 902.1.

[F] STANDPIPE, TYPES OF. See Section 902.1.

Automatic dry. See Section 902.1.

Automatic wet. See Section 902.1.

Manual dry. See Section 902.1.

Manual wet. See Section 902.1.

Semiautomatic dry. See Section 902.1.

START OF CONSTRUCTION. See Section 1612.2.

STATE-OWNED/LEASED BUILDING (SFM) is a building or portion of a building that is owned, leased or rented by the state. State-leased buildings shall include all required exits to a public way serving such leased area or space. Portions of state-leased buildings that are not leased or rented by the state shall not be included within the scope of this section unless such portions present an exposure hazard to the state-leased area or space.

STEEL CONSTRUCTION, COLD-FORMED. See Section 2202.1.

STEEL JOIST. See Section 2202.1.

STEEL MEMBER, STRUCTURAL. See Section 2202.1.

STEEPSLOPE. A roof slope greater than two units vertical in 12 units horizontal (17-percent slope).

STONE MASONRY. See Section 2102.1.

Ashlar stone masonry. See Section 2102.1.

Rubble stone masonry. See Section 2102.1.

[F] STORAGE, HAZARDOUS MATERIALS. See Section 415.2.

STORY. The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see "Mezzanine" and Section 502.1). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or where there is not a ceiling, to the top of the roof rafters.

[DSA-AC] See Chapter 11B, Section 1102B.

STORY ABOVE GRADE PLANE. Any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

STORY, FIRST. [DSA-AC] See Chapter 11B, Section 1102B.

STRENGTH. See Section 2102.1.

Design strength. See Section 2102.1.

Nominal strength. See Sections 1602.1 and 2102.1.

Required strength. See Sections 1602.1 and 2102.1.

STRENGTH DESIGN. See Section 1602.1.

STRUCTURAL COMPOSITE LUMBER. See Section 2302.1.

Laminated veneer lumber (LVL). See Section 2302.1.

Parallel strand lumber (PSL). See Section 2302.1.

STRUCTURAL FRAME. [DSA-AC] See Chapter 11B, Section 1102B.

STRUCTURAL GLUED-LAMINATED TIMBER. See Section 2302.1.

STRUCTURAL OBSERVATION. See Section 1702.1.

STRUCTURE. That which is built or constructed.

SUBDIAPHRAGM. See Section 2302.1.

SUBSTANTIAL DAMAGE. See Section 1612.2.

SUBSTANTIAL IMPROVEMENT. See Section 1612.2.

SUNROOM ADDITION. See Section 1202.1.

[F] SUPERVISING STATION. See Section 902.1.

[F] SUPERVISORY SERVICE. See Section 902.1.

[F] SUPERVISORY SIGNAL. See Section 902.1.

[F] SUPERVISORY SIGNAL-INITIATING DEVICE. See Section 902.1.

SWIMMING POOLS. See Section 3109.2.

T-RATING. See Section 702.1.

TACTILE [DSA-AC & HCD 2] describes an object that can be perceived using the sense of touch.

TECHNICALLY INFEASIBLE. See Section 3402.

[DSA-AC] "Technically infeasible" means, with respect to an alteration of a building or a facility, that it has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

TEMPORARY [DSA-AC] shall mean buildings and facilities intended for use at one location for not more than one year and seats intended for use at one location for not more than 90 days.

TENT. Any structure, enclosure or shelter which is constructed of canvas or pliable material supported in any manner except by air or the contents it protects.

TERMINALLY ILL. See Section 310.

TESTING AGENCY [HCD-1 & HCD-2] means an agency approved by the department as qualified and equipped for testing products, materials, equipment and installations in accordance with nationally recognized standards. For additional information, see Health and Safety Code Section 17920(m).

TEXT TELEPHONE. [DSA-AC] See Chapter 11B, Section 1102B.

THERMAL ISOLATION. See Section 1202.1.

THERMOPLASTIC MATERIAL. See Section 2602.1.



City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200
www.morro-bay.ca.us

December 10, 2010

David M. Brown, Architect
PO Box 123
Cambria, CA 93428

Subject: 3202 Beachcomber Drive, Morro Bay (APN 065-106-032)

Dear Mr. Brown:

I have reviewed your project proposal to construct a single family residence at 3202 Beachcomber Drive. As you are aware this project site is zoned R-1/S.2.A and as such is subject to the following requirement regarding the number of stories:

7. Dwelling height limit, fourteen (14) feet for flat roofs and top of deck railing; provided, however, that for peaked roofs (4 in 12 or greater pitch) and other architectural features, a height of up to seventeen (17) feet may be permitted. Dwellings are limited to one-story buildings. Two story construction and/or any intermediate floors, such as mezzanines, as defined by the Building Code, is prohibited.

In our conversation and correspondence you stated that you wanted a determination on whether the project as submitted complied with item number 7. I have determined that as proposed the project is a two story structure and would not be in compliance with item number 7. Staff recommends that you revise the project to conform to all the R1/S.2.A requirements before resubmitting.

I hope this answers your questions concerning this project if there are additional questions please do not hesitate to contact me at 805-772-6211.

Sincerely,

Rob Livick, PE/PLS
Public Services Director

C: Kathleen Wold
Rob Schultz

s:\planning\projects\beachcomber\beachcomber 3202\response to dbrown re 2 story.doc

FINANCE
595 Harbor Street

ADMINISTRATION
595 Harbor Street

FIRE DEPARTMENT
715 Harbor Street

PUBLIC SERVICES
955 Shasta Street

HARBOR DEPARTMENT
1275 Embarcadero Road

CITY ATTORNEY
955 Shasta Avenue

POLICE DEPARTMENT
850 Morro Bay Boulevard

RECREATION AND PARKS
1001 Kennedy Way

DAVID M. BROWN
ARCHITECT

October 18, 2010

Rob Livick
Director of Public Works
955 Shasta Avenue
Morro Bay, CA 93422

Re: Perry remodel APN 065-106-032

Dear Mr. Livick:

On behalf of my client, Mark Perry, I am contacting you regarding a proposed addition and remodel of an existing residence at 3202 Beachcomber Drive in Morro Bay. This site is unique to the subdivision as it has an existing garage/basement below the house with access to Orcas Street. The owner wishes to expand both the living area and the basement area of his home. The property is zoned R-1/S.2.A and is subject to various requirements including special standard #7 as follows:

“Dwellings are limited to one-story buildings. Two story construction and/or any intermediate floors such as mezzanines, as defined by the Building Code, is prohibited.”

At this time, there seems to be some question about the interpretation of this requirement, and I am requesting your response to the issues which concern my client. To facilitate your review, I have summarized my research on the matter and hope that you will find this useful.

In preparing my code analysis, I reviewed relevant sections of the CBC, including definitions of the following terms: **story, story above grade plane, first story and basement**. I spoke with Kathleen Wold and with Brian Cohen of your department about this project, and I subsequently prepared exhibits relative to the current building codes (see attached). I also met with Steve Hicks, supervising plans examiner, and Peter Byrne, plans examiner, with the County of San Luis Obispo Department of Planning and Building, to review their handout regarding “Grade Plane & Building Height – 2007 CBC” that is also attached.

I prepared exhibits calculating the mean average Grade Plane and elevations of the main finish floor and the basement finish floor. Section 502 of the CBC basement definition states that “A basement shall be considered as a story above Grade Plane where the finished surface of the floor above the basement is:

1. More than 6 ft. above Grade Plane
2. More than 12 ft. above the finished ground level at any point.”

In this case, the finished floor above the basement is only 4.3 ft above the Grade Plane. The finished surface of the floor above the basement is 10.5 ft above the finished ground level at any point. Therefore, it is my conclusion that the basement is not a story.

I presented and reviewed these exhibits with the San Luis Obispo County Planning Department staff and other professionals. They concurred that the proposed building would be classified as a one story building according to the code. I also reviewed the exhibits with Brian Cowen, but he opted to reserve judgment until a later date. However, it seems clear to me that the proposed project is in fact a one story building as defined by the Building Code and is therefore not prohibited. Furthermore, because it is one story and we will conform to the requirements of the S.2A overlay zone standards, we will not be asking for any special consideration and we will not be requesting a variance from your existing standards.

At this time, we need a response from you before proceeding. Specifically, we would like your confirmation of my contention that this building as presented is in fact a one story structure. We would appreciate your immediate attention to this matter. Thank you for your consideration and for the time of your staff in trying to sort this out.

Sincerely,

A handwritten signature in black ink, appearing to read "David Brown", written in a cursive style.

David Brown
Architect

cc: Mark Perry
John Belsher

SPECIAL TREATMENT OVERLAY AND COMBINING DISTRICTS AND SPECIFIC PLANS

S.2A Overlay Zone Standards

A. Purpose

The purpose of the Special Treatment (S) Overlay Zone is to provide standards to permit development of properties which, because of their location, size or configuration, require unusual or unique design criteria.

The purpose of this overlay zone is to preserve the existing character of physical development in the area within the jurisdiction of the City, west of State Highway One, north of Azure Street. Where this overlay zone fails to specify the location and type of development permitted, the existing R-1 classification shall be deemed to contain the applicable definitions and specifications. The following special standards apply to the S.2A Overlay Zone:

1. Minimum front yard setback, fifteen (15) feet, including garage.
2. Minimum interior side yard setback, five (5) feet.
3. Minimum exterior side yard setback (corner lot), fifteen (15) feet, including garage.
4. Maximum lot coverage permitted, fifty percent.
5. Minimum rear yard setback, five (5) feet.
6. Lot area less than three thousand five hundred (3,500) square feet lot area, with a residence under 1400 sq. ft, one car garage or carport permitted.
7. Dwelling height limit, fourteen (14) feet for flat roofs and top of deck railing; provided, however, that for peaked roofs (4 in 12 or greater pitch) and other architectural features, a height of up to seventeen (17) feet may be permitted. Dwellings are limited to one-story buildings. ~~Two-story construction and/or any intermediate floors, such as mezzanines, as defined by the Building Code, is prohibited.~~

R-1 Standards apply otherwise.

Procedure for Special Treatment Overlay Zones [Formerly 17.40.040]

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CHAPTER 5 GENERAL BUILDING HEIGHTS AND AREAS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter control the height and area of structures hereafter erected and additions to existing structures.

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1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

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HEIGHT, BUILDING. The vertical distance from grade plane to the average height of the highest roof surface.

HEIGHT, STORY. The vertical distance from top to top of two successive finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

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service (including charter service) on a regular and continuing basis.

STAGE. See Section 410.2.

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STORY, FIRST means the lowest story in a building which qualifies as a story and which provides the basic services or functions for which the building is used. A floor level in a building having only one floor level shall be classified as a first story, if the floor level is not more than 4 feet (1219 mm) below grade, for more than 50 percent of the total perimeter, or more than 8 feet (2438 mm) below grade at any point.

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Exceptions:

1. Floors or portions of floors not customarily occupied, including, but not limited to, nonoccupiable or employee spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways or freight (nonpassenger) elevators, and frequented only by service personnel for repair or maintenance purposes; such spaces as elevator pits and elevator penthouses, piping and equipment catwalks, and machinery rooms.

2. The following types of privately funded multistory buildings do not require a ramp or elevator above and below the first floor:

2.1. Multistoried office buildings (other than the professional office of a health care provider) and passenger vehicle service stations less than three stories high or less than 3,000 square feet (279 m²) per story.

2.2. Any other privately funded multistoried building that is not a shopping center, shopping mall or the professional office of a health care provider, or a terminal, depot or other station used for specified public transportation, or an airport passenger terminal. (In such a facility, any area housing passenger services, including boarding and debarking, loading and unloading, baggage claim, dining facilities, and other common areas open to the public must be on an accessible route from an accessible entrance) and that is less than three stories high or less than 3,000 square feet (279 m²) per story if a reasonable portion of all facilities and accommodations normally sought and used by the public in such a building are accessible to and usable by persons with disabilities.

Class III system. See Section 902.1.

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Automatic dry. See Section 902.1.

Automatic wet. See Section 902.1.

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STEEL CONSTRUCTION, COLD-FORMED. See Section 2202.1.

STEEL JOIST. See Section 2202.1.

STEEL MEMBER, STRUCTURAL. See Section 2202.1.

STEEP SLOPE. A roof slope greater than two units vertical in 12 units horizontal (17-percent slope).

STONE MASONRY. See Section 2102.1.

Ashlar stone masonry. See Section 2102.1.

Rubble stone masonry. See Section 2102.1.

[F] STORAGE, HAZARDOUS MATERIALS. See Section 415.2.

STORY. The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see "Mezzanine" and Section 502.1). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or where there is not a ceiling, to the top of the roof rafters.

[DSA-AC] See Chapter 11B, Section 1102B.

STORY ABOVE GRADE PLANE. Any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

STORY, FIRST. *[DSA-AC] See Chapter 11B, Section 1102B.*

STRENGTH. See Section 2102.1.

Design strength. See Section 2102.1.

Nominal strength. See Sections 1602.1 and 2102.1.

Required strength. See Sections 1602.1 and 2102.1.

STRENGTH DESIGN. See Section 1602.1.

STRUCTURAL COMPOSITE LUMBER. See Section 2302.1.

Laminated veneer lumber (LVL). See Section 2302.1.

Parallel strand lumber (PSL). See Section 2302.1.

STRUCTURAL FRAME. *[DSA-AC] See Chapter 11B, Section 1102B.*

STRUCTURAL GLUED-LAMINATED TIMBER. See Section 2302.1.

STRUCTURAL OBSERVATION. See Section 1702.1.

STRUCTURE. That which is built or constructed.

SUBDIAPHRAGM. See Section 2302.1.

SUBSTANTIAL DAMAGE. See Section 1612.2.

SUBSTANTIAL IMPROVEMENT. See Section 1612.2.

SUNROOM ADDITION. See Section 1202.1.

[F] SUPERVISING STATION. See Section 902.1.

[F] SUPERVISORY SERVICE. See Section 902.1.

[F] SUPERVISORY SIGNAL. See Section 902.1.

[F] SUPERVISORY SIGNAL-INITIATING DEVICE. See Section 902.1.

SWIMMING POOLS. See Section 3109.2.

T-RATING. See Section 702.1.

TACTILE *[DSA-AC & HCD 2]* describes an object that can be perceived using the sense of touch.

TECHNICALLY INFEASIBLE. See Section 3402.

[DSA-AC] "Technically infeasible" means, with respect to an alteration of a building or a facility, that it has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

TEMPORARY *[DSA-AC]* shall mean buildings and facilities intended for use at one location for not more than one year and seats intended for use at one location for not more than 90 days.

TENT. Any structure, enclosure or shelter which is constructed of canvas or pliable material supported in any manner except by air or the contents it protects.

TERMINALLY ILL. See Section 310.

TESTING AGENCY *[HCD-1 & HCD-2]* means an agency approved by the department as qualified and equipped for testing products, materials, equipment and installations in accordance with nationally recognized standards. For additional information, see Health and Safety Code Section 17920(m).

TEXT TELEPHONE. *[DSA-AC] See Chapter 11B, Section 1102B.*

THERMAL ISOLATION. See Section 1202.1.

THERMOPLASTIC MATERIAL. See Section 2602.1.



GRADE PLANE & BUILDING HEIGHT— 2007 CBC

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

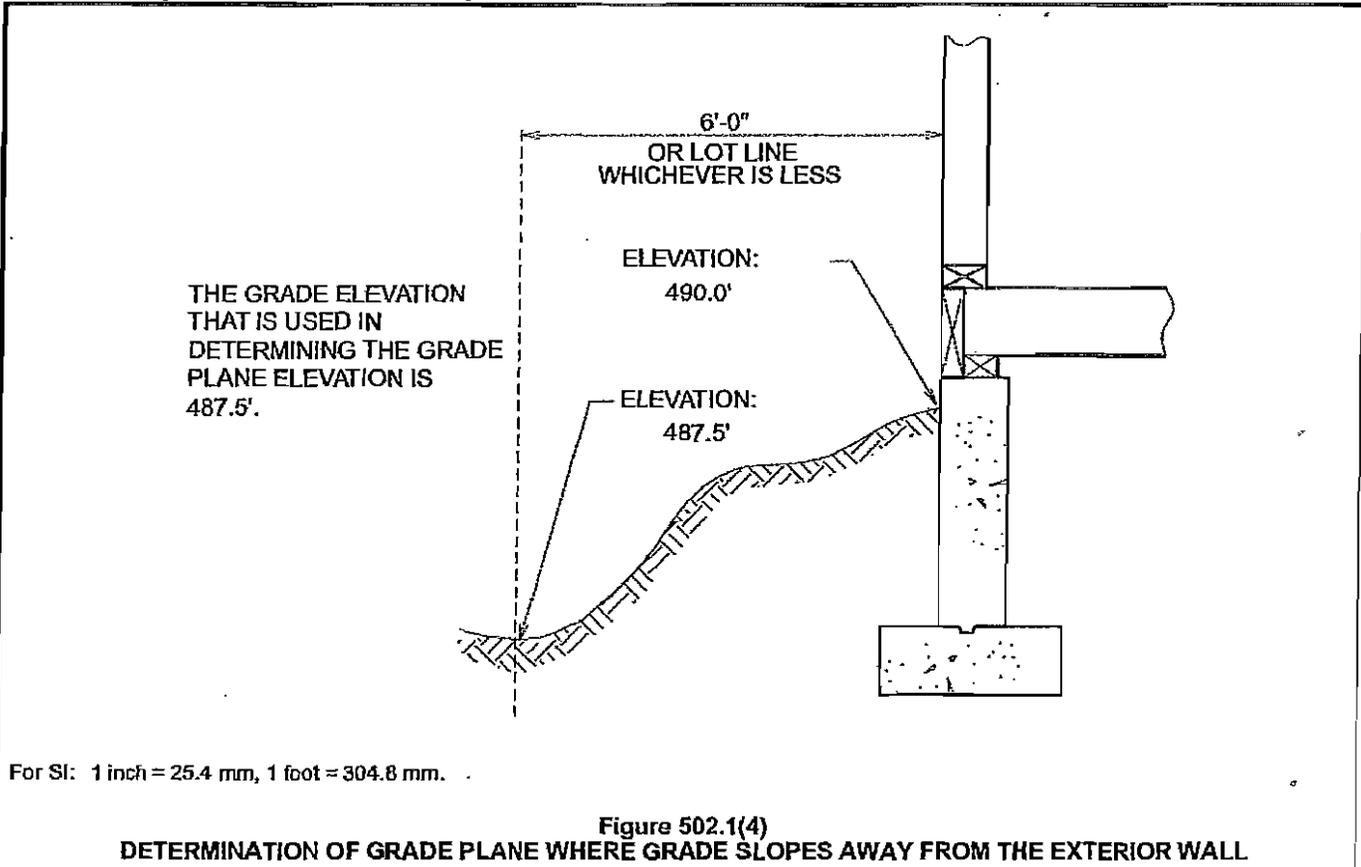
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

