



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, January 16, 2013
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 December 5, 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.:** #A00-016 and #AD0-076

Site Location: 2760 Alder

Proposal: Major modification to an existing Coastal Development Permit #CDP-061 and Conditional Use Permit #UP0-039 for a single family residential unit. The modification is for a roof deck and to allow an addition of an elevator which would exceed the height limit of 25 feet. Parking Exception #A00-016 is also being requested to allow a garage with less than 20' interior width.

CEQA Determination: Previous environmental approved for community housing project

Staff Recommendation: Conditionally approve Major Modification #A00-016 and Parking Exception #AD0-076.

Staff Contact: Cindy Jacinth, Assistant Planner, (805) 772-6577

- B-2 **Case No.:** #UP0-344

Site Location: End of Nutmeg Street (on County-owned land)

Proposal: Approval of the Mitigated Negative Declaration and Environmental Mitigation Monitoring Program for the Nutmeg Water Tank Removal and Replacement Project.

CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Adopt Mitigated Negative Declaration.

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

- B-3 **Case No.:** #E00-103

Site Location: 3450 Toro Lane

Proposal: Abandonment of an approximately 15,200 square foot portion of fee owned Toro Lane right of way, North of Yerba Buena and Westerly of the existing West curb line of Toro Lane. The abandonment will be processed using the procedures identified in the California Streets and Highways Code Section 8300 et seq. These procedures require that the abandonment (vacation) be in conformance with the City's General Plan.

CEQA Determination: Exempt

Staff Recommendation: Adopt resolution recommending City Council conditionally approve abandonment.

Staff Contact: Rob Livick, Public Services Director, (805) 772-6569

C. UNFINISHED BUSINESS

- C-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.
Upcoming Projects: SoCal Gas Advance Meter Project

D. NEW BUSINESS

- D-1 2013 Planner’s Institute
Staff Recommendation: Discuss attending 2013 Planner’s Institute.

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, February 6, 2013, 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: January 16, 2012

ACTION: _____

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – DECEMBER 5, 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:	Rob Livick	Public Services Director
	Mary Reents	Contract Planner

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 November 7, 2012
Staff Recommendation: Approve minutes as submitted.

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

B. PUBLIC HEARINGS

B-1 **Case No.:** Major Modification #A00-016 to Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061, Parking Exception #A00-077

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – DECEMBER 5, 2012

Site Location: 2760 Alder

Proposal: Major modification to an existing CDP and CUP for a single family residential unit. The modification is for a roof deck. A parking exception is also being requested to allow a garage with less than 20' interior width.

CEQA Determination: Previous environmental approved for community housing project.

Staff Recommendation: Conditionally approve

Staff Contact: Cindy Jacinth, Assistant Planner, (805) 772-6577

Livick explained Item B-1 would be continued to the January 16, 2013 meeting because the architect changed the project and added an elevator, putting the project over the base height limit for the zoning district. Livick stated staff will re-notice the project with the correct project description.

Chairperson Grantham opened public comment period and hearing none closed public comment period. Grantham stated the project will be continued to the next meeting.

MOTION: Chairperson Grantham moved to continue Item B-1 to the January 16, 2013 Planning Commission meeting. Chairperson Nagy seconded the motion and the motion passed unanimously. (5-0).

B-2 **Case No.:** Coastal Development Permit #CP0-301

Site Location: 3072 North Main Street

Proposal: The applicant is requesting a Coastal Development Permit to remove the remaining underground pipelines, removal of a circular concrete tank pad, demolish an underground concrete clarifier, removal of miscellaneous wood debris and concrete rubble at the former Texaco Morro Bay Sales Terminal, located at 3072 North Main Street.

CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Conditionally approve

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

Chairperson Grantham stated Commissioner Napier may be involved with this project in the future, and was thus not able to vote on the item. She excused herself from the discussion and vote, then left the room.

Reents presented the staff report.

Commissioner Nagy asked for clarification regarding how the project will affect the creek. Reents stated the Mitigated Negative Declaration covered all of the pipelines involved in the removal and remediation on the site. She explained there is one small water pipeline running into the creek, but because it does not adversely affect the creek, it will be removed at a later phase.

Chairperson Grantham closed public comment period.

Eric Snelling, Applicant's representative, stated he is available to answer questions.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – DECEMBER 5, 2012

Chairperson Grantham opened public comment period.

Commissioner Solu expressed his appreciation for Chevron’s efforts in remediating the site.

Chairperson Grantham asked for clarification about whether there is anything else in the ground that would affect future development. Snelling stated there have been other remediation efforts in the past. He explained Chevron is considering options for potential reuse on the site which will guide the level of additional cleanup. Snelling stated there are three groundwater monitoring wells on site which may be removed pending approval by the Regional Water Quality Control Board.

Chairperson Grantham asked if Chevron has identified the leaking pipes, and if Chevron has estimated how much soil will need to be removed and remediated. Snelling stated Chevron has completed some geophysical work at the site and will take additional soil samples as necessary to determine whether additional cleanup is needed.

Commissioner Nagy expressed support for the project.

MOTION: Commissioner Fennacy moved to adopt the Mitigated Negative Declaration, adopt the findings included as Exhibit “A,” and approve the Coastal Development Permit #CP0-301, subject to the Conditions included as Exhibit “B.”

The motion was seconded by Chairperson Grantham and the motion passed unanimously. (4-0).

Chairperson Grantham invited Commissioner Napier back into the room.

UNFINISHED BUSINESS

C-1 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

Upcoming Projects:

1. Nutmeg Water Tank Mitigated Negative Declaration
2. Southern California Gas Company – Coastal Permits for Advance Metering Project

Livick stated the Alder Street project will also be presented at the next meeting.

Livick stated the current schedule of one Planning Commission meeting per month will remain until demand increases. Staff will keep Commissioners informed of when the schedule returns to two meetings per month.

NEW BUSINESS – None

DECLARATION OF FUTURE AGENDA ITEMS – None

ADJOURNMENT

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – DECEMBER 5, 2012

The meeting adjourned to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, January 16, 2013 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA NO: B-1

MEETING DATE: January 16, 2012

Staff Report

TO: Planning Commissioners

DATE: January 8, 2013

FROM: Cindy Jacinth, Assistant Planner

SUBJECT: Major modification (#A00-016) to existing Conditional Use Permit (#UP0-039) and Coastal Development Permit (#CDP-061) for a Single Family Residential Unit, a Modification to allow a roof deck and an elevator structure to exceed the height limit and a Parking Exception (#AD0-076) to allow a garage with less than 20 foot width.

RECOMMENDATION:

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

- A. Adopt the Findings included as Exhibit "A";
- B. Approve the Major modification (#A00-016) to existing Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061 and Parking Exception #AD0-076 subject to the Conditions included as Exhibit "B" and the site development plans dated November 29, 2012.

APPLICANT/AGENT: Gilbert

LEGAL DESCRIPTION/APN: 068-222-026

PROJECT DESCRIPTION: The applicant is requesting a major modification to an existing permit for the addition of a roof deck and an elevator structure to exceed the height limit to a single family residence. The property is currently vacant however there is an existing Coastal Development Permit #CDP-061 and Conditional Use Permit #UP0-039 approved in 2005 for a 5 unit community housing project and plans for the residences were a part of the approval. In addition, the applicant is also requesting a parking exception to allow a garage with a reduced width of 19 feet 5 inches. The house is proposed to be 1,580 square feet.

Prepared By: ___CJ___

Department Review: _____

PROJECT SETTING:

<u>Adjacent Zoning/Land Use</u>			
North:	Multiple Residential-Hotel-Professional/ North Main Street Specific Plan. (R-4/SP)	South:	Multiple Residential-Hotel-Professional/ North Main Street Specific Plan. (R-4/SP)
East:	Single Family Residential (R-1/S.2)	West:	Mixed Commercial Residential/Multiple Residential-Hotel-Professional/ North Main Street Specific Plan. (MCR/R-4/SP)

<u>Site Characteristics</u>	
Site Area	1,477.5 square feet
Existing Use	Vacant Parcel
Terrain	Previously graded, flat
Vegetation/Wildlife	No vegetation
Archaeological Resources	Site is not located within 300 feet of an archeological resource
Access	Alder Street (through lot to Birch)

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Medium Density Residential
Base Zone District	Multiple Residential Hotel Commercial (R-4)
Zoning Overlay District	N/A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	North Main Street Specific Plan
Coastal Zone	Located in the Coastal Zone, however not in the Appeals Jurisdiction nor Original Jurisdiction

PROJECT ANALYSIS:

Background

The residence proposed at 2760 Alder Street was approved as a component of a five-unit Community Housing Project that received final approval from the City Council on January 10, 2005 and was previously reviewed and approved by the Planning Commission.