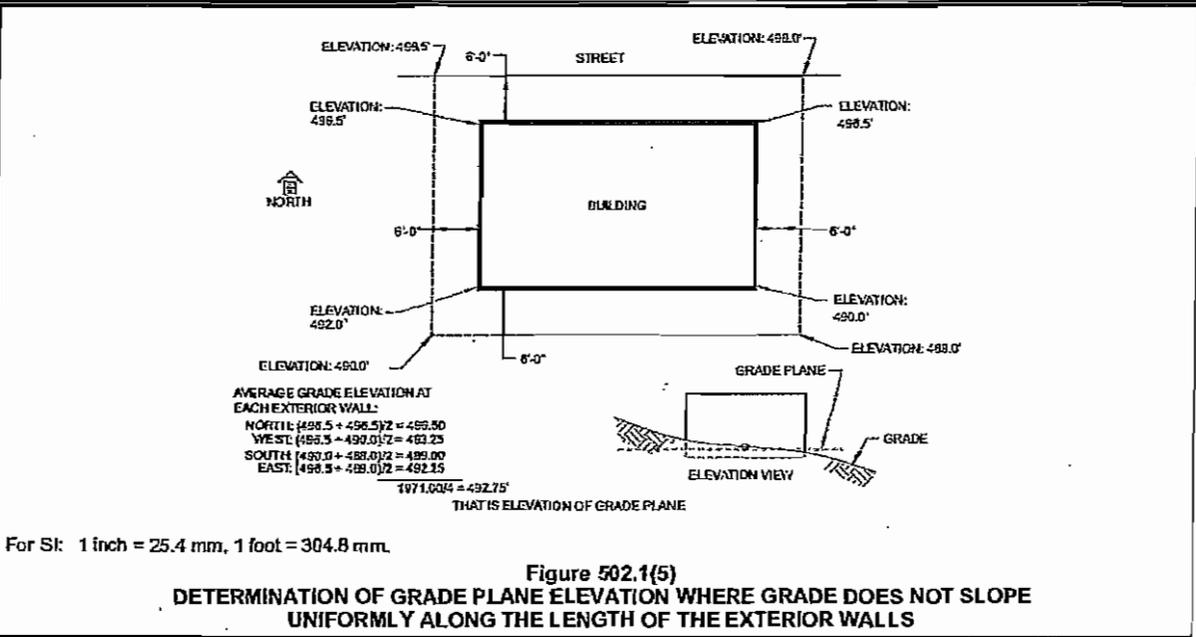
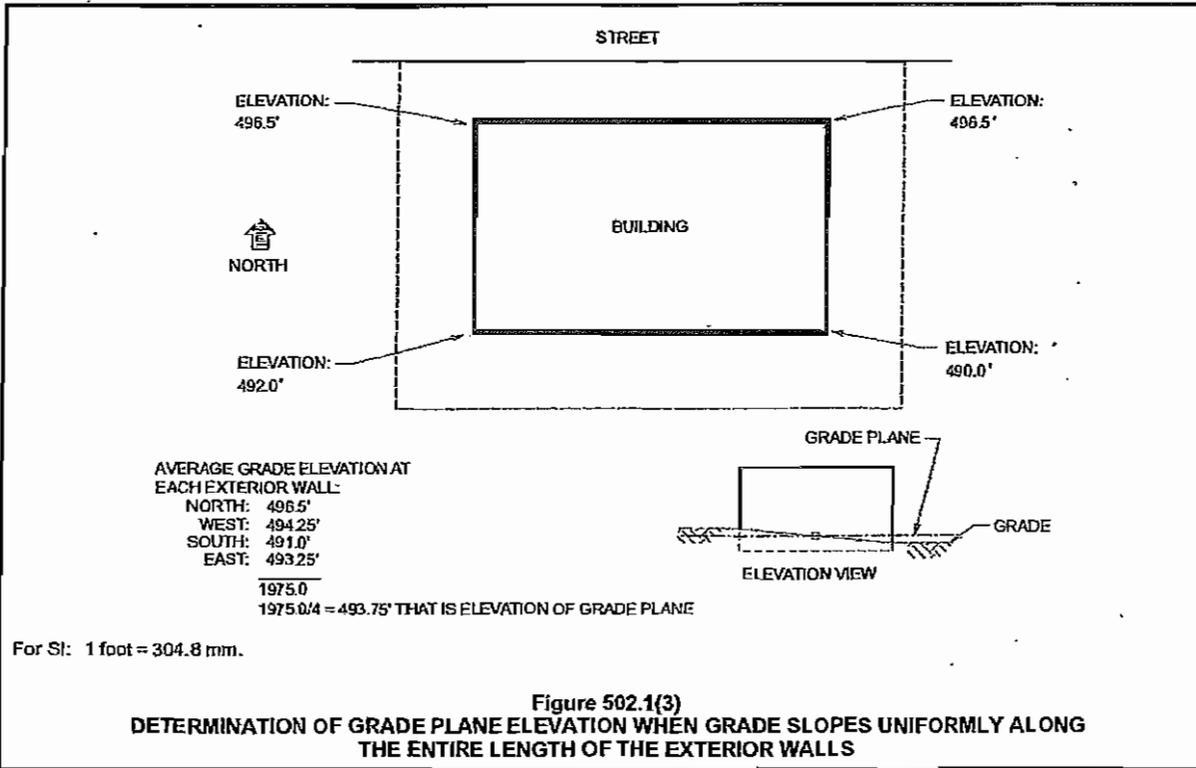
Building Code Reference

Code Commentary

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 5 feet from the building, between the building and a point 5 feet from the building.



This term is used in the definitions of "Basement" and "Story above grade plane." It is critical in determining the height of a building and the number of stories above grade, which are regulated by this chapter. Since the finished ground surface adjacent to the building may vary (depending on site conditions), the mean average taken at various points around the building constitutes the grade plane. One method of determining the grade plane elevation is illustrated in Figure 502.1(3), where the ground slopes uniformly along the length of each exterior wall. Situations may arise where the ground adjacent to the building slopes away from the building because of site or landscaping considerations. In this case, the lowest finished ground level at any point between the building's exterior wall and a point 5 feet from the building (or the lot line, if closer than 5 feet) comes under consideration. These points are used to determine the elevation of the grade plane as illustrated in Figures 502.1(4) and 502.1(5). In the context of the code, the term "grade" means the finished ground level at the exterior walls. While the grade plane is a hypothetical horizontal plane derived as indicated above, the grade is that which actually exists or is intended to exist at the completion of site work. The only situation where the grade plane and the grade are identical is when the site is perfectly level for a distance of 5 feet from all exterior walls.



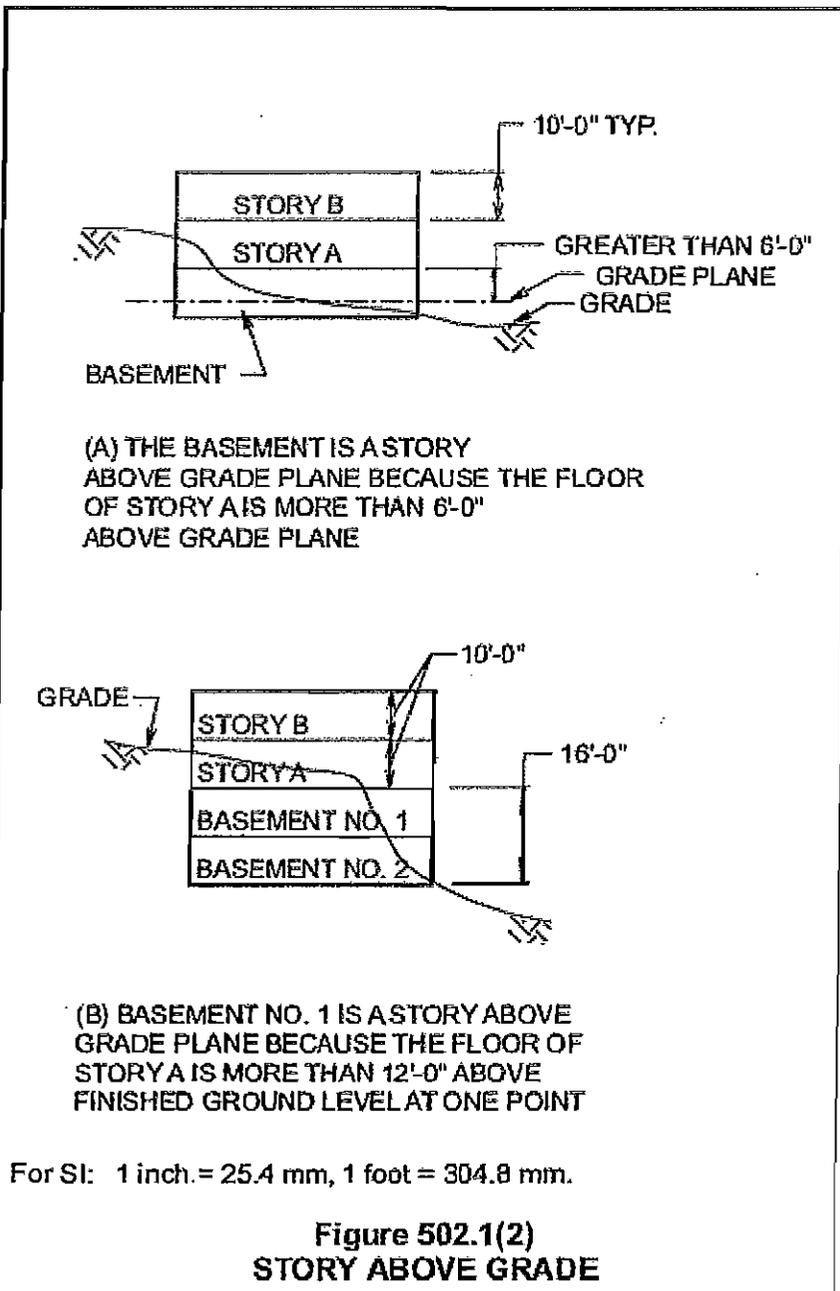
STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see “Mezzanine” and Section 502.1). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

All levels in a building that conform to this description are stories, including basements. A mezzanine is considered part of the story in which it is located. See Chapter 5 for code requirements regarding limitations on the number of stories in a building as a function of the type of construction. See Section 1617 for limits on story drift from earthquake effects.

STORY ABOVE GRADE PLANE. Any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

1. More than 6 feet above grade plane; or
2. More than 12 feet above the finished ground level at any point.

The determination of a story above grade is important because it contributes to the height of a building for the purpose of applying the allowable building height in stories from Tables 503 and 1018.2. Every story with the finished floor entirely above grade (finished ground level) is a story above grade; however, a story with any portion of the finished floor level below grade is by definition a basement, and must be evaluated in conformance to the two criteria for story above grade. These two criteria are intended to deal with unusual grading of ground adjacent to exterior walls. Without such a consideration, the resulting building height can be reduced because of a berm or other landscaping technique that may be artificially created to reduce the apparent building height. The specific criteria establish the point at which a basement extends far enough above ground that it contributes to the regulated height of the building in number of stories.

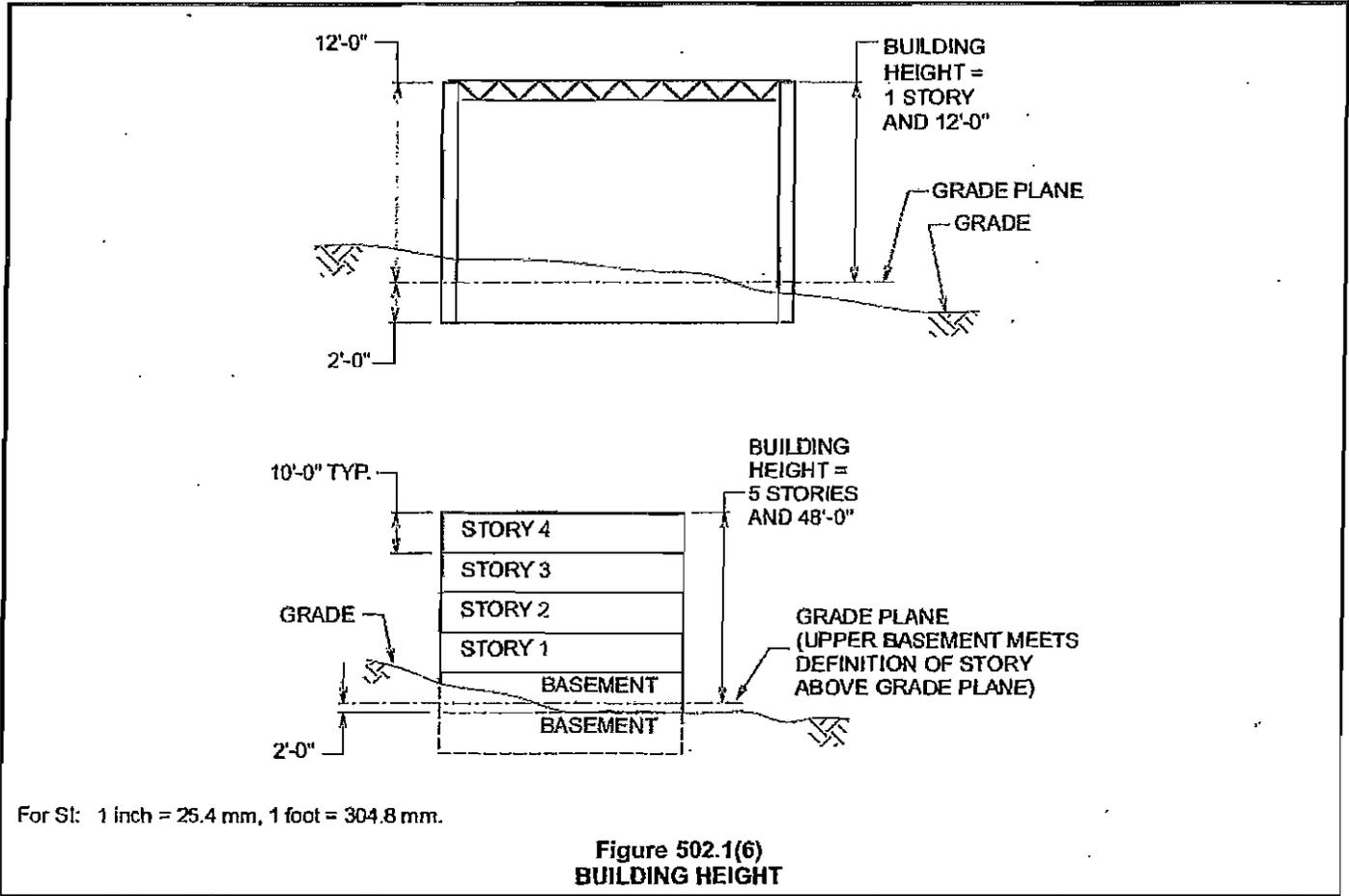


BASEMENT. That portion of a building that is partly or completely below grade plane (see "Story above grade plane" in Section 202). A basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

- More than 6 feet above grade plane; or.
- More than 12 feet above the finished ground level at any point.

A basement is a level within a building that has its floor surface below the adjoining ground level. Often due to grading conditions, a basement will also be considered as a story above grade, thereby contributing to the building height (see the commentary to the definition of "Story above grade plane").

This definition parallels that of "Story above grade plane" (see Chapter 2). The determination of whether a basement meets the definition of "Story above grade plane" is important because it contributes to the height of a building in regard to Table 503 and the total allowable area of the building in accordance with Sections 503.1.1 and 503.3. Every story with the finished floor entirely above grade (finished ground level) is a story above grade. In addition, two specific criteria in the definition establish the threshold at which a basement extends far enough above ground to contribute to the regulated height of the building in number of stories. Figure 502.1(2) describes the application of these criteria.



HEIGHT, BUILDING. The vertical distance from grade plane to the average height of the highest roof surface.

PUBLIC WORKS PLANNING PERMIT MEMORANDUM

June 11, 2012

TO: PLANNING DIVISION
FROM: Barry Rands, PE – Associate Engineer
RE: 3202 Beachcomber – ADO- 067



The plans are conditionally approved subject to the following conditions:

1. Provide a Drainage Report prepared by a Registered Civil Engineer. The Drainage Report shall conform to Stormwater Management for New and Redevelopment Projects within the City of Morro Bay in the July 2011 amendment to the City Standard Drawings and Specifications*. Specifically, this project shall meet the requirements of the following Parts:
 - a. Part 1: Protection of Water Quality - **Exempt**
 - b. Part 2: Runoff Volume Controls (LID) - **Tier 2 requirements**
 - c. Part 3: Peak Runoff Flow Control – **All requirements**
2. 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 entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.
3. Conduct a video inspection of the conditions of existing sewer lateral. Submit a DVD to City Public Services Department. Repair or replace as required to prohibit inflow/infiltration.
4. Plot the boundary and elevations of the 1% chance flood from May 26, 2012 Flood Study performed by Robert Montoya.

Add the following Notes to the Plans:

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.

*For more information go to: <http://ca-morrobay.civicplus.com/index.aspx?NID=688>
Scroll to the bottom and click Engineering Standards for LID/Hydromodification



FLOOD STUDY

FOR

Perry Enterprises

**3202 Beachcomber Drive
Morro Bay, CA**

BY

**CIVIL DESIGN
MR. ROBERT MONTOYA PE**



V.1 5/26/2012



1.0 PROJECT LOCATION

The project is located at 3202 Beachcomber Drive in the City of Morro Bay, CA. The site is an 11,000 square foot single family residential lot surrounded by residential lots.

2.0 SCOPE OF STUDY

This study determines the 100-year flood depth with respect to the existing ground elevation along the subject Southerly Property Line as indicated in Appendix C. The study is based on elevations and topographic information provided by others.



4.0 HYDRAULIC ANALYSIS

Hydraflow hydraulics program was utilized to determine the 100 year water surface elevation at the locations as shown in Appendix C Site Map. Cross sections A and B were developed based on the existing ground elevations at these locations. This cross sectional data and the maximum flow at these specific locations were input into the channel program and the maximum anticipated flow profile was developed based on the longitudinal slope of the street.