The Community Housing Project divided an 11,991 square foot site into five lots, each of which is approximately 2,400 square feet. Each lot was approved to be developed with a two-story residence less than 25-feet above average natural grade of the building footprint. The plans for the approved residential units indicate that each unit would include approximately 1,800 square

feet of habitable area (900 square foot footprint) with an attached two car-garage. The project approved by both the Planning Commission and City Council was deemed to be in compliance with all development standards and did not request any exceptions. City Council findings for approval included those required for a Tract Map, Conditional Use Permit, and Coastal Development permit. Each of the newly created lots must subsequently obtain ministerial building permit approval prior to construction.

The house located at 2764 Alder Street, also a part of the 5-unit community housing project, applied for building permit approval for construction of a residential unit on April 17, 2007. Planning staff noted that the submitted plans included a roof deck that was not a component of the Community Housing Project previously approved by the Planning Commission and City Council. The proposed roof deck increased the height of the structure by approximately three feet and the requested roof deck was deemed a major modification to the approved plans. The Planning Commission granted approval for the major modification on June 4, 2007.

Another house located at 2768 Alder Street, also a part of the 5-unit community housing project, was granted approval for a major modification to allow a roof deck by the Planning Commission at its June 20, 2012 meeting. In addition, a Parking Exception was approved administratively for 2768 Alder on July 10, 2012 because the original City approvals for the 5 unit community housing project were for lots with 30 feet in width. With required side yard setbacks of 5 feet, and the 3-4” inches of wall width, the construction of a conforming garage with a 20 foot interior width is not possible. The house proposed for 2760 Alder is requesting a parking exception based on the same findings. The garage is proposed to be constructed with an interior width dimension of 19 feet 5 inches.

Environmental Determination

Environmental review was completed for the proposed project and noticed for public review October 19, 2004 to November 8, 2004. The determination of environmental document was that the community housing project was not going to have significant environmental impact and was reviewed and adopted at the December 15, 2004 Planning Commission public hearing.

Zoning Ordinance Standards

	Standards	Proposed
Front Yard Setback	15 feet	20 feet
Interior Side Yard Setback	5 feet	5 feet
Rear Yard Setback	10% of the average depth of lot with 10ft maximum and 6 ft minimum.	15 feet
Lot Coverage	60%	38%

Height	North Main Street Specific Plan provides for two stories not to exceed twenty-five feet; except that the Planning Commission may allow up to thirty feet to encourage roofline variations and sloping roof treatments provided the additional height is necessary for such roof treatment and corridors protecting significant view are provided	25 feet 8 ¾ inches
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North Main Street Specific Plan Overlay

The North Main Street Specific Plan overlay requires that development meet the zoning regulations and also adhere to the special requirements of the specific plan.

The Planning Commission must find the project meets all standards before approving a use permit for any use in the North Main Street Specific plan. The project must adhere to the following:

1. Mature trees preservation. *The site is vacant and does not have any mature trees, therefore this development standard does not apply.*
2. Roofline Variation, maximum height shall be generally two stories and not to exceed twenty-five feet; except that the planning commission may allow up to thirty feet to encourage roofline variations and sloping roof treatments provided that the additional height is necessary for such roof treatment and that corridors protecting significant views are provided. *. The original house was proposed at two stories with a pitched roof under the 25 foot height limit. The applicant is proposing the addition of an elevator structure which will cause the height to exceed the 25 feet height limit. The design of the roof deck and elevator structure is proposed to demonstrate roofline variation and the applicant is requesting Planning Commission approval to add the roof deck and allow the elevator structure to exceed the height limit by 8 ¾ inches. The roof deck by itself does not exceed 25 feet, but the addition of the elevator structure does exceed the height limit by 8 ¾ inches. The portion of the elevator shaft that exceeds the height by 8 ¾ inches is approximately 5 feet by 6 feet. This 30 square feet of roof area is minimal to the overall roof area of 900 square feet and will not substantially impair the view corridors to the east.*

Off-Site Improvements: In approving any conditional use permit the following will be required

as conditions or approval.

1. Curb, Gutter, Sidewalk and Street Trees
2. Intersection Improvement Fees
3. Landscaping Improvement Fees
4. Other Improvements
5. Deferments

The parcel is located in a 5 unit Community House project and all public improvements were developed with the initial development including curb, gutter, sidewalk, and driveway approaches.

In addition, the Main Street Specific Plan requires that proposed development not significantly impact scenic views from adjacent properties and significant view opportunities should be preserved and protected. When the Community Housing Project was approved, it was determined, and documented in the Negative Declaration, that the proposed structures would not significantly impact scenic views and would maintain view opportunities. Although a minor portion of the building exceeds 25 feet it will provide for roofline variation and therefore under the North Main Specific Plan the applicant is requesting to allow this increase in height. is

PUBLIC NOTICE: Notice of this item was published in the San Luis Obispo Tribune newspaper on January 4, 2013 and all property owners of record within 300 feet and occupants within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION: The project as proposed is consistent with the General Plan, Local Coastal Plan, and Municipal Code for development standards. Although the proposed roof deck will be under the 25 foot height limit; the addition of an elevator structure does exceed the height limit by 8 ¾ inches; therefore the Planning Commission does need to review an exception to the height limit that is only allowed with Planning Commission review and approval.

The original 2005 conditions of approval still apply to the project and require that a building height certification be submitted to the Public Services Department for review.

Staff recommends that the Planning Commission approve the requested major modification to the existing Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061 for a single family residential unit, a modification to include a roof deck and elevator structure to exceed the height limit with the incorporation of the 2005 Planning Commission and City Council conditions of approval and the conditions of approval attached herein.

EXHIBITS:

Exhibit A – Findings

Exhibit B – Conditions of Approval

Exhibit C – Graphics/Plan Reductions

Exhibit D – Roofline Variation Elevations

Exhibit E – June 4, 2007 Planning Commission Packet, Major Modification at 2764 Alder

Exhibit F – June 20, 2012 Planning Commission staff report for 2768 Alder Major Modification

EXHIBIT A

FINDINGS

SITE: 2760 ALDER AVENUE

PROJECT DESCRIPTION: Major modification to an existing permit for the addition of a roof deck and an elevator structure to exceed the height limit to a single family residence and parking exception to allow a six inch reduction in garage width from required 20 feet to 19 feet 6 inches.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- A. Environmental review was completed for the proposed project and noticed for public review October 19, 2004 to November 8, 2004. The determination of environmental document was that the community housing project was not going to have significant environmental impact and was reviewed and adopted at the December 15, 2004 Planning Commission public hearing.

COASTAL DEVELOPMENT PERMIT FINDINGS

- A. The project as proposed is consistent with the applicable provisions of the certified Local Coastal Plan. The Local Coastal Plan is consistent with the General Plan and the project meets minimum density requirements and therefore meets the LCP.
- B. For every development between the nearest public road and the sea or the shoreline of any body of water, the Planning Commission shall make a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. *The project is not located between the nearest public road and the sea or the shoreline of any body of water, therefore does not apply.*

CONDITIONAL USE PERMIT FINDINGS

- A. The establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. *The proposed modification to the use, by adding a roof deck and an elevator structure to exceed the height limit will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood because the use is a residential use in a residential area. The roof deck and elevator structure are within the standard design requirements.*
- B. The use will not be injurious or detrimental to property and improvements in the

neighborhood or the general welfare of the City.

PARKING EXCEPTION FINDINGS

- A. The parking exception to allow an six inch reduction in the required 20 foot width of a garage will not constitute a grant of a special privilege with the driveway or parking limitations upon other properties in the vicinity and the reduced garage width to the parking design standards of this Chapter will be adequate to accommodate on the site all parking needs generated by the use; and
- B. The parking exception will not adversely affect the health, safety, or general welfare of persons working or residing in the vicinity and that no traffic safety problems will result from the reduced width garage because the garage can accommodate two parked vehicles; and
- C. The parking exception is reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property because the City approved the 2005 community housing project with 30 foot wide lots which cannot accommodate both 5 foot side yard setback, structure wall width and a conforming 20 foot wide garage; and
- D. Consistent with General Plan and LCP. That the parking exception is found consistent with the intent of the general plan and land use plan of the local coastal program.