The 100 year water surface elevation was determined as shown below:

Cross Section A: Maximum 100-year water surface elevation = 16.0 ft.

Cross Section B: Maximum 100-year water surface elevation = 16.3 ft.

Cross Section C: Maximum 100-year water surface elevation = 15.2 ft.

The maximum water surface elevations were utilized to determine the maximum average depth of flow in the street and parkway along the project frontage. The maximum average depths were applied to the appropriate section of property frontage and the limit of 100 year flooding was plotted as indicated on Appendix C site plan based on the existing ground topography.



APPENDIX A

Hydrograph Report

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2009 by Autodesk, Inc. v6.066

Sunday, May 27, 2012

Hyd. No. 1

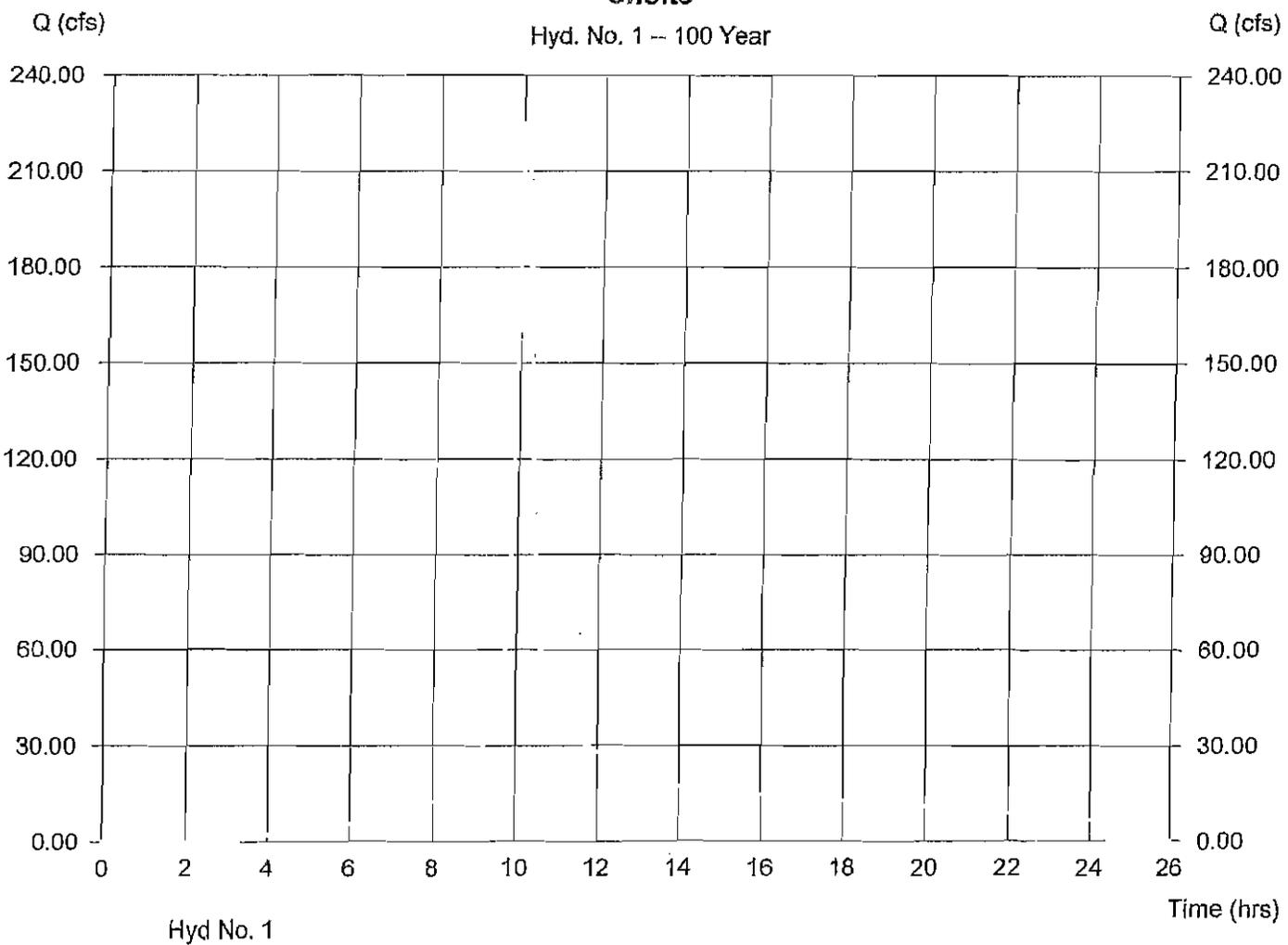
offsite

Hydrograph type = SCS Runoff
Storm frequency = 100 yrs
Time interval = 1 min
Drainage area = 75.000 ac
Basin Slope = 5.0 %
Tc method = LAG
Total precip. = 6.96 in
Storm duration = 24 hrs

Peak discharge = 231.51 cfs
Time to peak = 10.10 hrs
Hyd. volume = 1,464,292 cuft
Curve number = 86
Hydraulic length = 2000 ft
Time of conc. (Tc) = 20.29 min
Distribution = Type I
Shape factor = 484

offsite

Hyd. No. 1 -- 100 Year

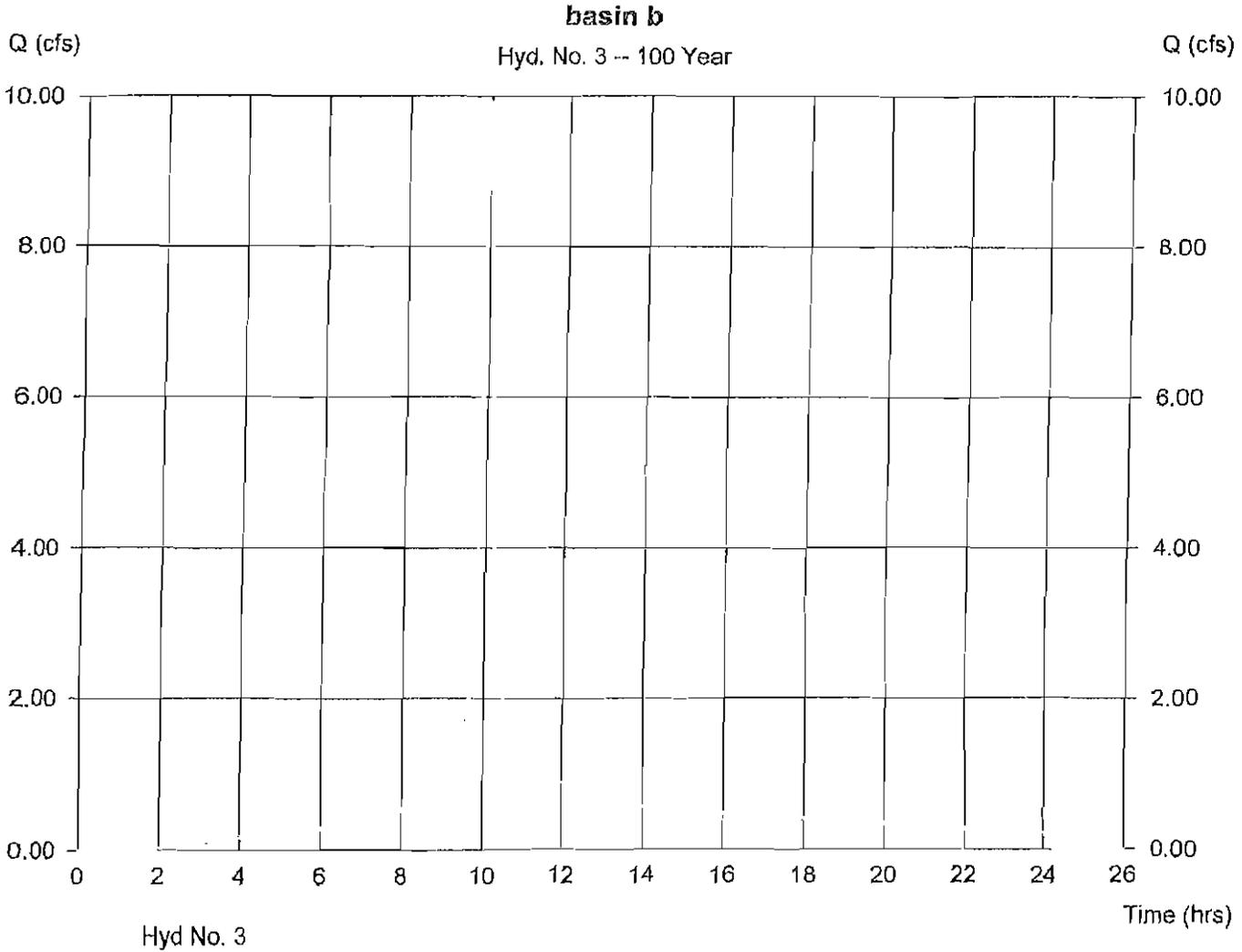


Hydrograph Report

Hyd. No. 3

basin b

Hydrograph type	= SCS Runoff	Peak discharge	= 9.920 cfs
Storm frequency	= 100 yrs	Time to peak	= 10.00 hrs
Time interval	= 2 min	Hyd. volume	= 52,241 cuft
Drainage area	= 2.320 ac	Curve number	= 92
Basin Slope	= 8.0 %	Hydraulic length	= 1500 ft
Tc method	= LAG	Time of conc. (Tc)	= 10.04 min
Total precip.	= 6.96 in	Distribution	= Type I
Storm duration	= 24 hrs	Shape factor	= 484



Channel Report

<Name>

User-defined

Invert Elev (ft) = 14.60
 Slope (%) = 8.30
 N-Value = 0.017

Highlighted

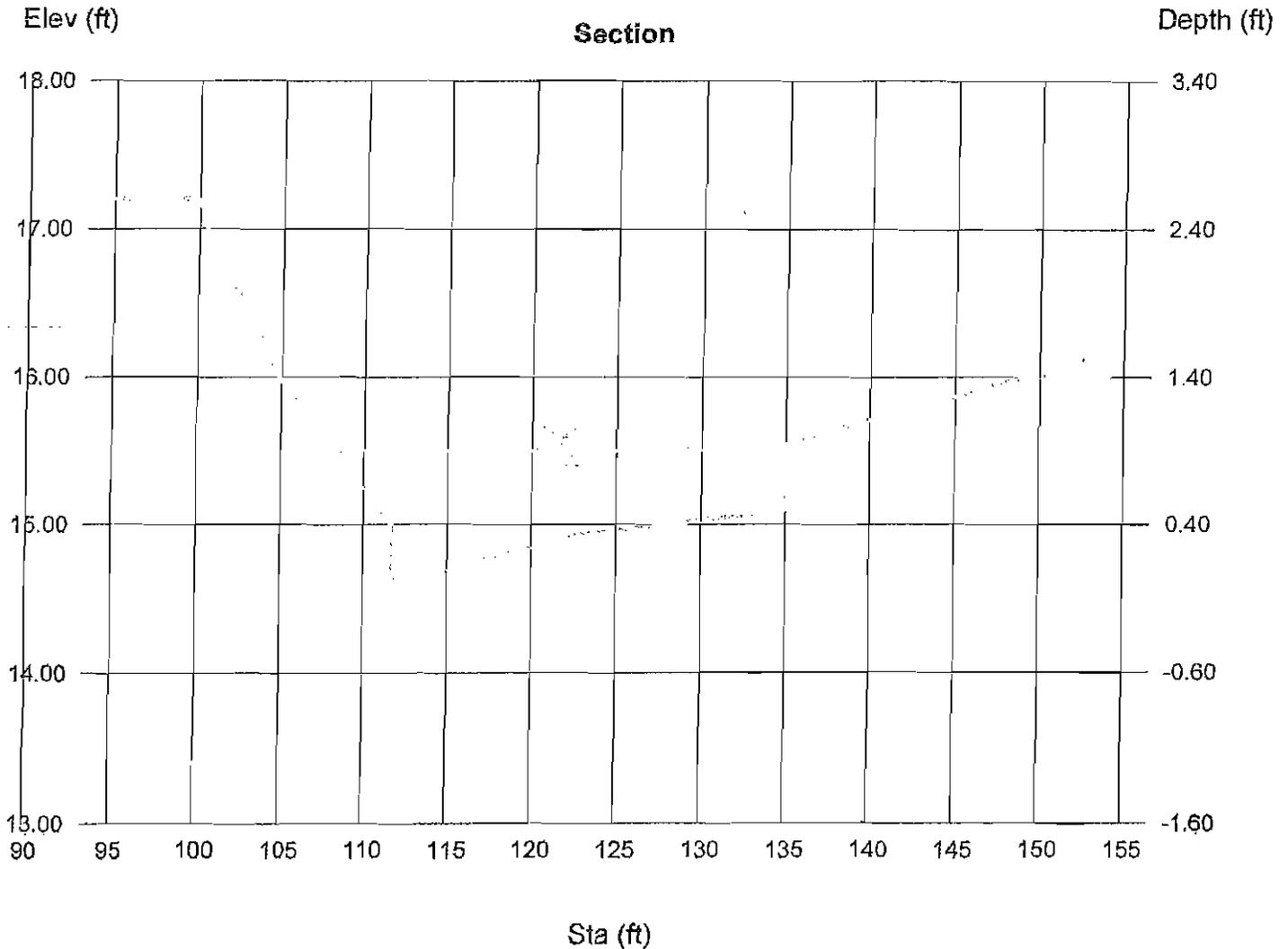
Depth (ft) = 0.90
 Q (cfs) = 255.20
 Area (sqft) = 15.05
 Velocity (ft/s) = 16.96
 Wetted Perim (ft) = 27.51
 Crit Depth, Yc (ft) = 1.69
 Top Width (ft) = 26.83
 EGL (ft) = 5.37

Calculations

Compute by: Known Q
 Known Q (cfs) = 255.20

(Sta, El, n)-(Sta, El, n)...

(100.00, 17.20)-(100.45, 17.00, 0.025)-(104.85, 16.00, 0.025)-(111.68, 15.00, 0.025)-(111.78, 14.60, 0.015)-(122.69, 14.92, 0.015)-(135.01, 15.10, 0.015)
 -(135.11, 15.56, 0.025)-(149.13, 16.00, 0.025)



Channel Report

Hydraflow Express Extension for AutoCAD® Civil 3D® 2009 by Autodesk, Inc.

Sunday, May 27 2012

<Name>

User-defined

Invert Elev (ft) = 15.60
 Slope (%) = 8.30
 N-Value = 0.015

Highlighted

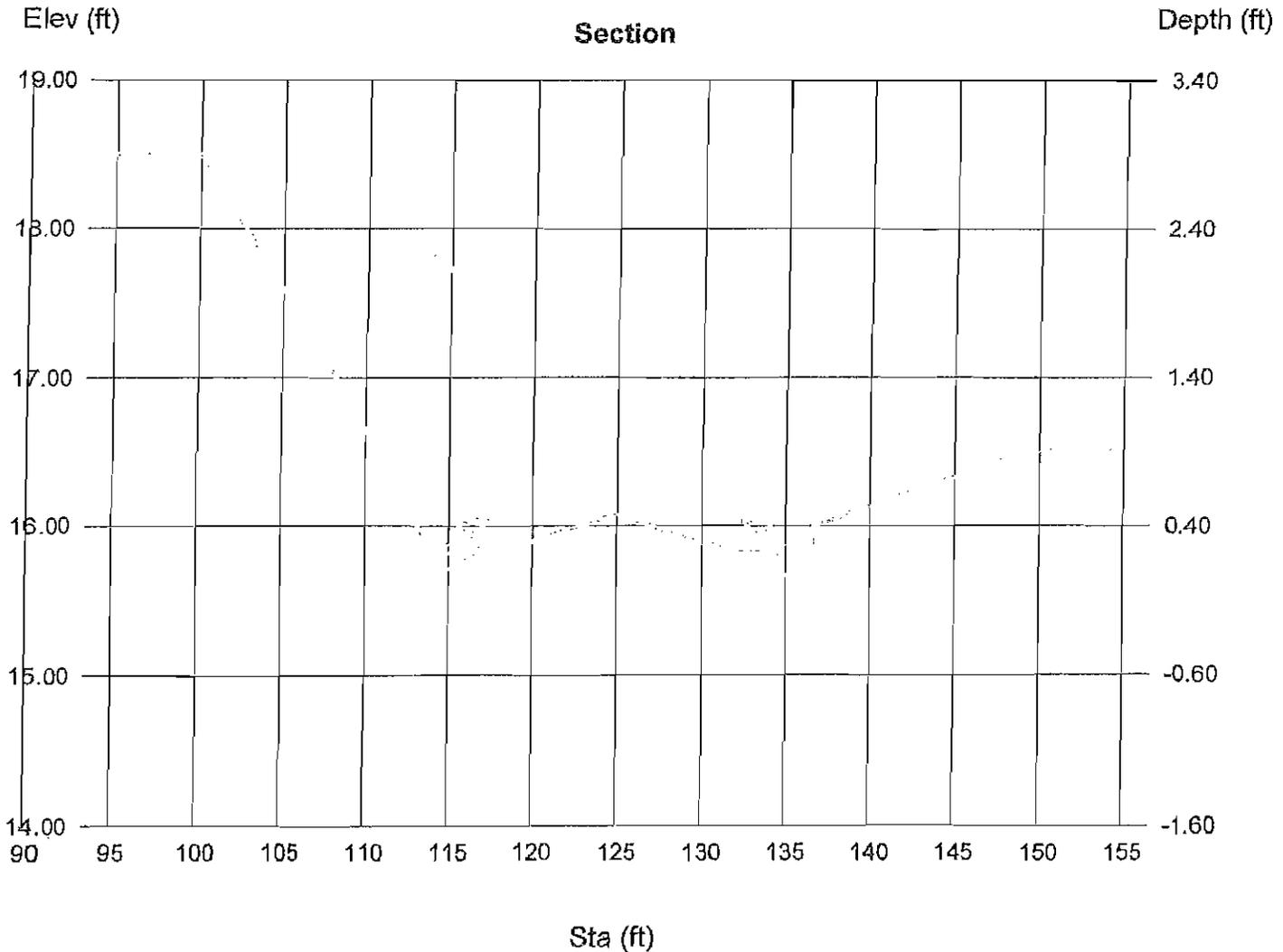
Depth (ft) = 0.27
 Q (cfs) = 9.920
 Area (sqft) = 1.55
 Velocity (ft/s) = 6.40
 Wetted Perim (ft) = 12.96
 Crit Depth, Yc (ft) = 0.42
 Top Width (ft) = 12.61
 EGL (ft) = 0.91

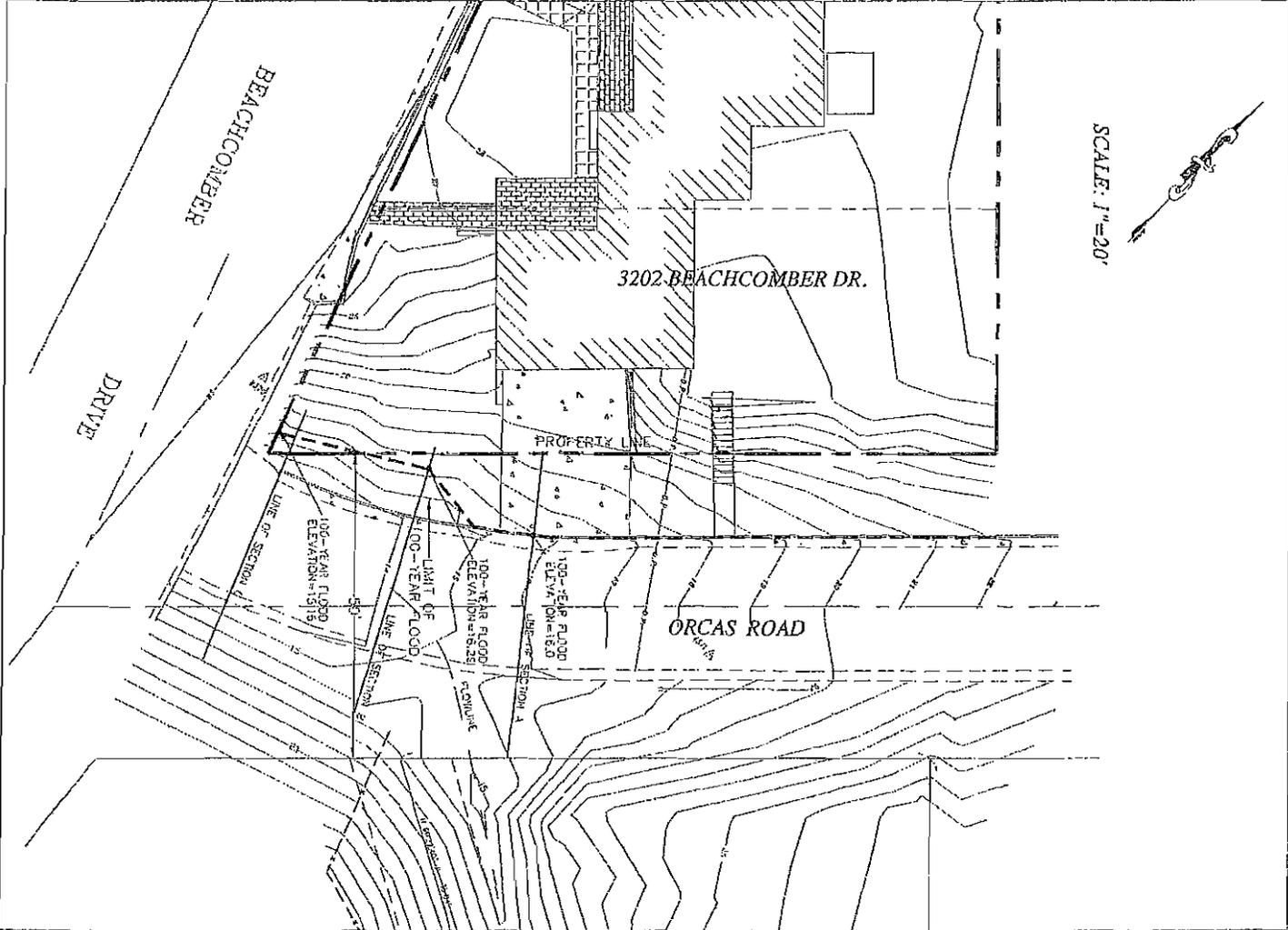
Calculations

Compute by: Known Q
 Known Q (cfs) = 9.92

(Sta, El, n)-(Sta, El, n)...

{100.00, 18.50}-(102.72, 18.00, 0.015)-(108.21, 17.00, 0.015)-(113.21, 16.00, 0.015)-(113.41, 15.65, 0.015)-(125.03, 16.08, 0.015)-(136.53, 15.60, 0.015)
 -(136.63, 16.00, 0.015)-(149.46, 16.50, 0.015)





Memo

To: Sierra Davis, Assistant Planner
From: Tom Prows, Fire Marshal
Date: 10/21/2011
Re: 3202 Beachcomber- ADO-067

Sierra,

We have reviewed plan submittal to remove an existing residence and new construction of a 10,022 square foot single-family residence. We offer the following fire department conditions:

1. Fire Safety During Construction and Demolition. All work shall be in accordance with 2010 California Fire Code, Chapter 14 and National Fire Protection Association (NFPA) Standard 241.
2. Automatic Fire Sprinkler System. The proposed new structure shall be protected by an automatic fire sprinkler system, in accordance with NFPA 13. (MBMC 14.08.090 (l) (1) and CRC R313.

With the following conditions, we find for project approval.


Tom

December 23, 2011

TO: PLANNING DIVISION

FROM: Brian Cowen, Building Division



SUBJECT: 3202 Beachcomber/ ADO-065

I have reviewed the above application and from a building standpoint, recommend that the plans be sent forward to the planning commission, with the staff recommendation for approval.



AGENDA NO: *B-2*
MEETING DATE: September 19, 2012

Staff Report

TO: Planning Commissioners **DATE:** September 5, 2012
FROM: Mary Reents, Contract Planner
SUBJECT: Coastal Development Permit CP0-375 for Approved Tentative Parcel Map (MB-11-0087) (S00-111) at 300 Piney Lane.

RECOMMENDATION:

Staff recommends that the Planning Commission approve a Coastal Development Permit for Tentative Parcel Map (S00-111) subject to the findings contained in Exhibit A and the Conditions of Approval in Exhibit B.

PROJECT DESCRIPTION:

The project parcel is located at the south end of Piney Lane, extending from the end of Piney Lane to the south, towards Main Street. There are adjacent existing homes on all four sides of the lot. The existing parcel is 43,652 square feet (1.00 acre) in size and currently contains one single-family residence in the northern section of the property.

LEGAL DESCRIPTION	Lot 4 in Section 31, Township 29 South, Range 11 East, Mount Diablo base and Meridian, and of Government Lot 5 in Section 36, Township 29 South, Range 10 East, Mount Diablo Base and Meridian, according to the official plat or plats of the survey of said land, in the City of Morro Bay, County of San Luis Obispo; refer to Exhibit E for Title Report
APN(S)	066-261-007
ZONING	Single Family Residential (R-1)
GENERAL PLAN	Low Density Residential (LDR)

APPLICANT: Randall Dennis

AGENTS: Chris Parker, 630 Quintana Rd #330, Morro Bay, CA 93442

Prepared By: *MBR* Department Review: _____

The applicant proposes to subdivide the property into four parcels and is a deep lot subdivision per Section 16.9.206 of the Morro Bay Municipal Code; parcels 1 through 3 to be new parcels and the fourth parcel is the existing residence, which will remain as a single family residence. The three new parcels would remain vacant and will be sold individually upon project completion. The parcels eventually would be constructed with single family residences under separate application(s)/permit(s). The tentative Parcel Map is attached as Exhibit C.

BACKGROUND:

The Planning Commission approved the Tentative Map on August 17, 2012. The Planning Staff Report did not include in the title the request for approval of the Coastal Development Permit, although the conditions of approval and findings for the Coastal Development Permit were included in the staff report. This action would clarify the intent of the Planning Commission regarding the Coastal Development Permit approval.

ENVIRONMENTAL DETERMINATION:

The proposed project is categorically exempt per CEQA Guidelines, Section 15303(a), Class 3 and Class 15.

PROJECT SETTING AND DESCRIPTION:

The project parcel is located at the south end of Piney Lane, extending from the end of Piney Lane to the south, towards Main Street. The property contains one single family residence and a large remainder graded area.

<u>Site Characteristics</u>	
Site Area	1 acre
Existing Use	One single family residence and vacant land
Terrain	Slopes from northeast to southwest at uniform grade of approximately 12.5%
Vegetation/Wildlife	Landscaping
Archaeological Resources	None known
Access	Main Street to Piney Lane

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

Adjacent Zoning/Land Use			
North:	Single Family Residential (R-1)	East:	Single Family Residential (R-1)
South:	Single Family Residential (R-1)	West:	Single Family Residential (R-1)

ANALYSIS:

The proposed parcel map meets the Coastal Act policies as provided in the City of Morro Bay Local Coastal Land Use Plan. Additionally, Government Code Section 65961 “one bite of the apple rule” bars the imposition of conditions that could have lawfully applied at the time of tentative map approval.

CONCLUSION:

The proposed project is consistent with the Local Coastal Plan and the conditions of the tentative tract map approved by the Planning Commission on August 17, 2012. The project has also been determined to be exempt from CEQA.

Report prepared by: Mary Reents, Contract Planner

Attachments:

1. Findings-Exhibit A
2. Conditions of Approval-Exhibit B
3. Tentative Parcel Map dated April 23, 2012- Exhibit C
4. Tentative Parcel Map Staff Report Conditions of Approval, dated August 15, 2012, as approved by the Planning Commission-Exhibit D

EXHIBIT A: FINDINGS

**Coastal Development Permit for Tentative Parcel Map (MB-11-0087) (S00-111)
CP0-375**

300 Piney Lane

Coastal Development Permit for a Tentative Parcel Map for the creation of four parcels.

California Environmental Quality Act (CEQA)

That for purposes of the California Environmental Quality Act, Case No. S00-111 is exempt per Section 15303(a), Class 3 and Class 15 of the California Environmental Quality Act *Guidelines*.

Subdivision Map Act Findings

1. The proposed map to create a four lot subdivision project is consistent with the Coastal Land Use Plan because residential development and the given parcel sizes are allowed under the land use designation and zoning & subdivision ordinance.
2. The design and improvements to create four parcels is consistent with the General Plan and Coastal Land Use Plan.
3. The site is physically suitable for the type and density of development proposed because the site is zoned for single-family residential low density and consistent with the land use designation.
4. The design of the subdivision and related improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because all precautions will be implemented to catch and direct all runoff.
5. The design of the subdivision and improvements will not cause serious public health problems.
6. 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.
7. 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 Tentative Parcel Map pursuant to the certified Water Management Plan and General Plan LU-22.1.

EXHIBIT B

CONDITIONS OF APPROVAL

**Coastal Development Permit for Tentative Parcel Map (MB-11-0087) (S00-111)
CPO-375**

300 Piney Lane

Coastal Development Permit for Tentative Parcel Map for the creation of four parcels.

STANDARD CONDITIONS

1. This Coastal Development permit is granted for the land described in the staff report and all attachments for the Tentative Parcel Map (MB-11-0087) (S00-111) dated July 31, 2012, on file with the Public Services Department, as modified by the conditions of approval for the Tentative Parcel Map (MB-11-0087) (SOO-111) approved by the Planning Commission on August 19, 2012; the tentative map Conditions of Approval are attached as Exhibit D. No further conditions of approval are warranted.

EXHIBIT C

RECORD OWNER

RANDALL DENNIS
300 PINEY LANE
MORRO BAY, CA 93942
PH (805) 219-9185

SITE INFORMATION

ASSASSIN'S PARCEL NUMBER: 086-281-007
EXISTING ZONING: R-1
PROPOSED ZONING: R-1
PROPOSED PARCEL AREA: 6,241 S.F. (1.42 ACRES)
PROPOSED PARCEL AREA: 6,241 S.F. (1.42 ACRES) / 21,066 S.F.

LEGAL DESCRIPTION

BEING A PORTION OF GOVERNMENT LOT 4 IN SECTION 31, TOWNSHIP 26 SOUTH, RANGE 11 EAST, MOUNT DIABLE BASE MERIDIAN, COUNTY OF SAN DIEGO, CALIFORNIA, BEING A PORTION OF GOVERNMENT LOT 5 IN SECTION 36, TOWNSHIP 20 SOUTH, RANGE 10 EAST, MOUNT DIABLE BASE AND MERIDIAN.

OWNER'S STATEMENT

WE HEREBY APPLY FOR THE APPROVAL OF DIVISION OF CALIFORNIA PROPERTY SHOWN ON THIS TENTATIVE MAP AND STATE THAT WE ARE THE OWNERS OF SAID PROPERTY OR THE AUTHORIZED AGENTS OF SAID OWNERS, AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE.

RANDALL DENNIS DATE

EXISTING IMPROVEMENTS AND TOPOGRAPHY

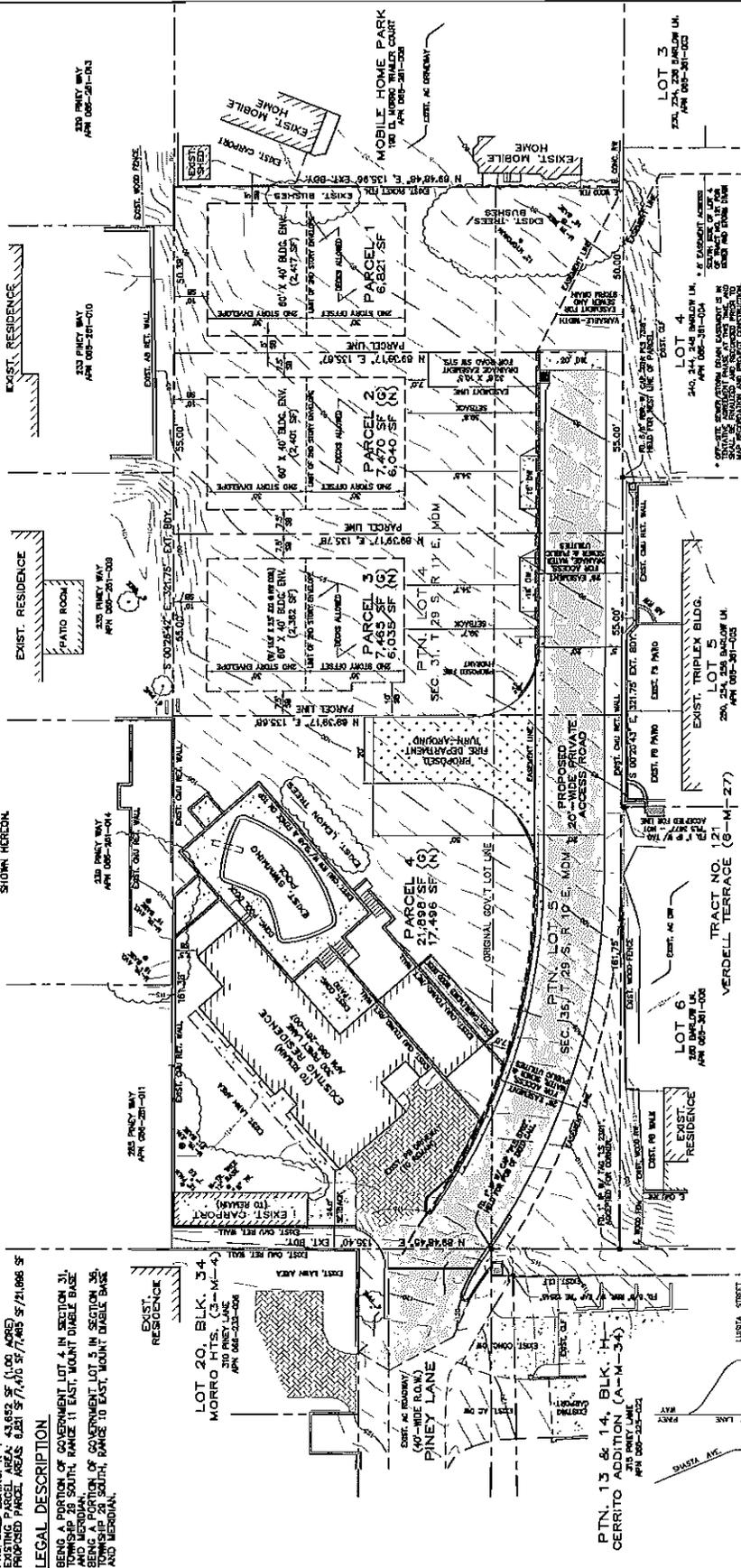
THE EXISTING SITE IMPROVEMENTS AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON A FIELD SURVEY CONDUCTED IN JUNE, 2011.

BOUNDARY INFORMATION

THE BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON A COMBINATION OF MEASURED DATA FROM A FIELD SURVEY CONDUCTED IN JUNE, 2011 AND RECORD JETD CALLS. THE BOUNDARY SHOWN HEREON IS CONSIDERED PRELIMINARY SINCE A BOUNDARY SURVEY MAY RESULT IN DIFFERENCES FROM THAT SHOWN HEREON.

PRELIMINARY ENGINEERING PLANS

1. SET SHEET C-1 OF THE PRELIMINARY ENGINEERING PLANS FOR A DETAILED DRAWING OF THE EXISTING SITE IMPROVEMENTS AND TOPOGRAPHY.
2. SET SHEET C-2 OF THE PRELIMINARY ENGINEERING PLANS FOR SPECIFICS OF THE PROPOSED ACCESS ROAD AND FIRE DEPARTMENT TURN-AROUND DESIGN.
3. SET SHEET C-3 OF THE PRELIMINARY ENGINEERING PLANS FOR SPECIFICS OF THE EXISTING AND PROPOSED STORM DRAIN, WATER AND SEWER IMPROVEMENTS.