EXHIBIT B

CONDITIONS OF APPROVAL

SITE: 2760 ALDER AVENUE

PROJECT DESCRIPTION: Major modification to an existing permit for the addition of a roof deck and an elevator structure to exceed the height limit to a single family residence and a Parking Exception for a garage with a reduced interior width of 19 feet 5 inches.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated November 29, 2012, for the project depicted on plans dated November 29, 2012 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

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

2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

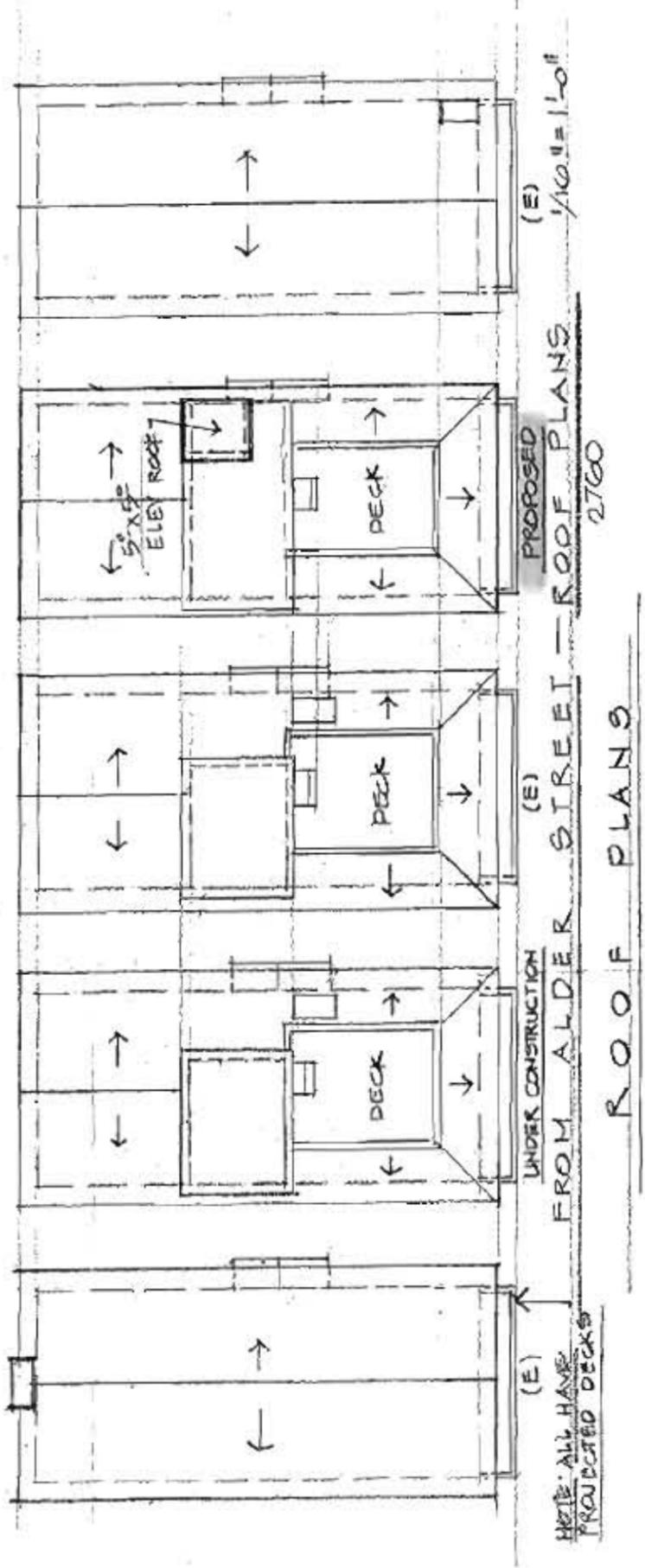
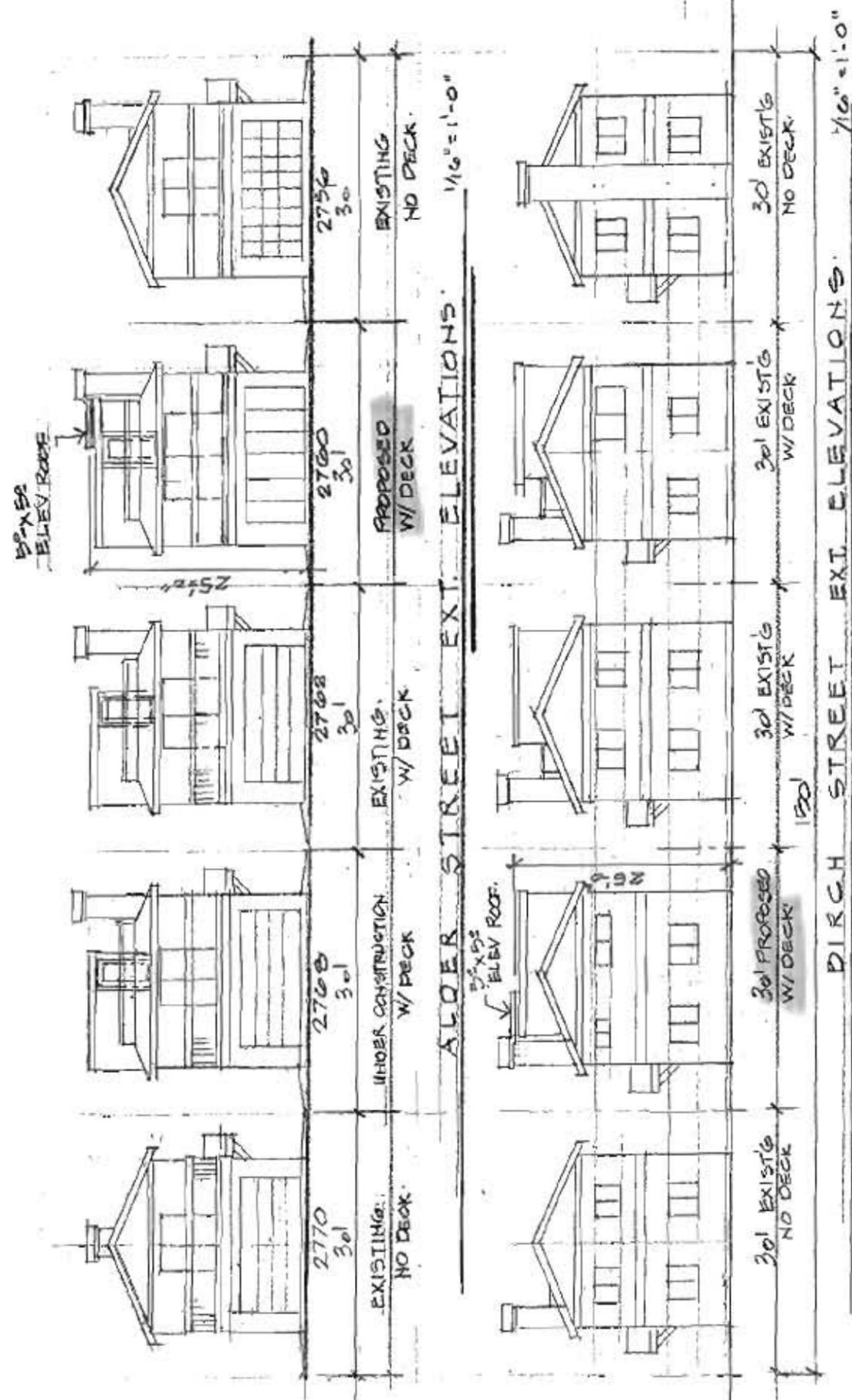
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.
8. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

PUBLIC WORKS CONDITIONS

1. A City of Morro Bay Standard Erosion Control Plan shall be included with the construction drawings.

PLANNING CONDITIONS

1. Previous Approvals: The previous 2005 approvals for the 5-unit community housing project shall apply to the modified project.



ROOF LINE VARIATIONS OF FIVE TOWNHOMES
 EXTERIOR ELEVATIONS FROM ALDER & BIRCH STREETS
 MORRO BAY, CALIFORNIA
 FOR CLAUDIA GILBERT - ARROYO GRANDE, CA.

JOHN A. RINALDI, ARCHITECT, A.I.A.
 (805) 460-5996

RECEIVED
 DEC 17 2012
 City of Morro Bay
 Public Services Department



AGENDA NO:	_____
Meeting Date:	_____
Action:	_____

Memorandum

TO: PLANNING COMMISSION **DATE:** JUNE 4, 2007

FROM: RACHEL GROSSMAN, ASSOCIATE PLANNER

SUBJECT: REQUESTED MAJOR MODIFICATION TO THE APPROVED COMMUNITY HOUSING PROJECT LOCATED AT 2756-2770 ALDER STREET

RECOMMENDATION:

Staff recommends that the Planning Commission grant approval for the requested major modification and permit the residence proposed at 2764 Alder Street to construct a roof deck that shall be no taller than 30 feet above average natural grade of the building footprint.

BACKGROUND:

The residence proposed at 2764 Alder Street was approved as a component of a five-unit Community Housing Project that received final approval from the City Council on January 10, 2005 and was previously reviewed and approved by the Planning Commission. Environmental review was completed for the proposed project, and the Negative Declaration determined that there would be no significant environmental impacts. The Community Housing Project divided an 11,991 square foot project site into five lots, each of which is approximately 2,400 square feet. Each lot was approved to be developed with a two-story residence less than 25-feet above average natural grade of the building footprint. The plans for the approved residential units indicate that each unit would include approximately 1,800 square feet of habitable area with an attached two car-garage. The project approved by both the Planning Commission and City Council was deemed to be in compliance with all development standards and did not request any exceptions. City Council findings for approval included those required for a Tract Map, Conditional Use Permit, and Coastal Development permit. Each of the newly created lots must subsequently obtain ministerial building permit approval prior to construction.

The owners of the lot located at 2764 Alder Street applied for building permit approval for construction of a residential unit on April 17, 2007. Planning staff noted that the submitted plans included a roof deck that was not a component of the Community Housing Project previously approved by the Planning Commission and City Council. The proposed roof deck would increase the height of the structure by approximately three feet and the requested roof deck was deemed a major modification to the approved plans. Therefore, the applicant is required to obtain approval from the Planning Commission for the requested major modification.

DISCUSSION:

The project site is located in the Multiple Residential-Professional (R-4) zone and is also governed by the Main Street Specific Plan. The R-4 zone permits buildings to be a maximum height of 30 feet above average natural grade of the building footprint. The Main Street Specific Plan (Chapter 17.40.110) also includes specific regulations regarding building height and supercedes the regulations pertinent to the R-4 zone district. Specifically, the Main Street Specific Plan states,

The maximum height shall be generally two stories (above subterranean or semi-subterranean parking if provided) and not to exceed twenty-five feet; except that the Planning Commission may allow up to thirty feet to encourage roofline variations and sloping roof treatments provided that the additional height is necessary for such roof treatment and that corridors protecting significant views are provided.

In addition, the Main Street Specific Plan requires that proposed development not significantly impact scenic views from adjacent properties and significant view opportunities should be preserved and protected. When the Community Housing Project was approved, it was determined, and documented in the Negative Declaration, that the proposed structures would not significantly impact scenic views and would maintain view opportunities. The requested roof deck would increase the height of the structure approximately three feet for approximately one-half of the horizontal expanse of the structure, and would not impact scenic views or result in significant environmental impacts.

Though not clear on the submitted elevations, the proposed roof deck would be below the absolute maximum permitted height of 30 feet above average natural grade of the building footprint. Exhibit B illustrates that the proposed finished floor (FF) elevation is just slightly higher than the average natural grade of the building footprint and therefore, the proposed 28 foot tall structure above the finished floor elevation is nearly two feet below the maximum permitted structure height. The maximum height above average natural grade of the building footprint is more clearly illustrated on the elevations that the applicant subsequently submitted, dated May 22, 2007.

As indicated previously and illustrated on the photosimulation for the approved Community Housing Project, all five residential units have very similar floor plans and façades that would result in cookie cutter style development along this portion of Alder Avenue. The proposed roof deck provides additional visual interest to the residence and breaks up the monotony of development approved as a component of the Community Housing project. As required by the Main Street Specific Plan, the requested roof deck provides roofline variation to the approved project and the additional height is necessary in order to facilitate the construction of an enclosed staircase.

Exhibits:

- Exhibit A – Letter of request from the applicant
- Exhibit B – Allowable Building Height Exhibit
- Exhibit C – Proposed Elevations
- Exhibit D – Photosimulation for approved Community Housing Project
- Exhibit E – Approved Findings and Conditions of Approval
- Exhibit F – City Council Minutes of January 10, 2005

**EXHIBIT A:
LETTER OF REQUEST FROM APPLICANT**

Brian T. Healey
1474 San Diego Loop
Grover Beach, CA 93433
805-431-0339

May 7, 2007

City of Morro Bay
Planning Department
955 Shasta Avenue
Morro Bay, CA

Re: Assessor Parcel No. 068-222-027
2764 Alder Street, Morro Bay, CA
Lot No. 5

To Whom It May Concern:

This letter is sent to request approval for a modification to the existing plan for the above referenced property which was previously approved by the Morro Bay Planning Department.

If you have any questions or require additional information to make your determination please do not hesitate to contact me.

Thank you in advance for your consideration and professional courtesy in this regard.

Very truly yours,

Brian T. Healey
Owner



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MAY 08 2007

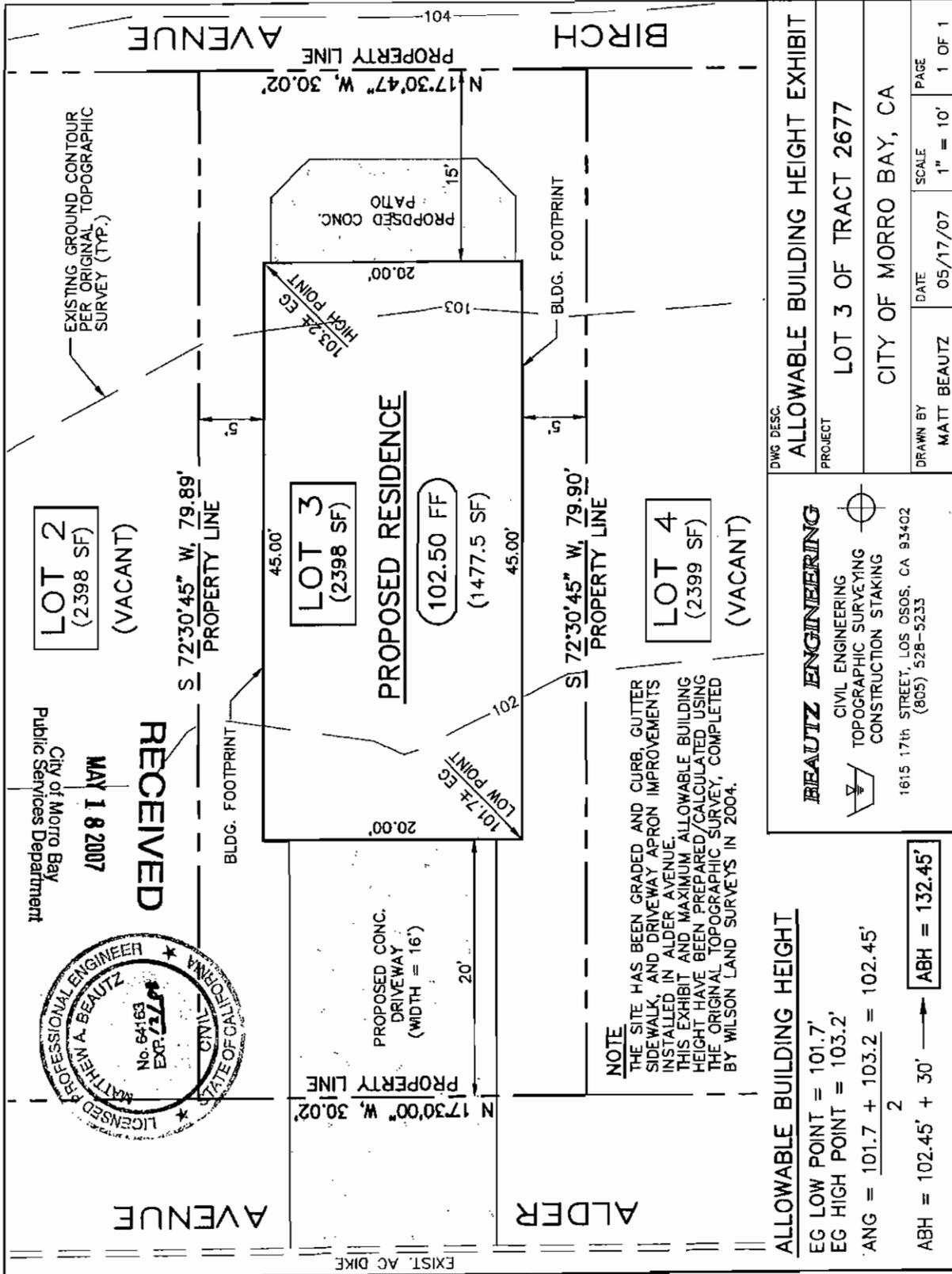
City of Morro Bay
Public Services Department