PROJECT TITLE TPM MB 11-0087 300 PINEY LANE TENTATIVE PARCEL MAP	
SHEET DESCRIPTION CITY OF MORRO BAY, CA	
RECORD OWNER RANDALL DENNIS 300 PINEY LANE MORRO BAY, CA	SHEET TM-1
PREPARED BY MATT BEAUTZ	DATE JULY 31, 2012
<p>BEAUTZ ENGINEERING CIVIL ENGINEERING & LAND SURVEYING 1300 15th Street, Suite 100, San Marcos, CA 92069 (805) 528-3333</p> <p>NOT FOR REPRODUCTION</p> <p>DATE SIGNATURE MATTHEW A. BEAUTZ REGISTERED ENGINEER LICENSE # 127173</p>	

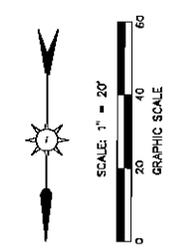
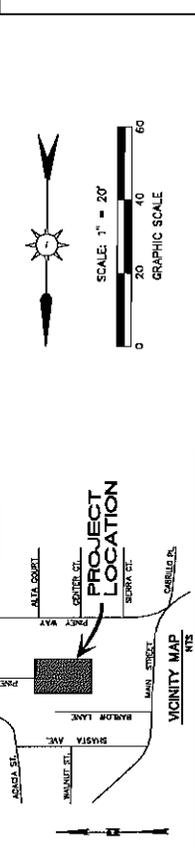


EXHIBIT D

EXHIBIT B

CONDITIONS OF APPROVAL Tentative Parcel Map (MB-11-0087) (S00-111)

300 Piney Lane

Tentative Parcel Map for the creation of four parcels.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated August 15, 2012 for the project depicted on the attached plans labeled "Exhibit C", dated July 31, 2012, on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
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 Planning and Building 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 Planning and Building 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. 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. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities including electrical, telephone and cable television shall be installed underground.
8. 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. during the weekdays and eight a.m. and seven p.m. during the weekends, unless an exception is granted by the Building Official pursuant to the terms of this regulation.
9. Dust Control: Prior to issuance of a grading permit, a method of control to prevent dust, construction debris, and wind blown earth problems shall be submitted to and approved by the Building Official to ensure conformance with the performance standards included in MBMC Section 17.52.070.
10. Parkland In-Lieu Fees: Prior to recordation of the Final Map requirements of the City of Morro Bay for dedication of land for park purposes and/or payment of fee-in-lieu thereof shall be met (MBMC Section 16.13.005).
11. 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 Public Services Director.
12. 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.

FIRE CONDITIONS

13. Access Road. An approved fire access shall be provided for every building or portion thereof, and shall extend to within 150 ft. of all portions of the building and exterior walls, as measured by an approved route around the exterior of the building. (CFC 503.1.1) This requirement may be modified if the structure is protected by an automatic fire sprinkler system.(CFC 503.1.1 Exception 1)
14. Access Road Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and unobstructed vertical clearance of not less than 13 feet 6 inches. (CFC 503.2.1)
15. Access Road Surface. Fire apparatus access road shall be designed to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. (CFC 503.2.3)
16. Dead Ends. Dead-end fire access roads in excess of 150 feet shall be provided with an approved area for turnaround fire apparatus. (CFC 503.2.5)
17. Turning radius. The required turning radius of a fire apparatus access road shall be in accordance with CFC Appendix D (120 ft. Hammerhead Alternative).
18. Markings. Approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and replaced or repaired when necessary to provide adequate visibility. (CFC 503.3)
19. Fire-Flow requirements for buildings for one and two-family dwellings. The minimum fire-flow requirements for one and two-family dwellings having a fire-flow calculation area, which does not exceed 3,600 square feet, shall be 1,000 gallons per minute. Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet shall not be less than that specified in Table B-105.1 (CFC Appendix B)
20. Residential Fire Sprinklers. All one and two-family dwellings of the project shall be constructed with an automatic fire sprinkler system in accordance with MBMC 14.08.090 (I) (9), NFPA 13, and 2010 California Residential Code, Section R-313.2>
21. Fire Hydrant locations and distribution shall be in accordance with 2010 California Fire Code, Appendix C.

BUILDING DIVISION CONDITIONS

22. Prior to construction, the applicant shall submit a complete application to the building division and obtain the required permits for the construction of the “Onsite Improvements for PM MB 11-0087”, the scope of which may include grading and construction of site retaining walls, onsite utilities, curbs, roadways and drainage improvements. The application shall include an engineer’s estimate of the probable cost to complete the onsite scope of work.
23. The final improvement plans shall include sections and details as determined necessary to demonstrate that the proposed access road will not surcharge the existing improvements on adjacent properties.
24. Concurrent with submittal of the improvement plans, the applicant shall submit a complete application to the building division for the required permits for grading, utilities, and the construction of other improvements associated with the project. The application shall include an engineer’s estimate of the cost to complete the permitted scope of work as approved by the City Engineer.

PUBLIC WORKS CONDITIONS

25. With the development of each parcel, provide a minimum of tier 2 Low Impact Development techniques according to the July 2011 amendment to the City Standard Drawings and Specifications and according to the approved drainage plan dated 4/23/12 by Beautz Engineering.
26. An easement and maintenance agreement for the access road, drainage, forced sewer main and utilities shall be recorded with the Final Map.
27. The project proposes to replace the sewer line in Barlow Lane upstream of the project tie-in point. The owner shall enter into an agreement with the City for reimbursement of this portion of the sewer replacement.
28. A double check backflow device shall be provided for the fire hydrant line.

PLANNING CONDITIONS

29. Prior to issuance of the first building permit, all common improvements shown on the development plans shall be installed to the satisfaction of the Public Services Director.



AGENDA NO: **B-3**
MEETING DATE: September 19, 2012

Staff Report

TO: Planning Commissioners **DATE:** September 19, 2012
FROM: Mary Reents, Contract Planner
SUBJECT: Amendment to CUP 02-1; Harbor Hut; 1205 Embarcadero

RECOMMENDATION:

Staff recommends that the Planning Commission Conditionally Approve the amendment to CUP 02-01 subject to the findings contained in Exhibit A and the Conditions of Approval in Exhibit B.

PROJECT DESCRIPTION:

The applicant is requesting a Conditional Use Permit to amend CUP 02-01 to construct a second story office/storage area, as shown on the development plans attached as Exhibit E.

LEGAL DESCRIPTION

APN(S) 066-351-017; City Lease Sites 122 and 123 on the water front.
ZONING CF/PD-Commercial Fishing, Planned Development Overlay
GENERAL PLAN Commercial/Recreational Fishing

APPLICANT: Troy and Heather Leage
1205 Embarcadero Road
Morro Bay, CA 93442

AGENTS: Cathy Novak
PO Box 296
Morro Bay, CA 93442

The applicant proposes to construct a 686 square foot restaurant office / storage area at the Harbor Hut restaurant. The existing office is 110 square feet and is located at the rear of the restaurant kitchen. The existing office is proposed to be used for an employee break room and storage, and the office would move to the second story. The second story office would be 185 square feet.

Prepared By: MBR

Department Review: _____

The applicant indicates that the Harbor Hut is a growing business and desires to relocate the office to create an employee break room and additional storage space on the first floor. Currently, as configured, the Harbor Hut does not have adequate facilities for its employees. The limited storage space forces the restaurant to have more frequent deliveries. With the office relocation to the second floor, it frees up the office for additional storage and the restaurant will have the capabilities to store more products on-site, therefore reducing truck delivery for many items.

Access for the proposed second story office would be from a new stairway, located towards the front of the existing restaurant. This would be the only access to the second story office. The stairway is designed such that it is accessible from the public parking lot, which may cause the public to use the stairway. It would be more appropriate for the stairway to be configured to enter the stairway from near the kitchen access way located near the restaurant entrance.

BUILDING CHARACTERISTICS		
	EXISTING	PROPOSED
Harbor Hut Restaurant	3,925 SF	4,611 SF
Existing Lil' Hut Restaurant	400 SF	400 SF
Existing outdoor seating	960 SF	960 SF
<i>Total Square Footage</i>	<i>5,285 SF</i>	<i>5,971 SF</i>
First Story	5,285 SF	5,825 SF
Second Story	0	686 SF
Second Story Height	23 feet to apex of A-frame structure	Second Story 21'6"

BACKGROUND:

The Harbor Hut has an existing Conditional Use Permit (CUP 02-01), for an addition of a roof to cover an existing outside bar and dining area. This request would amend the existing CUP (see Exhibit C for original Permit and Conditions of Approval for CUP 02-01) for the purposes of adding the second story office. The City currently has a lease agreement for Lease Site 122-123/122W-123W with Try and Heather Leage THMT, Inc. This lease site includes the Harbor Hut Restaurant building, the Lil Hut takeout building and berthing for a tour boat operation.

On April 30, 2012, the City Council approved Amendment #2 to the Lease Agreement for Lease Site 122-123/122W-123W. The applicant was requesting an amendment to the lease to extend the lease term for 10 years. The tenant desires to construct a second-story approximately 680 square foot addition to add additional storage space and an employee break room. Cost for the proposed improvements was estimated to be \$150,000, and in exchange, the tenant is requesting an extension of the lease for ten years. This request was determined to be "in compliance with MBMC 17.36.020 as said additional space shall not be used as additional restaurant or retail service"; the staff report is attached as Exhibit D. MBMC 17.36.040 has been integrated into the Zoning Ordinance 17.24.180.

ENVIRONMENTAL DETERMINATION:

The proposed project is categorically exempt per CEQA Guidelines, Section 15303(a), Class 3

COASTAL DEVELOPMENT PERMIT:

The project is within original jurisdiction of the California Coastal Commission. A Coastal Development Permit would be required prior to issuance of a building permit for this project.

PROJECT SETTING AND DESCRIPTION:

The proposed second-story addition is located on the existing Harbor Hut building and no new uses are proposed; the requested addition is to be an office use, consistent with zoning requirements.

<u>Site Characteristics</u>	
Site Area	
Existing Use	Harbor Hut Restaurant and Lil'Hut Restaurant
Terrain	Flat; developed
Vegetation/Wildlife	Landscaping
Archaeological Resources	None known
Access	Restaurant entrance is from Embarcadero Road via existing parking lot

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Commercial Recreational Fishing (CF) and Harbor (H)
Base Zoning District	Commercial/Recreational Fishing
Zoning Overlay District	Planned Development Overlay
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Yes, Original Jurisdiction; Coastal Commission responsible for Coastal Development Permit

ANALYSIS:

The proposed request to construct a second story office totaling 686 square feet is consistent with Measure D, which has been incorporated into the Zoning Ordinance under MBMC 17.24.180. The proposed office is

Parking requirements for the proposed addition is one space per 300 square feet of office use. The Harbor Hut has provided one parking space for the existing 110 square foot office. The existing parking space will meet the requirement for parking for the proposed 185 square foot office. The net increase in office space is 75 square feet or a .25 parking space. The remainder of the addition is to be used for storage and employee rest area; therefore no additional parking spaces are needed.

The applicant indicates that the proposed exterior stairway is needed due to constraints inside the existing building, such as walk-in freezers, narrow passageways, necessity of maintaining preparation and storage areas and configuration of the fire sprinklers. However, the configuration of the stairway is such that the stairs are easily accessible to the public. It is recommended that the entrance to the stairs be oriented towards the restaurant entrance, behind the screen running along the north side of the restaurant.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on September 9, 2012, and all property owners of record within 300 feet of the project site were notified on this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

The proposed project, as conditioned, would be consistent with all applicable development standards of the Zoning Ordinance, and applicable provisions of the General Plan and Local Coastal Plan, and Waterfront Master Plan. No modifications or exceptions to City development requirements are proposed.

Report prepared by: Mary Reents, Contract Planner

Attachments:

1. Findings-Exhibit A
2. Conditions of Approval-Exhibit B
3. Permit and Conditions for CUP 02-01, dated August 7, 2001- Exhibit C
4. City Council Staff Report for Amendment #2 to the Lease Agreement, dated April 30, 2012-Exhibit D
5. Development Plans-Exhibit E

EXHIBIT A: FINDINGS

Amendment to CUP 02-1; Harbor Hut; 1205 Embarcadero

Addition of second story office, totaling 686 Square feet, Harbor Hut

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. S00-111 is exempt per Section 15303(a), Class 1 of the California Environmental Quality Act *Guidelines*.

Conditional Use Permit Findings

- B. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the commercial use is historically pre-existing and conforms to all City regulations as it applies to “Non Conforming Structures and Uses.”
- C. This project will not be detrimental or injurious to the property, the commercial neighborhood, or the general welfare of the City. The proposed project will improve, and be consistent with the historical character of this portion of the Embarcadero.
- D. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the City in that the plan to add a second story office is consistent with all pre-existing use conditions and City regulations.

EXHIBIT B

CONDITIONS OF APPROVAL
Amendment to CUP 02-1
Harbor Hut; 1205 Embarcadero

Addition of second story office, totaling 686 Square feet, Harbor Hut

STANDARD CONDITIONS

1. Permit: This permit is granted for the land described in the staff report referenced above, and all attachments thereto, dated August 15, 2012, for the project depicted on the attached plans labeled "Exhibit E", dated September 9, 2012, on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:
 - a. Prior to commencement of occupancy and use of this second story office, the owner or designee shall have been issued a building permit for the second story and have received an "approved" final inspection.
 - b. Prior to issuance of a building permit, the owner or designee shall have received a Coastal Development Permit from the California Coastal Commission.
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 herein 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. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities associated with the second-story addition, including electrical, telephone and cable television shall be installed underground.
8. 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. during the weekdays and eight a.m. and seven p.m. during the weekends, unless an exception is granted by the Building Official pursuant to the terms of this regulation.

FIRE CONDITIONS

9. Knox Box: Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. (CFC 506.1) Therefore, the applicant shall provide and install a Knox Box on the east exterior of the structure. A Knox Box application shall be obtained from the Morro Bay Fire Department and approved prior to occupancy.
10. Fire Sprinkler System Modifications: Automatic fire sprinkler systems shall be maintained in accordance with the original installation standards and Section 903. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or added to. (CFC 901.4) The applicant shall extend fire sprinkler coverage to all areas of the proposed remodel and show on building plans.
11. Fire Extinguishing System Alarm Modifications: Alarm systems shall be installed and maintained in accordance with NFPA 72 and California Fire Code Sections 901 and 907. Alarm systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or increased in size. The applicant shall extend fire alarm coverage to all areas of the proposed remodel.

12. Commercial Cooking Systems: Cooking equipment that produce grease laden vapors shall be provided with a Type I Hood, in accordance with California Mechanical Code. All wet and dry chemical systems shall comply with UL 300. (CFC 904.11) Automatic fire-extinguishing systems shall be serviced at least every 6 months and after activation of the system. Inspectors shall be qualified individuals, and a certificate of inspection shall be forwarded to the fire code official upon completion. (CFC 904.11.6.2) The City's records indicate that the commercial cooking systems located at Harbor Hut Restaurant was serviced November 4, 2010 and The Little Hut Takeout Restaurant August 8, 2007. The applicant shall immediately contract with a C-16 certified service company and provide cooking system service reports to Morro Bay Fire Department. Additionally, the service reports shall indicate if both systems are UL 300 and NFPA 17-A compliant. Prior to submittal of the building plans, the applicant shall show proof to the Morro Bay Fire Department that the inspection has occur consistent with UL 300.
13. Portable Fire Extinguishers: Wall mounted Fire Extinguishers (2A-10B:C minimum) shall be provided in all areas of the proposed remodel. (CFC 906)
14. Combustible Storage in Buildings: Storage in buildings shall be maintained 2-feet or more below the ceiling in non-fire sprinklered areas and 18-inches or more below sprinkler head deflectors. (CFC 315)
15. Maintenance of Means of Egress: All exits in buildings and structures used or intended to be used for human occupancy shall comply with the provisions of California Fire Code, Chapter 10.
16. Maintenance of Fire-Resistive Construction: Required fire-resistive construction, including occupancy separation walls, exit corridors, draft-stop partitions and roof coverings shall be maintained as specified in California Building Code.
17. Use of Combustible Decorative Materials: Combustible decorative materials, including drapes, curtains, textile and film materials, wood materials less than 1/4-inch, and foam plastics in Group A occupancies shall be flame resistant, in accordance with the requirements of 2010 California Fire Code, Chapter 8.
18. Fire Safety During Construction and Demolition: Buildings and tenant spaces under construction, alteration or demolition shall be provided with approved safety measures as required by 2010 California Fire Code, Chapter 14.

BUILDING DIVISION CONDITIONS

19. Building Permit Application: Prior to construction, the applicant shall submit a complete application to the building department and obtain the required building permit.

PUBLIC WORKS CONDITIONS

None.

PLANNING CONDITIONS

20. Paint: The applicant shall paint the second story to match the existing building.
21. Stairway: Prior to issuance of a building permit, the applicant shall reconfigure the stairway to meet building code, and, if feasible, oriented such that the entrance to the stairs faces the entrance to the restaurant instead of the parking lot.
22. Trash Receptacles: The trash receptacle area and receptacles as designated on the original plan for CUP-02-01 shall be restored on-site, or the applicant shall provide an alternative location to the satisfaction of the Public Services Director and Harbor Director.

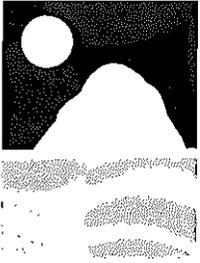


EXHIBIT C

City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

August 7, 2001

Mr. George Leage
1205 Embarcadero
Morro Bay, Ca. 93442

RE: Case No.: CUP 02-01 SITE: 1205 Embarcadero

Dear Mr. Leage;

At its regular meeting on July 2, 2001, the PLANNING COMMISSION approved your request for a CUP to cover the existing outdoor bar and dining area, located at 1205 Embarcadero, with conditions.

This action does not constitute a building permit. Further processing of this project must be initiated by the applicant, and is subject to applicable rules and regulations of the Morro Bay Municipal Code. Please be advised that you must return the "Acceptance of Conditions" form, signed, to this department within thirty (30) days of this approval or the action is null and void (see condition number 7, attached).

Your project is also located within the California Coastal Commission Permit Jurisdiction. Please note that it is the applicant's responsibility to obtain all necessary approvals from the Coastal Commission.

The Morro Bay Municipal Code provides for an appeal of the action by the Planning Commission within ten (10) days of adoption and anyone wishing to appeal may do so in writing by delivering such letter to the office of the City Clerk. There is a fee for processing an appeal. Said "Appeal" is not a "Coastal Permit."

Sincerely,

Albert L. Sengstock, Code Enforcement/Planning
for
Greg Fuz, Director
Public Services Department

Enclosures: Permit, Findings, Conditions of Approval, and Acceptance of Conditions Form

BA\08\07\01 7:16 AM\50\OFFICE\TEMPLATE\CUP 02-01

FINANCE
595 Harbor Street

ADMINISTRATION
595 Harbor Street

FIRE DEPARTMENT
715 Harbor Street

PUBLIC SERVICES
590 Morro Bay Boulevard

HARBOR DEPARTMENT
1275 Embarcadero

POLICE DEPARTMENT
850 Morro Bay Boulevard

RECREATION AND PARKS
1001 Kennedy Way



City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200

CONDITIONAL USE PERMIT

CASE NO: CUP 02-01

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 1205 EMBARCADERO

APPLICANT: GEORGE LEAGE

APN/LEGAL: 66-351-017

DATE APPROVED: July 2, 2001 APPROVED BY: Planning Commission

APPROVED BASED UPON ATTACHED FINDINGS (*Findings and Conditions of Approval Attached*)

CEQA DETERMINATION: EXEMPT

DESCRIPTION OF APPROVAL: TO COVER AN EXISTING OUTDOOR DINING AND BAR AREA.