City of Morro Bay
Public Services Department

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**EXHIBIT B:
ALLOWABLE BUILDING HEIGHT**



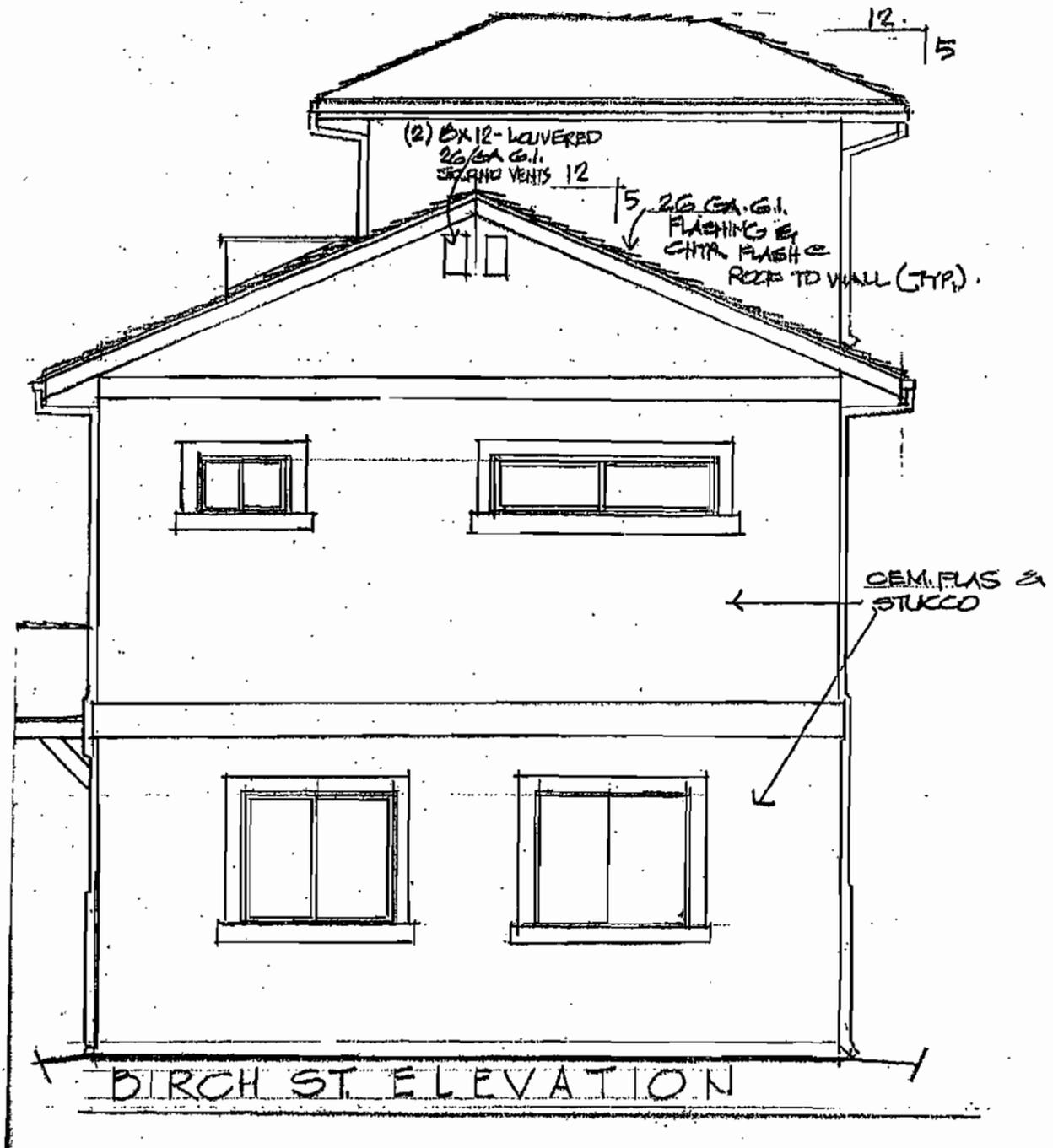


EXHIBIT D:
PHOTOSIMULATION FOR APPROVED COMMUNITY HOUSING PROJECT

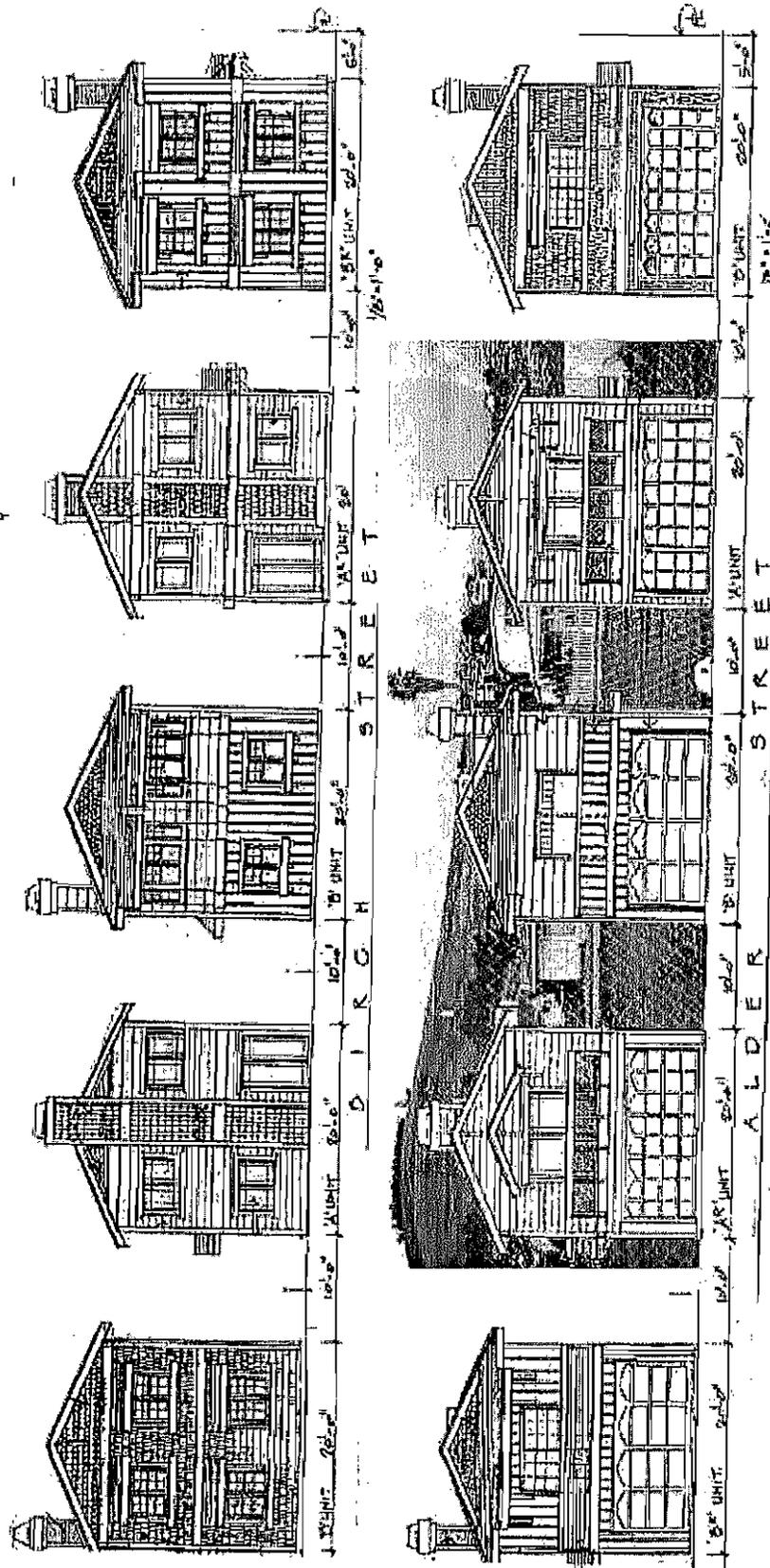


EXHIBIT E:
FINDINGS

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. S00-027/UP0-039/CP0-061 was determined through a Negative declaration that the proposed project does not have the potential to create significant adverse effects on the environment.