THIS APPROVAL IS CONDITIONAL AND IS VALID ONLY IF CONDITIONS (ATTACHED) ARE MET AND ONLY AFTER THE APPLICABLE APPEAL PERIOD. Failure to comply with the conditions of this permit shall, at the discretion of the Planning & Building Director pursuant to Municipal Code Section 17.60.150, render this entitlement null and void. -

YOUR PROPERTY IS LOCATED IN THE CITY OF MORRO BAY JURISDICTION, THERE IS AN APPEAL PERIOD OF TEN (10) *Calendar days*, WITHIN WHICH TIME YOUR PERMIT IS APPEALABLE TO THE City Council

YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION ORIGINAL JURISDICTION: THE FOLLOWING COASTAL COMMISSION APPEAL PERIOD APPLIES TO YOUR PROJECT: This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. Any person may appeal this decision to the Coastal Commission within TEN (10) *Working days* following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 831-427-4863. If you have any questions, please call the City of Morro Bay Public Services Department, 772-6210.

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: June 15, 2001

ATTEST: *Albert L. Sengstock* DATE: 8/7/01
Albert L. Sengstock, Interim Planner for Greg Fuz, Secretary of the Planning Commission

THIS IS A DISCRETIONARY APPROVAL AND DOES NOT CONSTITUTE A BUILDING PERMIT

BA\08\07\01 7:19 AM\SVMSOFFICE\TEMPLATE\MTCUP07-01

FINANCE
595 Harbor Street

ADMINISTRATION
595 Harbor Street

FIRE DEPARTMENT
715 Harbor Street

PUBLIC SERVICES
590 Morro Bay Boulevard

HARBOR DEPARTMENT
1275 Embarcadero

POLICE DEPARTMENT
850 Morro Bay Boulevard

RECREATION AND PARKS
1001 Kennedy Way

PUBLIC SERVICES DEPARTMENT
NOTICE OF FINAL ACTION ON COASTAL DEVELOPMENT PERMIT

NOTICE OF FINAL CITY ACTION on Coastal Development Permit No. CUP 02-01

THE FOLLOWING PROJECT IS LOCATED IN THE MORRO BAY COASTAL ZONE AND A COASTAL PERMIT APPLICATION HAS BEEN ACTED ON BY THE CITY.

Applicant: GEORGE LEAGE

Address: 1205 EMBARCADERO, MORRO BAY, CA, 93442

Project Description: TO COVER AN EXISTING OUT DOOR DINING AND BAR AREA

Project Location: 1205 EMBARCADERO

Lot Area: 15,600

APN/Legal: 66-351-039

Zoning: CF/PD

LUP/General Plan: COMMERCIAL FISHING/ PLANNED DEVELOPMENT OVERLAY

Filing Date: JANUARY 30, 2001

Action Date: JULY 2, 2001

Action By: PLANNING COMMISSION

Action Taken: APPROVED

Attachments: Permit, Findings, and Conditions of Approval

THIS SITE IS OUTSIDE THE COASTAL COMMISSION APPEAL JURISDICTION



This project is located in the California Coastal Commission original jurisdiction and subject to obtaining any required Coastal Commission from the State. You may obtain permit application submittal information from the California Coastal Commission located at 725 Front Street, Suite 300, Santa Cruz, CA 95060. Phone: 831-427-4863

APPLICANT'S ACCEPTANCE
OF
CONDITIONS OF APPROVAL

CASE NO. CUP-02-01

SITE LOCATION: 1205 EMBARCADERO

APPLICANT NAME: GEORGE LEAGE

APPROVAL BODY: Planning and Building Director
 Zoning Administrator
 Planning Commission
 City Council

DATE OF ACTION: JULY 2, 2001

I, _____ the undersigned have read, and
(APPLICANT'S NAME - PLEASE PRINT)

reviewed the conditions of approval imposed by the Approval Body in its action

approving Case Number: CUP 02-01

I UNDERSTAND AND ACCEPT SAID CONDITIONS AND AGREE TO FULLY COMPLY WITH THEM.

APPLICANT'S SIGNATURE

DATE:

August 7, 2001

GEORGE LEAGE
370 EMBARCADERO
MORRO BAY, CA 93442

RE: Notice of Exemption
Case No. CUP 02-01

SITE: 1205 EMBARCADERO

Dear Mr. Leage;

Please find enclosed, the "Notice of Exemption," for your project. It has been approved for CUP 02-01 on the Water Front to cover an existing out door dinning and bar area at 1205 Embarcadero. The City of Morro Bay no longer files notices of exemptions.

You may file the Notice of Exemption with the County Clerk's office located in the County Government Building in San Luis Obispo. The filing Fee is \$25.00.

Section 15062 (d) of The California Environmental Quality Act (CEQA) provides:

"The filing of a Notice of Exemption and the posting on the list of notices start a 35 day statute of limitations period ou legal challenges to the agency's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply."

If you have any questions, please contact this department.

Sincerely,



Albert L. Sengstock, Code Enforcement/Planning
Public Services Department

ATTACHMENT A: FINDINGS

**CASE NO. CUP 02-01
1205 Embarcadero**

TO COVER AN EXISTING OUTSIDE EATING AND BAR AREA

- A. **California Environmental Quality Act (CEQA)** Case number CUP 02-01 is categorically exempt from CEQA requirements under class 1, CEQA guidelines sec. 15303(e), (new construction or conversion of small structures).
- B. The project will not be detrimental to the neighborhood or City 's health, safety, morals, or welfare in that:
1. This project meets the requirements of MBMC 17.58 "**NON CONFORMING USES AND STRUCTURES,**" and 17.60, "**USE PERMITS, PROCEDURES, NOTICES AND VARIANCES**"
 2. The Use will be an improvement to the existing restaurant site, and will be consistant with the historical character of this portion of the Embarcadero.

ATTACHMENT B

CONDITIONS OF APPROVAL

CASE NO. CUP 02-01
1205 EMBARCADERO

PROJECT: TO COVER AN EXISTING OUTDOOR EATING AND BAR AREA

A. STANDARD CONDITIONS:

1. Permit: This permit is granted for the land described in the staff report, referenced above, and all attachments thereto, and as shown on the attached exhibits, and on file with the Public Service Department. The locations of all buildings and other features shall be located and designed substantially as shown on the aforementioned exhibit, unless otherwise specified herein.
2. Inaugurate Within Two Year: 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: Any minor change may be approved by the Public Services Director. Any substantial change will require the filing of an application for an 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.

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 if the

Applicant's project; or Applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

5. Compliance with Conditions: Compliance with, and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Building 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.
6. Acceptance of Conditions: Prior to obtaining a building permit and within thirty (30) days of the effective date of this permit, the Applicant shall file with the Director of Public Services written acceptance of the conditions stated herein.

B. PLANNING CONDITIONS

1. Coastal Development Permit from The California Coastal Commission: Prior to initiating the use the applicant shall submit to the Public Services Department, a written confirmation indicating the project has been reviewed and approved by the California Coastal Commission. Any modifications to the project
2. Signage: Signage is not a part of this approval. Prior to issuance of a building permit. A sign permit application identifying the location of required coastal access signs shall be submitted for Planning Division review and approval.
3. The required lateral coastal access must be provided as presented on plans described as "Exhibit C."
4. All required building permits are to be issued prior to beginning the use.
5. The thatched roofing must meet required fire retardant standards and be approved by the MBFD.

EXHIBIT D



AGENDA NO: A-4
MEETING DATE: 5/22/12

Staff Report

TO: Honorable Mayor and City Council DATE: April 30, 2012
FROM: Robert Schultz, City Attorney
SUBJECT: Request for Approval of Amendment #2 to the Lease Agreement for
Lease Site 122-123/122W-123W (Harbor Hut, 1205 Embarcadero)

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 21-12 for Lease Site 122-123/122W-123W approving Amendment # 2 to the lease to extend the term 10 years.

FISCAL IMPACT:

None.

BACKGROUND:

The City currently has a lease agreement for Lease Site 122-123/122W-123W with Troy and Heather Leage THMT, Inc. This Lease Site includes the Harbor Hut Restaurant building, the Lil Hut takeout building and berthing for a tour boat operation. The Tenant desires to construct approximate 680 sq. ft. second level over the existing office, freezer and kitchen preparation area on Lease Site 122-123/122W-123W, estimated to cost \$150,000. Staff has determined that the proposed expansion of 680 sq. ft. to add additional storage space and an employee break room is in compliance with MBMC 17.36.020 as said additional space shall not be used as additional restaurant or retail service.

DISCUSSION:

Staff recommends that the City Council adopt Resolution No. 21-12 to approve the attached Amendment #2 to the lease agreement to extend the term of the existing lease 10 years in exchange for the new tenants expending a minimum of \$150,000 to construct an approximate 680 sq. ft. second level over the existing office, freezer and kitchen preparation area on Lease Site 122-123/122W-123W no later than June 30, 2016.

CONCLUSION:

It is recommended that the City Council adopt the attached Resolution No. 21-12 to approve Amendment #2 providing for a 10-year extension of the lease agreement.

Prepared By: RUS Dept Review: _____
City Manager Review: RUS for AL
City Attorney Review: RUS

RESOLUTION NO. 21-12

**APPROVAL OF AMENDMENT #2 TO THE LEASE AGREEMENT
FOR LEASE SITE 122-123/122W-123W LOCATED AT
1205 EMBARCADERO, BETWEEN THE CITY OF MORRO BAY
AND TROY AND HEATHER LEAGE DBA THMT INC.**

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

WHEREAS, the City is the lessor of certain property on the Morro Bay waterfront described as Lease Site 122-123/122W-123W and Extension 122W-123W, located at 1205 Embarcadero; and,

WHEREAS, Troy and heather Leage, dba THMT Inc., is the lessee of said property; and

WHEREAS, the City and the proposed tenant, THMT, Inc. have agreed to an amendment to the lease agreement to add ten years on the existing lease agreement so that the new termination date shall be June 30, 2033 and requires that no later than June 30, 2016, Tenant shall complete refurbishment, remodeling and repairs on the buildings on the premises valued at a minimum of \$150,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the Mayor is hereby authorized to execute Amendment #2.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 22nd day of May, 2012 on the following vote:

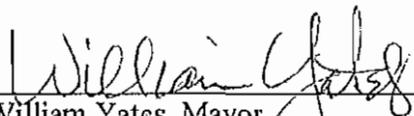
AYES: Borchard, Johnson, Smukler, Yates

NOES:

ABSENT:

ABSTAIN: Leage

ATTEST:



William Yates, Mayor



Jamie Boucher, City Clerk

**AMENDMENT #2 TO THE LEASE AGREEMENT FOR
LEASE SITE 122-123/122W-123W**

This Amendment is made and entered into as of this 22nd day of May, 2012 by and between the City of Morro Bay, a municipal corporation of the State of California, (hereinafter "City") and Troy and Heather Leage, dba THMT Inc. (hereinafter "Tenant") to amend that certain ground lease for Lease Site 122-123/122W-123W dated April 27, 1998 (hereinafter "Lease").

WHEREAS, Tenant intends to construct an approximate 680 sq. ft. second level over the existing office, freezer and kitchen preparation area on Lease Site 122-123/122W-123W, estimated to cost \$150,000; and,

WHEREAS, it is mutually beneficial for City and Tenant to acknowledge the improvement to the Lease Site; and,

WHEREAS, the proposed expansion of 680 sq. ft. to add additional storage space and employee break room is in compliance with MBMC 17.36.020 as said additional space shall not be used as additional restaurant service;

NOW THEREFORE, Tenant and City shall provide for the amendment of Lease as follows:

1. SECTION 1.01 TERM:

The Termination Date shall be amended to read "June 30, 2033".

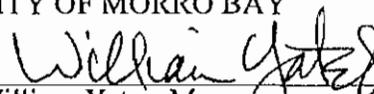
2. CONSTRUCTION OF IMPROVEMENTS

Tenant agrees to obtain the required permits and to complete construction/installation of the 680 sq. ft. second level located on Lease Site 122-123/122W-123W valued at a minimum of \$150,000 by June 30, 2016. Tenant shall submit copies of invoices paid by tenant to verify expenses. Failure to complete said construction and provide proof of expenses by June 30, 2016 will void this Amendment. Tenant agrees that the 680 sq. ft. addition shall be used for additional office space, storage and employee break room for the restaurant and for no other uses.

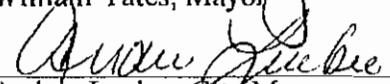
All other provisions of the lease shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto execute this Amendment.

CITY OF MORRO BAY

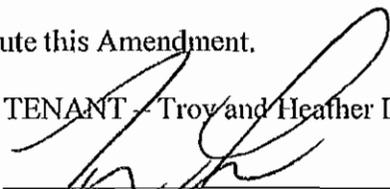


William Yates, Mayor

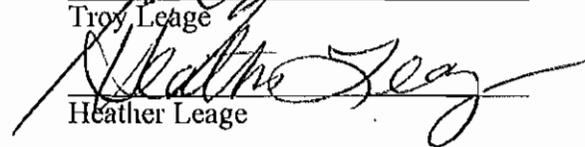


Andrea Lueker, City Manager

TENANT - Troy and Heather Leage

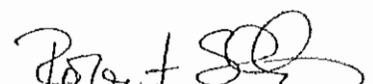


Troy Leage



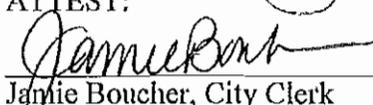
Heather Leage

APPROVED AS TO FORM:



Robert Schultz, City Attorney

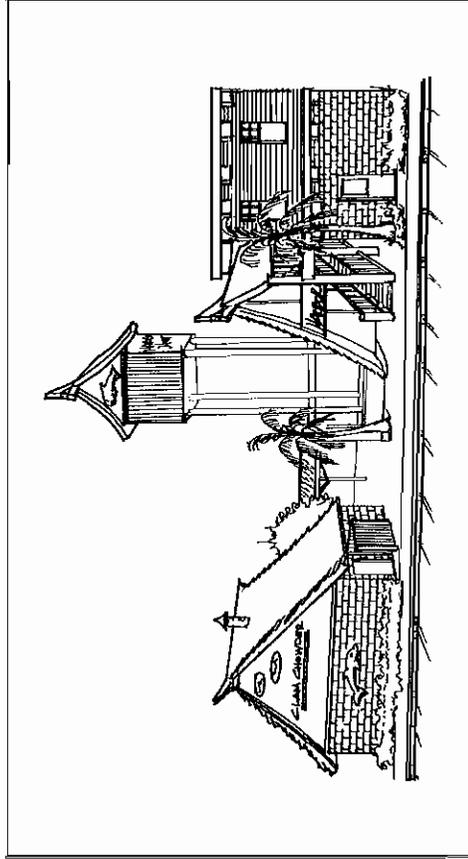
ATTEST:



Jamie Boucher, City Clerk

EXHIBIT E

RELOCATED PRIVATE OFFICE



HARBOR HUT RESTAURANT

1205 EMBARCADERO - MORRO BAY, CALIF.

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1205 EMBARCADERO, MORRO BAY, CALIF. 93920
TEL: 805.439.1234 FAX: 805.439.1235
WWW.CPPARKERARCHITECT.COM

C. P. PARKER
ARCHITECT

ENGINEER/ARCHITECT/PLANNER
400 JOURNAL SQUARE OFFICE
LEVEL 7.00 9748
STANFORD



CONSULTANTS

PROPOSED
RELOCATED
PRIVATE OFFICE

FOR

**HARBOR HUT
RESTAURANT**

1205 EMBARCADERO
MORRO BAY, CALIF.
93920

DRAWING TITLE

DESIGN

DEVELOPMENT

(NOT FOR CONSTRUCTION)

Project No. 10.07

Drawn By CJP

Draw Date 04/12/11

Updated

Sale AS NOTED

REVISIONS

SHEET TITLE

COVER PAGE

SHEET NO.

A1.1

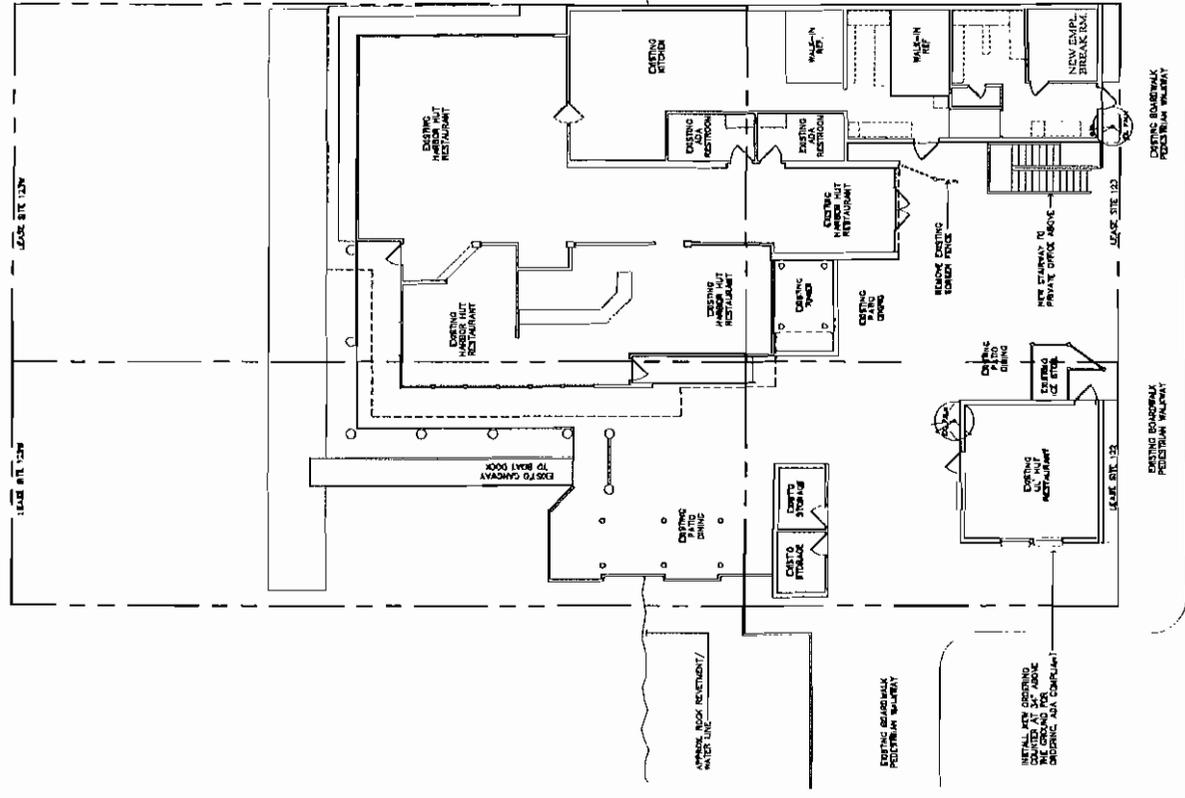
ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF C.P. PARKER ARCHITECT.