Subdivision Map Act Findings

- B. The proposed map to create a five-unit community housing project, where two new parcels will have detached single-family residences is consistent with the General Plan and Coastal Land Use Plan because residential development and the given parcel sizes are allowed under the land use designation and zoning & subdivision ordinance.
- C. The design and improvements to create three detached single-family residences with a common open space easement for the proposed subdivision is consistent with the General Plan and Coastal Land Use Plan because all public improvements will be constructed and an agreement will be recorded for joint access.
- D. The site is physically suitable for the type and density of development proposed because the site is zoned for multi-family residential and consistent with the land use designation.
- E. 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.
- F. The design of the subdivision and improvements will not cause serious public health problems.
- G. 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.
- H. As conditioned, the design, architectural treatment, and general appearance of all buildings and open space areas are in keeping with the character of the surrounding area pursuant to 17.48.200, and will not be incompatible with the uses permitted in the surrounding areas and zoning district; and
- I. The City has available adequate water to serve the proposed subdivision based upon the water regulations and water equivalency table Exhibit A, enforced at the time of approval of the tentative parcel map pursuant to the certified Water Management Plan and General Plan LU-22.1.

Conditional Use & Coastal Development Permit Findings

- J. That the project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on the analysis and discussion in the attached staff report; and
- K. The establishment, maintenance, or operation of the use applied for will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the

neighborhood of such proposed use as the project is consistent with all applicable zoning and plan requirements as indicated in the attached staff report; and

- L. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project, as conditioned, will be conducted consistent with all applicable City regulations, as indicated in the attached staff report.

Community Housing Findings

- M. Pursuant to Section 17.49.060 (MBMC), the City Council finds all provisions of Chapter 17-49 and Title 17 are met by the project given the project has provided for private and common open space as well as the other standards specified in the staff report;
- N. The proposed project is consistent with the General Plan and Coastal Land Use Plan because a five-unit community housing project is allowed and meets the density for that zone district;
- O. There exist facts adequate to make finding required under Government Code Section 66473.5 and 66474 stated above;
- P. The City Council also finds that the overall design and physical condition of the project will result in a project which is aesthetically attractive, safe, and of quality construction;
- Q. The community housing project fully complies with the special application requirements, development standards, and other specific provisions applicable to the project as set forth by section 17.49; and
- R. The City requirements for the provisions of affordable housing have been met in that the project is exempt from inclusionary requirement.

CONDITIONS OF APPROVAL

STANDARD CONDITIONS

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

A request for a Tentative Tract Map, Conditional Use Permit, and Coastal Development Permit to subdivide three existing lot into five parcels for the purpose of creating a five-unit community housing project on the property located at 2756 Alder Ave. Site development, including 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 Years:** Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable

provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Building Height Certification. Note on the site plan prepared for the building permit, "Prior to either roof nail or framing inspection a licensed surveyor is required to measure the height of the structure and submit a letter to the building inspector, certifying that the height of the structure is in accordance with the approved set of plans and complies with the height requirements of the City of Morro Bay, Municipal Code Section 17.12.310."
8. Open Space Easement: Prior to map recordation, the applicant shall show the area of common open space easement.
9. Park Fees: Prior to building permit issuance, the applicant agrees to pay park in-lieu-fees for the construction of two new lots.
10. Water Saving Devices: Prior to final occupancy clearance, water saving devices shall be installed in the project in accordance with the policies of the Morro Bay Coastal Land Use Plan and as approved by the Building Official.
11. 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.
12. Screening of Equipment/Utility Meters/Fencing: All roof-mounted air conditioning, or heating equipment, vents, ducts and/or utility meters shall be screened from view from adjoining public

streets in a manner approved by the Director of Planning and Building. Prior to building permit issuance, the approved method of screening shall be shown on the project plans.

13. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. daily, unless an exception is granted by the Director of Public Services pursuant to the terms of this regulation.
14. Exterior Lighting: Pursuant to MBMC Section 17.52.080, prior to building permit issuance, complete details of all exterior lighting shall be shown on the project plans for review and approval by the Director of Public Services. All exterior lighting shall be low level with a height of fixture not to exceed a maximum of 20 feet and shall achieve the following objectives; avoid interference with reasonable use of adjoining properties; shielded to minimize on-site and off-site glare; provide adequate on-site lighting; limit fixture height to avoid excessive illumination; provide structures which are compatible with the total design of the proposed facility.
15. 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.
16. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Planning & Building.
17. 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.
18. Domestic Water Pressure Reducer: The Applicant's plumber shall install a pressure reducer on the private property portion of the project if in his judgment his static water pressure readings indicate such device should be required. (Water pressure zones in Morro Bay vary from 40 to 120 psi.)
19. Tract Map: \$205.20 fee. The City Master Fee Schedule requires the Applicant pay a Map Fee of \$205.20 + direct costs for checking, inspection, and other provided work performed by contracted engineering services. The final map shall be furnished on Mylar and in electric format. The files need to be in the format of .dwg or .dxf. PDFs are not required but may be submitted in addition to confirm record of original drawings.
20. Traffic Impact Fee: \$4,925. Pursuant to the Circulation Element of the General Plan and MBMC Section 17.71, prior Tract Map recordation the Applicant shall pay to the City an impact fee of \$4,925 toward the construction of future improvements on Main at the intersections of Highway 41 and at San Jacinto which have an identified cost of \$980,000 and \$620,000 respectively. The fee is proportionate to the increased in peak traffic flows at these locations generated by the proposed five single family residences as determined by the Engineering Division per Institute of Transportation Engineers Handbook data.
21. Sewer Master Plan Impact Fee: \$837.45. Prior to Tract Map recordation permit, the Applicant shall pay to the City an impact fee of \$837.45 toward the construction of municipal sewer improvements as determined by the Engineering Division in accordance with the Sewer System Master Plan. The

Engineering Division has determined the increased demand on the municipal sewer system, which would result from the proposed project. The determination was made using 5.0 Water Equivalency Units. (1 WEU per proposed single family residence)

22. Off-Site Public Improvement Plans and Agreement: Are required on Alder and Birch as set forth in MBMC Sections 16.16, 17.71, and 14.44. Prior to Tract Map recordation the Applicant shall (1) submit public improvement plans designed by a civil engineer registered in California for approval by the City, (2) include the general notes provided by the City upon the improvement plans, (3) submit cost estimates calculated on the City provided Engineering Estimate Worksheet of the off-site improvements for review by the Engineering Division, (4) deposit a financial security with the City in the amount of 150% of the estimated construction cost of the public improvements, and (5) complete the City's improvement agreement and its insurance requirements. Existing concrete frontage public improvements may remain except for portions, which may be in need of repair, or do not meet City specification. (6) prior to project completion sign off, record drawings shall be furnished on Mylar and in electronic format CD. The files need to be in the format of .dwg or .dxf. PDFs are not required but may be submitted in addition to confirm record of original drawings.
 - a. Public Improvements:
 - b. Title 16 states: Improvements to be installed by each subdivider shall include the following:
 - c. Curb, gutter, sidewalk and walkways;
 - d. Water lines, gas and other utility services to serve each lot and stubbed to property line prior to paving;
 - e. Fire Hydrants;
 - f. Sanitary sewers and laterals to serve each lot and stubbed to property line prior to paving;
 - g. Storm sewers, drains and channel improvements;
 - h. Silt basins or other forms of erosion control;
 - i. Paved streets;
 - j. Ornamental streetlights;
 - k. Street trees not less than one tree per lot, average spacing fifty feet on center;
 - l. Street signs at all block number changes and at locations approved by the city engineer;
 - m. Street and barricades, walls or fencing where required;
 - n. Stop or yield signs where street intersects with a major street or at other locations required by the subdivision committee;
 - o. Utility lines, including but not limited to electric, communications, street lighting and cable television shall be required to be placed underground. Transmission lines may be placed underground at the option of the developer or utility and concurrence of the commission.
23. Drive Approach & ADA: A drive approach in the right-of-way shall meet ADA requirements and the City Standard Specifications. A standard drive approach has a slope of 9%. A 6' wide pedestrian path and its 2% maximum side slope (same as sidewalk) shall continue through a 4' wide area of the drive approach. If possible, the path through the drive approach should be no closer than 6' to the street flow line or start of drive approach.
24. Erosion and Sedimentation Control Plan Required: The Plan shall be approved by the City prior to Tract Map recordation. 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. Such control also serves as an aid in meeting the National Pollutant Discharge Elimination System (NPDES) Permit Program as Authorized by the Clean Water Act and administered by the State of California.