PROJECT AREAS:

- ALLOCATED PRIVATE OFFICE & STORAGE: 499 SQ. FT.
- EXISTING MAIN RESTAURANT: 3,823 SQ. FT.
- EXISTING LIL' NUT RESTAURANT: 400 SQ. FT.
- EXISTING OUTDOOR RESTAURANT: 2,000 SQ. FT.
- PARKING: 1 PER 100 SQ. FT.
- INTERIOR DINING: 1 PER 100 SQ. FT.
- EXTERIOR DINING: 1 PER 100 SQ. FT. APPROX. 150 SPACES
- EXISTING PRIVATE OFFICE (1 PER 300-400 SQ. FT.): 110 SQ. FT.
- NEW PRIV. OFFICE AREA: 110 SQ. FT.
- EXISTING DOCK (1 SPACE PER 30' OF DOCK): 23 SPACES
- DOCK FIELD (1 SPACE PER 60' OF DOCK): 168 SQ. FT.
- TOTAL PARKING SPACES PROVIDED: 98 SPACES
- TOTAL PARKING SPACES PROVIDED: (66) 47 SPACES

ADA ACCESSIBILITY

THE EXISTING STRUCTURE MEETS ACCESSIBILITY REQUIREMENTS. WITH EXCEPTION TO THE ORDERING COUNTER AT THE LIL' NUT RESTAURANT. THE NEW OFFICE LOCATIONS AT THE LIL' NUT RESTAURANT AND THE NEW OFFICE LOCATIONS AT THE LIL' NUT RESTAURANT AS PART OF THIS PROJECT, THE NEW OFFICE WILL BE PRIVATE, AND WILL NOT REQUIRE ELEVATOR ACCESS AND WILL NEED THE NEW RESTROOM WITHIN THE OFFICE TO BE ADAPTABLE TO AN ADA COMPLIANT DATE. THIS IS DONE BY PROVIDING THE PROPER TURNING RADIUS (5') SPACE AND BACKING WITHIN THE WALLS TO MOUNT GRAB BARS AND SINKS TO.



SITE PLAN

STAIRS



C. P. PARKER
ARCHITECT

CHRISTOPHER J. PARKER
200 W. BROADWAY, SUITE 2000
HOUSTON, TEXAS 77002
PHONE: 770.778.1900

CONSULTANTS

PROJECT

PROPOSED
RELOCATED
PRIVATE OFFICE

FOR

**HARBOR HUT
RESTAURANT**

1000 EMBARCADERO
HOUSTON, TEXAS

DRAWING PHASE

DESIGN
DEVELOPMENT

(NOT FOR CONSTRUCTION)

Project No.	101107
Drawn By	CHP
Check By	AW/SL
Scale	AS NOTED
Revisions	

SHEET TITLE

**SITE / FLOOR
PLANS**

STAIRS

Copyright © 2011
 C. P. PARKER ARCHITECT
 1000 BAYVIEW BLVD., SUITE 100
 OAKLAND, CA 94612
 TEL: 415.778.1900
 FAX: 415.778.1901
 WWW.CPPA.COM

C. P. PARKER
 ARCHITECT

CHRISTOPHER E. PARKER
 1000 BAYVIEW BLVD., SUITE 100
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 TEL: 415.778.1900
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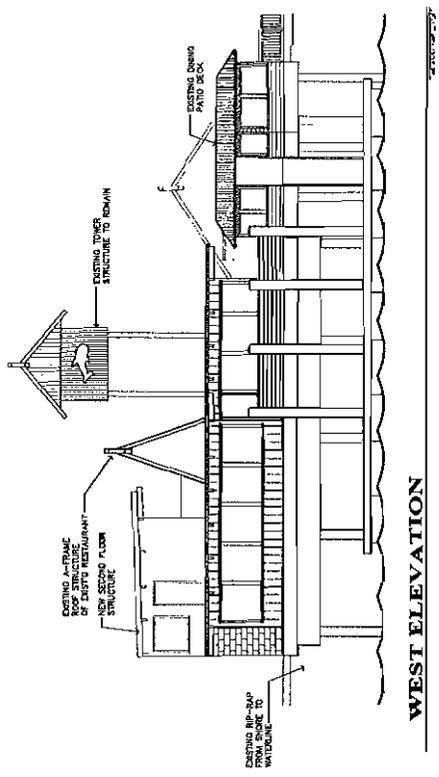


CONSULTANTS

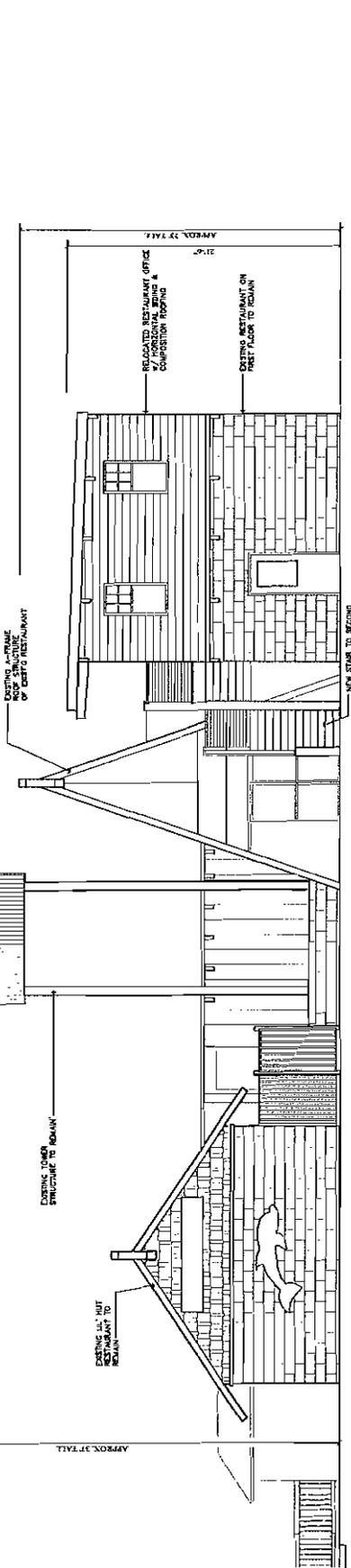
PROJECT
**PROPOSED
 RELOCATED
 PRIVATE OFFICE**
 FOR
**HARBOR HUT
 RESTAURANT**
 1000 BAYVIEW BLVD.
 OAKLAND, CALIF.
 94612

DRAWING PREPARE
**DESIGN
 DEVELOPMENT**
 (NOT FOR CONSTRUCTION)
 Project No. 03.17
 Drawn By: CPP
 Date: 04/12/12
 Updated:
 Scale: AS NOTED
 REVISIONS

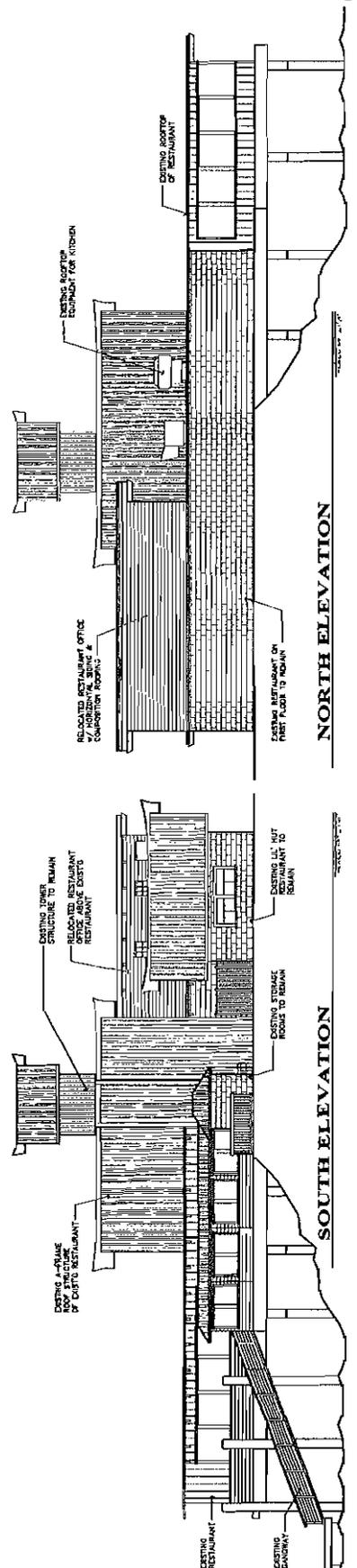
SHEET TITLE
**EXTERIOR
 ELEVATIONS**
 SHEET NO.
A3.1



WEST ELEVATION



EAST ELEVATION



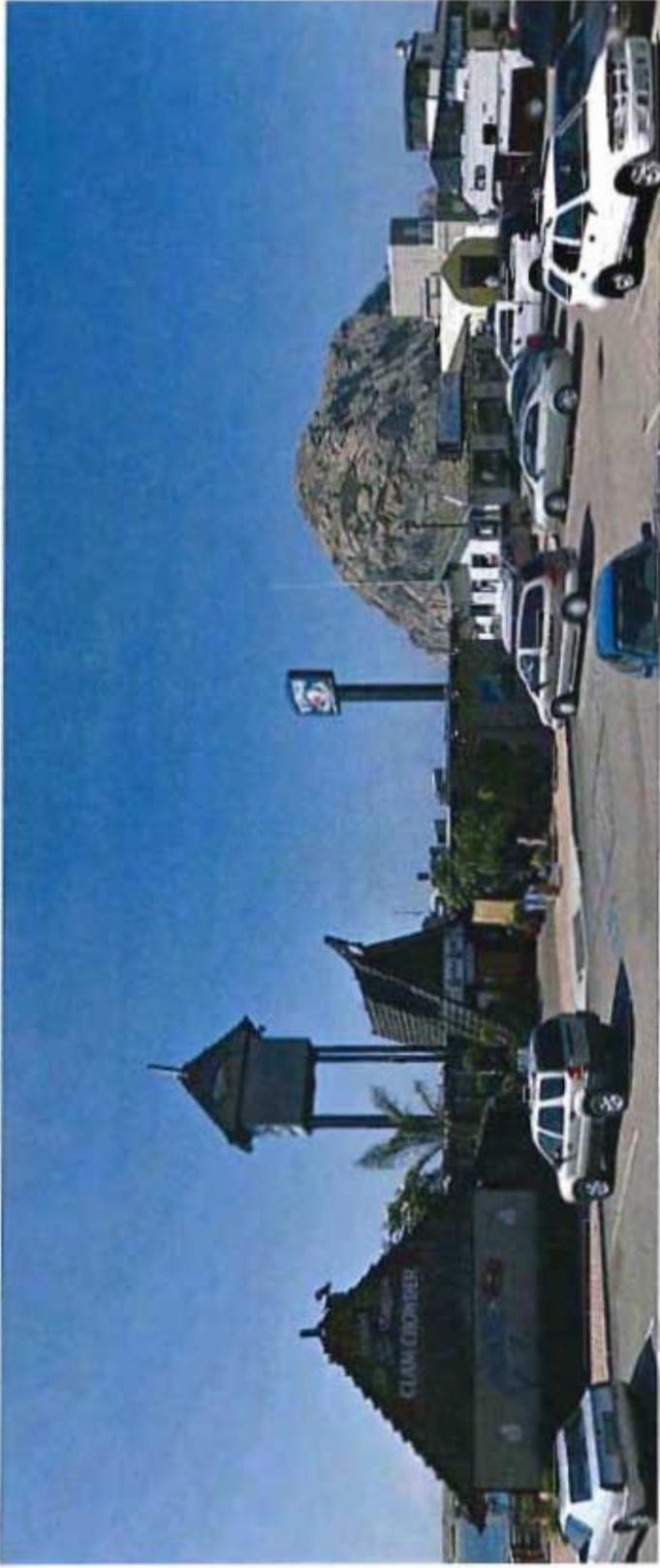
NORTH ELEVATION

SOUTH ELEVATION

HARBOR HUT RESTAURANT



PROPOSED SECOND FLOOR OFFICE ADDITION



EXISTING RESTAURANT PHOTO

C.P. PARKER
ARCHITECT



AGENDA NO: B-4
MEETING DATE: September 19, 2012

Staff Report

TO: Planning Commissioners **DATE:** September 12, 2012

FROM: Mary Reents, Contract Planner

SUBJECT: Conditional Use Permit #UP0-319, 1185 Embarcadero. Applicant is requesting a permanent use of an existing dock for Virg's Sport Fishing at GAFCO for both sport fishing (passenger for hire) as well as commercial fishing. GAFCO was issued a Temporary Use Permit (UPO-319); they wish to make this a permanent use.

RECOMMENDATION: Staff is requesting to continue this item to the October 17, 2012, Planning Commission meeting in order to provide more information regarding sport fishing uses.

Prepared By: 

Department Review: _____



City of Morro Bay
Public Services/Planning Division
Current Project Tracking Sheet

This tracking sheet shows the status of the work being processed by the Planning Division

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

Agenda No: C-1

Meeting Date: 9/19/12

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Hearing or Action Ready									
1	City of Morro Bay	Citywide	5/1/2010	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. 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. A report on the status of this project brought to PC on 2/7/2011. The item shall be brought back to City Council first meeting in November. Workshops scheduled September 29, 2011 and October 6, 2011.- Workshop results going to City Council December 13, 2011. Continued to 1/10/12 CC meeting. Staff Report to PC. Project went to 5/2/2012. Project on hold until staffing in the Planning division is whole.	Project went to P.C. on May 16, 2012. At this meeting staff was given several tasks to accomplish prior to the June 20, 2012 meeting including the following: bring back survey results differentiating between the surveys, a new matrix with all definitions including those new definitions provided by the Commission, bring back pictures of signs, clarification of the difference between internally and externally illuminated signs, limitations on materials, encourage increase in window signs, add a column for staff recommendations, define shopping center, enlarge the downtown area.	Not applicable	Not applicable	
2	Harbor Hut	1205 Embarcadero	5/2/12	Amending CUP 02-01	Remodel office and storage of Harbor Hut	MR-Requested revision on stairway to second story office. Plans resubmitted September 9, 2012 with corrections. Scheduled for PC Hearing September 19, 2012. Recommending approval.			
3	Pina Noran	2176 Main	10/3/08	CUP-35-99 & CDP-66-99R	Convert commercial space to residential use. Submitted 10/03/08. Resubmitted 2/5/09. Applicant is considering a redesign of the project. Planning Commission Denied Request 6/6/12. Applicant appealed PC decision June 14, 2012. Appeal to be heard at the August 14, 2012 CC meeting. Appeal denied and permits issued.	KW--Incomplete Letter 10/22/08. Project still missing vital information for processing 11/30/09. Called applicant 3/22/10 and requested information. Application terminated. Applicant resubmitted on May 3, 2012. Project taken to P.C. on June xx 2012 and P.C. denied the project. The applicant has appealed. Appeal scheduled for 8/14/2012. City Council denied the appeal and approved the project at their August 14, 2012 CC meeting. Permits have been issued.			