25. Sewer Lateral For New Structure: A dedicated sewer lateral is required for each unit.
26. Grading & Drainage Plan: Prior to Tract Map recordation a grading and drainage plan, prepared by Applicant's engineer shall be submitted for approval by the Engineering Division. Calculations shall demonstrate that the proposed on-site drainage facilities will handle the peak runoff from a 25-year storm. The Applicant shall construct on-site inlets and drainage facilities in accordance with City standards.
27. Construction Dumpster: If a construction dumpster is used, the dumpster location shall be on private property, unless allowed by an encroachment permit in the right of way area.
28. Repair & Replacement of Public Improvements: Prior to project completion the Applicant shall repair curb, street, sewer line, water line, or any public improvements, which were damaged as a result of construction operations for this project. Curb, berm, gutter, or other improvements as required shall be installed at abandoned or illegal drive approach areas.
29. Sediment and Debris Control: Control measures shall prevent sediment or debris from entering the City right of way, roadway, or adjacent properties. Such control also serves as an aid in meeting the National Pollutant Discharge Elimination System (NPDES) Permit Program as Authorized by the Clean Water Act and administered by the State of California.
30. Sewer Backwater Valve: New construction requires that a sewer backwater valve shall be installed on site for each lateral to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project. Please indicate on the plans.
31. Engineering Checking and Inspection Costs: the Applicant agrees to reimburse the City for the direct cost of checking, inspection, and other provided work related to this project performed by staff or contracted engineering services.
32. Encroachment Permits: Are required and issued by the Engineering Division, prior to any construction in or use of land in the City right-of-way.

EXHIBIT F:
CITY COUNCIL MINUTES OF JANUARY 10, 2005

**MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JANUARY 10, 2005**

The City Council requested a redesign of this project go before the Planning Commission.

**B-2 CONSIDERATION OF CONDITIONAL APPROVAL OF PROPOSED FIVE-
LOT RESIDENTIAL COMMUNITY HOUSING PROJECT LOCATED AT
2756 ALDER AVENUE; (PUBLIC SERVICES)**

Associate Planner Mike Prater stated the proposed project would be constructed in two phases. The first phase is under way to construct two of the single-family residential units on two of the three existing lots. This phase qualified for an administrative Coastal Development Permit. The second phase would reconfigure the existing three lots to create a five-unit community housing project. Each lot would be approximately 2,400 square feet with a 1,800 square foot residential unit, including a two-car garage. The project site size is approximately 11,991 square feet in area and zoned for multi-family residential development at a density of 1,800 square feet of gross area per unit, which equates to 6 units. The project will meet all development standards and will not be asking for any exceptions. On November 15, 2004, the Planning Commission considered the application at a regularly scheduled public hearing. The Planning Commission received public testimony, closed the public hearing and took an action recommending approval of the Tract Map, Coastal Development Permit and Conditional Use Permit for the project unanimously. The Commission's action included adding two conditions: 1) landscape and maintenance plan illustrating how the project's future homeowners will utilize the space as a common area while appearing to maintain the character of a single-family neighborhood; and 2) provide a Tract Map showing the 5,000 square feet of common open space as an easement. Mr. Prater recommended the City Council accept the Planning Commission's recommendation to conditionally approve the project.

Tim Moscardi, applicant, stated the project allows for six units, however, he is planning to build five. He reviewed an updated map for Council information including the open space per unit. Mr. Moscardi stated he is not requesting any variances for this project.

Mayor Peters opened the hearing for public comment.

Frank DeVine stated the only community housing aspect of this project is the sparse common open space area. He said parking standards should be raised before approving high-density projects. Mr. DeVine stated the General Plan requires that the proposed development should match the development that already exists, and this proposed project is not in character with the neighborhood. He said this is too much building on this size property, and it should be reduced.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JANUARY 10, 2005

Susan Heinemann stated she is opposed to this 5-unit housing project. She said this development does not provide an ample common area, and thus does not meet the criteria for community housing. Ms. Heinemann requested Council return this project to the newly appointed Planning Commission for further review.

Roy Kline stated he is opposed to this community housing project. He said this project would cram five 2-story houses on what are three parcels in a residential area, which is unacceptable. Mr. Kline stated these homes would be too expensive for low-income residents to afford.

Ken Vesterfelt stated this applicant has the right to build on this property. He said property values are extremely high and difficult to build low-income housing.

Dan Kaufman stated this project would improve the neighborhood.

Frank Gilbert stated this project was proposed to have a positive impact on Morro Bay.

Mayor Peters closed the public comment hearing.

Councilmember Baxley stated this project meets all planning regulations and he supports the project.

Councilmember Winholtz stated she would like to see six units built on the three lots that would provide affordable housing. She said it would be more physically responsible to place the garages facing Birch Street, which is a less busy street.

Councilmember DeMeritt stated this area has small lots and she does not know why the City would want to take three small lots and turn them into six smaller lots. She said building a primary residence with a secondary unit would provide the affordable housing critically needed in the City. Councilmember DeMeritt stated the proposed common open space does not meet the criteria described in the code.

Councilmember Peirce stated North Morro Bay use to be known as Del Mar, and it has unique lot sizes. He said affordable housing is needed, and these smaller houses will be more affordable than a larger house.

Mayor Peters stated this neighborhood has a lot of variation in housing size because it is in transition. She said an apartment building would be denser than this project, and this project would benefit the neighborhood and support affordable housing.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – JANUARY 10, 2005

MOTION: Councilmember Baxley moved the City Council accept the Planning Commission recommendation to conditionally approve the five-lot residential community housing project located at 2756 Alder Avenue. The motion was seconded by Councilmember Peirce and carried with Councilmember DeMeritt and Councilmember Winholtz voting no. (3-2)

Mayor Peters called for a break at 9:08 p.m.; the meeting resumed at 9:15 p.m.



AGENDA NO: B-1

MEETING DATE: June 20, 2012

Staff Report

TO: Planning Commissioners

DATE: June 14, 2012

FROM: Sierra Davis, Assistant Planner

SUBJECT: Major modification to existing Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061 for a Single Family Residential Unit for a Modification to Include a Roof Deck.

RECOMMENDATION:

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

- A. Adopt the Findings included as Exhibit "A";
- B. Approve the Major modification to existing Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061 subject to the Conditions included as Exhibit "B" and the site development plans dated June 7, 2012.

APPLICANT/AGENT: Moscardi

LEGAL DESCRIPTION/APN: 068-222-024

PROJECT DESCRIPTION: The applicant is requesting a major modification to an existing permit for the addition of a roof deck to a single family residence. The property is currently vacant however there is an existing Coastal Development Permit #CDP-061 and Conditional Use Permit #UP0-039 approved in 2005 for a 5 unit community housing project and plans for the residences were a part of the approval.

PROJECT SETTING:

<u>Adjacent Zoning/Land Use</u>			
North:	Multiple Residential-Hotel-Professional/ North Main Street Specific Plan. (R-4/SP)	South:	Multiple Residential-Hotel-Professional/ North Main Street Specific Plan. (R-4/SP)
East:	Single Family Residential (R-1/S.2)	West:	Mixed Commercial Residential/Multiple Residential-Hotel-Professional/ North Main Street Specific Plan. (MCR/R-4/SP)

<u>Site Characteristics</u>	
Site Area	1,477.5 square feet
Existing Use	Vacant Parcel
Terrain	Previously graded, flat
Vegetation/Wildlife	No vegetation
Archaeological Resources	Site is not located within 300 feet of an archeological resource
Access	Alder Street (through lot to Birch)

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Medium Density Residential
Base Zone District	Multiple Residential Hotel Commercial (R-4)
Zoning Overlay District	N/A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	North Main Street Specific Plan
Coastal Zone	Located in the Coastal Zone, however not in the Appeals Jurisdiction not Original Jurisdiction

PROJECT ANALYSIS:

Background

The residence proposed at 2768 Alder Street was approved as a component of a five-unit Community Housing Project that received final approval from the City Council on January 10, 2005 and was previously reviewed and approved by the Planning Commission.