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
4	Perry	3202 Beachcomber	9/8/11	AD0-067	Variance. Demo/Reconstruct. New home with basement in S2.A overlay.	KW--Planning requested status of CDP for house and LLA for parcels. Item scheduled for July 18 2012. Applicant requested a continuance to August 15, 2012. MR-Project to be heard at August 15, 2012 PC meeting. Staff is recommending Denial of project. PC continued hearing to September 19, 2012 PC meeting	Fire comments 10/24/2011, Building 12/23/11	BR--Public Works requested flood study. Flood study received and comments sent to engineer 4/13/12; Flood study approved 6/18/12	No Comments to date
5	McDonalds	780 Quintana	10/31/11	CP0-364 & UP0-341	Remodel and Addition. Applicant resubmitted 4/18/2012. Applicant resubmitted July 6, 2012, and submitted revised plans and color boards on August 3, 2012. Permits issued.	Applicant resubmitted July 6, 2012. Staff report completed and project will be heard at the August 15, 2012 PC meeting. Staff recommends approval.--Incomplete letter 1/19/12. still incomplete. Applicant resubmitted 4/18/2012. Applicant did not address comments/corrections in resubmittal, incomplete letter 5/24/12. MR-Applicant submitted requested information on July6, 2012 and revised set of plans and color boards on August3, 2012. Project to be heard at August 15, 2012, PCV meeting. Staff is recommending approval of the project. PC approved project at 8/15/12 meeting. Awaiting 10 day appeal period. Permits issued. Submitted Building Permit application.	Fire comments- 11/8/11. Building comments 11/21/11	comments received 11/29/11	No Comments to date
30 -Day Review, Incomplete or Additional Submittal Review									
6	LaPlante	3093 Beachcomber	11/3/11	CP0-365	New SFR. Resubmittal and Phase 1 Arch report 2/6/12.	SD-- Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Environmental in process. Letter sent 4/11/2012 requesting environmental study. Applicant has requested a meeting on August 9, 2012 to review environmental study request. MR-Met with Applicant and discussed potential impacts of project and CEQA information requested to complete MND. Applicant will provide MND fees with submittal of Biological report. 8/9/12 MR met with applicant and owner to discuss environmental issues. Would require a	No Comments to date	comments submitted 11/18/2012	No Comments to date
7	Adamson	1000 Ridgeway	8/30/12	AD0-075	Parking Exception. Demolition and construct new single family residence	In staff review.	No Comments to date	No comments to date	No Comments to date

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
8	Dyney	1290 Embarcadero	12/21/11		Permit Well	KW-Project had previous problems with Coastal Commission and withdrew application. Applicant conducted studies required by CCC and is returning with a new submittal. Planning staff waiting for studies. Met with applicant on May 2, 2012.			
9		670 Sequoia	4/3/12	UP0-349 & S00-112	Tract Map and Use Permit for 5 Lot Subdivision. A revised subdivision map was submitted for review on August 6, 2012.	Incomplete letter sent to applicant/agent. Project submitted without necessary materials for processing. Applicant submitted a revised plan reducing the number of lots, and is providing additional information as requested addressing City requested information. Additional information submitted; waiting for biological report. Report should be submitted in September 2012.			
10	Sequoia Court Estates	1185 Embarcadero		UP0-058	Amendment to Existing CUP (UP0-058 to allow permanent sport fishing operations; currently, it is a temporary use.	MR-Noticed for 9/17/12 PC meeting; staff is requesting a continuance pending attorney's evaluation-request to continue this item to the October 17, 2012 PC meeting.			
Projects in Process									
11	Held	901-915 Embarcadero	7/21/11	UP0-342	Application for improvements to existing building. Proposes new unit, bathroom and water improvements. Project routed for initial review.	SD--Met with applicant on September 2011 and again in November 2011. Letter sent to applicant with corrections. 4/3/12 letter sent to applicant indicating that the project is still incomplete. Applicant resubmitted on 5/15/12. Asked applicant to submit request to have SWCA produce environmental document in writing. MR-City contracted with SWCA to prepare MND; the MND should be completed by first of October. MR- MND complete; should be ready for public review by 9/24/12	Building comments 3/7/12-disapproved. Fire comments 3/12/12 conditional approval	Comments submitted 3/8/12	No Comments to date
12	Randell	300 Piney	7/20/2011-- New submittal date 4/25/2012	S00-111	Tentative Parcel Map. 4 lot subdivision. PC approved parcel map on August 15, 2012. Coastal Development Permit to PC on September 19, 2012.	SD--SRB. Incomplete letter 10/4/11. Applicant resubmitted on April 25, 2012, new plans route to staff for review. Letter to applicant 5/21/12. SRB meeting June 21, 2012. Revised plans submitted on August 1, 2012. The project will be heard on August 15, 2012. Staff is recommending approval of project. PC approved and awaiting 10 day appeal period. MR-Staff is returning project to PC to review the application for the Coastal Development Permit. PC hearing scheduled for 9/17/12.			No Comments to date

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
13	Morro Mist	2400 Main Street	1/0/2012		Applicant requested compliance check to conditions of approval. Minor Amendment Required.	<i>KW--Project modified beyond conditions of approval. MR-Staff is reviewing project for conformance with original conditions of approval.</i>	Deemed in substantial conformance to original approvals. Fire indicated insufficient number of hydrants	indicated submittal was OK	No Comments to date
14	Lemos	1320 Main Street	6/1/12	CUP0-373/CP0-350	New Commercial Building	<i>MR- Met with applicant - revising plans to leave storage building as in in order to reduce potential environmental impacts. Applicant submitted letter in August 2012 to City Council requesting purchase or easement of city property for access to existing facility.</i>			
15		3202 Main Street	8/22/12		Applicant requesting a day care center; requires a conditional use permit	<i>EBJ-Sent plan corrections and request to apply for a CUP. MR-request changed to an Administrative CUP. Met with applicant to review plan corrections.</i>			
Environmental Review									
16	Larry Newland	Embarcadero	11/21/05	UP0-092 & CP0-139	Embarcadero-Maritime Museum (Larry Newland). Submitted 11/21/05. Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Resubmitted 5/25/07. Applicant resubmitted additional material on 9/30/2009. Applicant working with City Staff regarding an lease for the subject site. Applicants enter into an agreement with City Council on project. Applicant to provide revised site plan. Staff is processing a "Summary Vacation (abandonment)" for a portion of Surf Street. Staff waiting on applicant's resubmittal. Meeting held with applicant on 2/23/2011. Staff met with applicant on January 27, 2011 and reviewed new drawings, left meeting with the applicant indicating they would be resubmitting new plans based on our discussions.	<i>KW--Incomplete 12/15/05. Incomplete 3/7/07. 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. Met with applicants on 2/19/2010. Environmental documents being prepared. Meeting held with city staff and applicants on 2/3/2011.</i>	Not applicable	An abandonment of Front street necessary. To be scheduled for CC mtg.	Not applicable
17	City of Morro Bay	Nutmeg	1/18/12	UP0-344	Environmental. Permit number for tracking purposes only County issuing permit. Demo existing and replace with two larger reservoirs. City handling environmental review	<i>KW--Environmental contracted out to SWCA estimated to be complete on 4/27/2012. SWCA submitted draft I.S. to City on May 1, 2012. MR-Reviewed MND and met with SWCA to make corrections. In contact with County Environmental Division for their review. MND should be ready for public review by 9/24/12.</i>	Not applicable	Not applicable	Not applicable

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
18	City of Morro Bay	Morro Bay State Park	3/8/12		Environmental Review of the Morro Bay State Park Waterline Interconnect Project	MR-Reviewed request and determined the project needed MND; major issues are archaeological and presence of habitat for Morro Shoulderband Dune Snail.	Not applicable	Not applicable	Not applicable
19	Chevron	3072 Main (West of Del Mar Park)	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 Information submitted 2/9/11. Submitted requested documents 2/9/11. Applicant returned comments 12/7/11. Staff will address comments. Document to applicant for review 1/19/12. Agent said Chevron is working on how to address alternative fuel mitigation measures, 2/22/12. They will follow up with the City.	SD--Requested additional documentation 4/29/10. Contacted consulting firm to process environmental document. Consulting firm responded in the process of putting together proposal 6/20/11. Accepted proposal 6/29/11. Staff mail request letter for fees 7/19/11. Received Environmental Document and is under review 9/16/11. Sent document back for comments and corrections 10/14/11. Consulting firm making final changes and corrections 10/24/11. APCD submitted comments 11/1/2011. Sent to applicant for review 11/7/11. Comments sent to consultant 1/10/12. Document returned to staff 1/12/12. Applicant challenging the environmental mitigations. MR - Reviewed concerns with mitigations; clarified issues in early August 2012 and sent email to	Not applicable	Not applicable	Not applicable
Project requiring coordination with another jurisdiction									
20	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 noticing. 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. Adm. draft of fine screen analysis completed. Staff and consultants currently working with CCC staff for De Novo hearing tentatively scheduled for an October 2012 CCC meeting.	Planning portion of project complete	Not applicable	BCR-Flood analysis shows no impact of sea level rise and storm surge on 100-year flood levels. Results reported to Coastal Commission	No Comments to date

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Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive									
21	Nicki Fazio	360 Cerrito	08/15/07	CP0-246	Appeal of Demo/Rebuild SFR and 2 trees removal. Planning Commission continued to a date uncertain. Project folder given to Rob S.				
22	Hough	281 Main Street	07/03/12	UPO-372	Construction of 2,800 SF Residence	MR- Coastal Commission requested information regarding appeal by Dorothy Cutter and Betty Winholtz (CCC Appeal # A-3-MRB-12-026			
23	Redican	801/833 Embarcadero	08/20/12	UPO-212	Request to Rebuild Docks-Pre-Application meeting. No formal submittal at this time.	MR: RL and MR met with applicant regarding redesign of dock area. Staff to conduct a parking evaluation for consideration to determine future action.			
24	Burt Caldwell, (Embarcadero 801 LLC)	801 Embarcadero	5/15/08	UPO-212	Conference Center.	KW--Submitted 5/15/08. 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. Applicant has requested a second one year extension which is scheduled for action at the 12/7/2011 P.C. meeting. Planning Commission approved time extension, will expire on December 11, 2012.			
25	Ron McIntosh	190 Olive	8/26/08	UPO-232 & CP0-288	New SFR. Submitted 8/26/08. Resubmitted 12/10/08. Applicant resubmitted on 2/06/09. Environmental under review. Applicant and City agree to continuance. Applicant put project on hold.	KW--Inc. Letter 9/24/08. 1/9/09 request for more information.			
26	James Maul	530, 532, Morro Ave 534	3/12/10	SP0-323 & UPO-282	Parcel Map. CDP & CUP for 3 townhomes. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter.	KW-Incomplete letter sent 4/20/10. Met with applicant 5/25/10. Letter sent to applicant/agent indicating the City's intent to terminate the application based on inactivity. City advised there will be a new applicant and to keep the application viable.			

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27	Frantz	499 Nevis	9/27/2010, resubmittal date of 1/3/12	CP0-337	New SFR. Applicant has indicated that he is redesigning project-project, placed on hold. Applicant resubmitted building permit plans but has not completed the submittal for the Coastal Development Permit 11/14/11. Payment received 1/3/12. Plans received 1/3/12.	SD--Incomplete Letter 10/7/10. Meeting with applicant's representative on 11/16/2010. Incomplete letter, applicant needs to submit for CDP and pay associated fees 12/13/11. Comment letter sent 2/6/2012. Applicant indicated to staff no longer using Agent Novak. MR- Applicant re-submitted plans on 8/3/12. In review.	BC- spoke with TF 6/7/2012, sent copy of planning corrections and ANG handout. TF to check in with SD before resubmitting.	Comments submitted 1/18/2011	
28	Hoover/Hough	301 Main	7/6/11	S00-108	Lot Line Adjustment. Received letter from agent requesting to place project on hold.	KW--Letter sent indicating project can not be supported as submittal advised to redesign 9/21/11. MR-Encroachment issue resolved; resubmitted plans on			
29	Valley	460 Olive	10/24/11	CP0-363	Demo/Rebuild. Resubmittal 11/11/11. Applicant resubmitted plans and archeological report on 8/28/12.	SD-- Incomplete letter 1/18/11. Need Phase 1 Arch Report. MR-Applicant submitted Arch Report. Under review.	No Comments to date	comments submitted 11/22/11	No Comments to date
30	Loomis	660 Bay	10/27/11	UP0-340 & AD0-069	Remodel and Addition with a Parking Exception. Permits issued in August, 2012.	SD--Incomplete letter 11/23/11. 3/28/2012 still incomplete for processing. MR-This project was resubmitted and went to PC on August 15, 2012. PC Approved with conditions. Appeal period ended and permits issued.	Fire-11/23/11 conditional approval	conditional approval 11/29/11	
Projects in Building Plan Check									
31	LaPlante	3093 Beachcomber	11/3/11	B-29586	New SFR.	SD--Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012. MR: Met with applicant to go over environmental issues.	BC- Application on hold during planning process		
32	Williams	2920 Cedar	10/27/11	B-29587	SFR Addition		BC- Resubmitted 8/23/2012		
33	Whidbey	451 Embarcadero	6/1/20112	B-29715	Fire Sprinklers				
34	Imani	571 Embarcadero	4/23/12	B-29695	Commercial alteration, addition	SD - Incomplete memo 6/5/12.	BC- returned for corrections 8/30/2012		
35	Hall	2234 Emerald Circle	12/2/10	B-29359	New SFR	SD--Incomplete Memo 12/21/10.	BC- application extended, awaiting resubmittal.		
36	Degarimore	1001 Front	6/14/12	B-29723	Water site improvements		BC-RTI pending CCC conforming plans approval.		
37	Methodist Church	3000 Hemlock	8/16/12	B-29752	Construct new modular classroom, sitework.				
38	Sturgill	1885 Ironwood	12/29/11	B-29677	14 new townhouses				
39	Pigott	3033 Ironwood	8/8/12	B-29749	SFR Deck/ Windscreen		BC- returned for corrections 8/27/2012		
40	Ronquillo	421 Jamaica	7/24/12	B-29739	SFR Addition		BC- returned for corrections 7/31/2012		
41	Erwin	375 Las Vegas	7/23/12	B-29738	SFR Addition		BC- returned for corrections 8/22/2012		

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42	Hoover	301 Main	9/13/11	B-29563	Single Family Addition to a non-conforming property. Lot Line adjustment in process, not shown on plans. Resubmittal 11/9/11. Multiple additions to a non-conforming property. CUP required.	SD--Incomplete memo 10/18/11. Met with the applicant and agent to discuss project 2/17/12. Needs to be redesigned.	BC- Resubmitted 8/29/2012		
43	Holcomb	3230 Main	8/6/12	B-29747	Commercial Change of Occupancy and Sitework for Montessori daycare.		BC- met with applicant, EB, MR to go over planning process 8/28/2012		
44	Harper	999 Main	5/16/12	B-29711	Commercial addition	KW - Incomplete Memo 5/29/12.	BC- returned for corrections 8-20-2012		
45	Storm	1029 Monterey	5/3/12	B-29702	Partial Demo/ Reconstruct of MFR dwelling	KW-under review	BC- returned for corrections 7/3/2012		
46	Markowity	589 Morro Avenue	8/17/11	B-29549	Roof Deck	SD--Resubmittal 9/20/11. A major modification shall be pursued. Plans returned to Brian, because the plans were incomplete. Incomplete memo 10/3/11.	BC- application on hold during planning process.		
47	Fennacy	500 Morro Bay	3/15/12	B-29667	Construct kitchen, walk-up serving window and site improvements	SD-under review. Project needs planning permit. Been in contact with applicant. Incomplete letter requesting use permit modification 5/24/12.	BC- Resubmitted 8/28/2012		
48	City of Morro Bay	850 Morro Bay	8/20/12	B-29753	Remove and Replace communications tower		BC- conditionally approved, pending final construction plans.	BCR-Maintenance & Repair	
49	Frantz	499 Nevis	9/23/12	B-29510	New SFR		BC- application on hold during planning process.		
50	McGonagill	690 Olive	6/7/12	B-29248	SFR Addition		BC- spoke with applicant 8-30-2012, regarding outstanding items and intentions to proceed.		
51	Watson	467 Yerba Buena	6/25/12	B-29726	SFR second floor addition		BC- returned for corrections 7-3-2012		
Final Map Under Review									
52	Zinngarde	1305 Teresa	5/9/11	Map	Final Map. Public Works review of the final map, CCR's and conditions of approval. Plans 8/5/11. Applicant resubmitted CCRS. Incomplete submittal as of 1/23/12. Resubmitted 4/4/2012	KW--Comments given to applicant, held meeting on 9/27/2011 regarding comments. Biological being review by applicant to address drainage issues. Biological Report approved by Planning as well as the CCRs.			

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53	Medina	3390	Main	10/7/11	Map	Final Map. Issues with ESH restoration. Applicant placed processing of final map on hold by proposing an amendment to the approved tentative map and coastal development permit. Applicant proposed administrative amendment. Elevated to PC, approved 1/4/12. Appealed, scheduled for 2/14/12 CC Meeting. Appeal upheld by City Council, and project with denied 2/14/12. map check returning for corrections on 3/9/12	SD--Meeting with applicant regarding ESH Area and Biological Study. MR- Received letters from biologist regarding revegetation on 9/2/12. Staff is reviewing information.			
54	Struggill	1185	Ironwood		Map	Final Map: Submitted on 6/26/12 complete application.	MR - review map and gave corrections on CC&Rs		DH - reviewed map gave corrections on 8/15	
Projects & Permits with Final Action										
55	Hoover	301	Main	5/1/12	AD0-073	Single Family Addition to a non-conforming property. Lot Line adjustment in process, not shown on plans. Resubmittal 11/9/11. Multiple additions to a non-conforming property, CUP required.	SD--Incomplete memo 10/18/11. Met with the applicant and agent to discuss project 2/17/12. Needs to be redesigned.			
56	Wallick	235	Atascadero	5/14/12	UP0-218	<i>Modification to existing permit to reduce number of park models from 5 to 2. Ready for Administrative Notice.</i>	<i>KW- Applicant adding a 10 x 16 storage shed. May 7, 2012 applicant withdrew modification. Project noticed for adm. Processing.</i>			
57	Hough	281	Main	3/19/12	Appeal UP0- 348/CP0- 372	New Single family residence. With removal of two existing eucalyptus trees.	SD-Met with applicant on 4/18th. The project is hearing ready. Appeal scheduled for July 10, 2012 CC.	Building Comments-- 3/28/2012. Fire comments-4/23/2012	PW-Comments- 4/2/2012	Not applicable



City of Morro Bay

Public Services/Planning Division

Advanced Planning Work Program

Work Item	Requested by	Date Requested	Comments	Estimated Staff Hours	Planning Commission	City Council	Coastal Commission
Updating the Strategic plan matrix for managing the greening process	City Council	2009	Original green matrix went to P.C. on 7/6/09 and then to C.C. on 12/14/09. Now subject to annual updates	20 to 40	Annual Updates	Annual Updates	
Draft Urban Forest Management Plan	City Council	2007		200 to 300	TBD	TBD	
CEQA Implementation Guidelines	City Council	2006		120 to 160	TBD	TBD	NA
Downtown Visioning	City Council	2010		120 to 160	TBD	TBD	
PD Overlay	City Council	2006		80	TBD	TBD	
Annexation Proceeding for Public Facilities (Chorro Valley well sites)	City Council	2007		TBD		TBD	
North Main Street Parking Plan	City Council	2011	Text amendment to be review by Planning Commission and PC to make recommendation to City Council 4/18/12 PC mtg.	100	4/18/2012	TBD	TBD
Sign Ordinance Update	City Council	2010	Workshops Scheduled for September 29 and October 6, 2011. Update on the sign workshops and sign survey results brought to Council on January 24, 2012	150 to 250 + consultant hrs	2/16/11	11/1/11	
Pedestrian Plan	Planning Commission	2008	City of Morro Bay Bicycle and Pedestrian Master Plan. City hired consultant to draft the plan. Administrative Draft Plan was reviewed during a Public Workshop on August 30, 2011. The 2nd draft plan is currently on the October 21, 2011 PWAB agenda. Project is now being revised. Revised document submitted 1/10/2012 to Planning Department for review. Scheduled for February 15, 2012 P.C. meeting.	550 Hours	TBD		
Subdivision Ordinance Clean up	Planning Commission	2011	Commissioner Irons is lead. Two meeting held on identifying issues. Irons/Nagy/Wold. Commissioner Napier replaced Irons.	100-150	TBD	TBD	TBD
Updated Zoning Ordinance	CC based on CCC letter	2010		1,800	TBD	TBD	TBD
Updated General Plan/LCP	CC based on CCC letter	2010	Subcommittee formed. Meetings held are: 11/9/11 to develop plan of action ecreation Element, 12/7/11 to review Access & Recreation Element. Changes were made but not yet finalized. 1/9/12 to review Harbor Resources Element Next meeting scheduled for 1/30/12 to discuss Visual Resources	1,800	TBD	TBD	TBD