The Community Housing Project divided an 11,991 square foot site into five lots, each of which is approximately 2,400 square feet. Each lot was approved to be developed with a two-story residence less than 25-feet above average natural grade of the building footprint. The plans for the approved residential units indicate that each unit would include approximately 1,800 square

feet of habitable area (900 square foot footprint) with an attached two car-garage. The project approved by both the Planning Commission and City Council was deemed to be in compliance with all development standards and did not request any exceptions. City Council findings for approval included those required for a Tract Map, Conditional Use Permit, and Coastal Development permit. Each of the newly created lots must subsequently obtain ministerial building permit approval prior to construction.

The house located at 2764 Alder Street, also a part of the 5-unit community housing project, applied for building permit approval for construction of a residential unit on April 17, 2007. Planning staff noted that the submitted plans included a roof deck that was not a component of the Community Housing Project previously approved by the Planning Commission and City Council. The proposed roof deck increased the height of the structure by approximately three feet and the requested roof deck was deemed a major modification to the approved plans. The Planning Commission granted approval for the major modification on June 4, 2007.

Environmental Determination

Environmental review was completed for the proposed project and noticed for public review October 19, 2004 to November 8, 2004. The determination of environmental document was that the community housing project was not going to have significant environmental impact and was reviewed and adopted at the December 15, 2004 Planning Commission public hearing.

Zoning Ordinance

The propose project and the major modification conforms to all zoning ordinance standards. Please see the table below.

	Required	Proposed
Front Yard Setback	15 feet	20 feet
Interior Side Yard Setback	5 feet	5 feet
Rear Yard Setback	10% of the average depth of lot with 10ft maximum and 6 ft minimum.	15 feet
Lot Coverage	60%	38%
Height	Elevation shall not exceed 25 feet however it is intended as a guideline and Planning Commission may vary from this guideline.	25 feet

North Main Street Specific Plan Overlay

The North Main Street Specific Plan overlay requires that development meet the zoning regulations and standards for the zoning district and also adhere to the special requirements of the specific plan.

The Planning Commission must find the project meets all standards before approving a use permit for any use in the North Main Street Specific plan. The project must adhere to the following:

1. Mature trees preservation. *The site is vacant and does not have any mature trees, therefore this development standard does not apply.*
2. Roofline Variation, maximum height is generally two stories and gives the guidelines for 1/3 of west facing elevation shall not exceed 25 feet however it is intended as a guideline and Planning Commission may vary from this guideline. *The original house was proposed at two stories with a pitched roof. The proposed modification would be an addition of stairs leading up to a roof deck located on top of the roof. The stairs will be enclosed and have the appearance of a third floor. The provision is for a 25 foot height limit and the design of the house adheres to the height limit therefore the applicant is not requesting to exceed the height limit to add the roof deck.*

Off-Site Improvements: In approving any conditional use permit the following will be required as conditions or approval.

1. Curb, Gutter, Sidewalk and Street Trees
2. Intersection Improvement Fees
3. Landscaping Improvement Fees
4. Other Improvements
5. Deferments

The parcel is located in a 5 unit Community House project and all public improvements were developed with the initial development including curb, gutter, sidewalk, and driveway approaches.

In addition, the Main Street Specific Plan requires that proposed development not significantly impact scenic views from adjacent properties and significant view opportunities should be preserved and protected. When the Community Housing Project was approved, it was determined, and documented in the Negative Declaration, that the proposed structures would not significantly impact scenic views and would maintain view opportunities. The height of the roof does not exceed the maximum height limit of 25 feet which is a requirement of the North Main Street Specific Plan.

PUBLIC NOTICE: Notice of this item was published in the San Luis Obispo Tribune newspaper on June 9, 2012 and all property owners of record within 300 feet and occupants within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION: The project as proposed is consistent with the General Plan, Local Coastal Plan, and Municipal Code for development standards. The proposed enclosed staircase and roof deck will be under the 25 foot height limit; therefore the Planning Commission does not need to

review an exception to the height limit that is only allowed with Planning Commission review and approval. The original 2005 conditions of approval still apply to the project and require that a building height certification be submitted to the Public Services Department for review.

The Staff recommends that the Planning Commission approve the requested major modification to the existing Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061 for a single family residential unit for a modification to include a roof deck with the incorporation of the 2005 Planning Commission and City Council conditions of approval and the conditions of approval attached herein.

EXHIBITS:

Exhibit A – Findings

Exhibit B – Conditions of Approval

Exhibit C -- Graphics/Plan Reductions

Exhibit D – June 4, 2007 Planning Commission Packet, Major Modification at 2764 Alder

EXHIBIT A

FINDINGS

SITE: 2768 ALDER AVENUE

PROJECT DESCRIPTION: Major modification to an existing permit for the addition of a roof deck to a single family residence.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- A. Environmental review was completed for the proposed project and noticed for public review October 19, 2004 to November 8, 2004. The determination of environmental document was that the community housing project was not going to have significant environmental impact and was reviewed and adopted at the December 15, 2004 Planning Commission public hearing.

COASTAL DEVELOPMENT PERMIT FINDINGS

- A. The project as proposed is consistent with the applicable provisions of the certified Local Coastal Plan. The Local Coastal Plan is consistent with the General Plan and the project meets minimum density requirements and therefore meets the LCP.
- B. For every development between the nearest public road and the sea or the shoreline of any body of water, the Planning Commission shall make a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. *The project is not located between the nearest public road and the sea or the shoreline of any body of water, therefore does not apply.*

CONDITIONAL USE PERMIT FINDINGS

- A. The establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use. *The proposed modification to the use, by adding a roof deck will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood because the use is a residential use in a residential area. The roof deck is within the standard design requirements.*
- B. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

EXHIBIT B

CONDITIONS OF APPROVAL

SITE: 2768 ALDER AVENUE

PROJECT DESCRIPTION: Major modification to an existing permit for the addition of a roof deck to a single family residence.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated June 20, 2012, for the project depicted on plans dated June 7, 2012 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

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

2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.
8. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

PLANNING CONDITIONS

1. Previous Approvals: The previous 2005 approvals for the 5-unit community housing project shall apply to the modified project.



AGENDA NO: B-2

MEETING DATE: January 16, 2013

Staff Report

TO: Planning Commissioners

DATE: January 9, 2013

FROM: Mary B. Reents, Contract Planner
Kathleen Wold, Planning Manager

SUBJECT: UP0-344 (tracking number only); Nutmeg Water Tank; Environmental Certification

RECOMMENDATION:

Staff recommends that the Planning Commission Approve the Mitigated Negative Declaration and Mitigation Monitoring Program for the Nutmeg Tank project subject to the findings contained in Exhibit A and the Environmental Conditions of Approval in Exhibit B.

PROJECT DESCRIPTION:

The City has applied to the County of San Luis Obispo for a permit to remove existing water tanks and construct new tanks at the end of a private driveway approximately 200 feet northeast of the terminus of Nutmeg Avenue, on private property within the County of San Luis Obispo and adjacent to the City limits. The City of Morro Bay is the lead agency for the environmental review, but the County will be issuing the development permit. The City owns an easement of approximately 57,000 square feet (1.3 acre) within an approximately 200-acre parcel. The property is zoned by the County as Agriculture.

LEGAL DESCRIPTION

APN(S) 073-084-013

ZONING Agriculture (County of San Luis Obispo)

GENERAL PLAN Agriculture/Geologic Study Area (landslide hazard) combining designation; Local Coastal Plan (County of San Luis Obispo)

APPLICANT:

City of Morro Bay, Barry Rands, Associate Engineer
955 Shasta Avenue

Prepared By: _____

Department Review: _____

Morro Bay, CA 93442

AGENTS:

Todd Smith, Project Manager
Cannon Associates
1050 Southwood Drive,
San Luis Obispo, CA 93401

Project Location:	At the terminus of private driveway, approximately 200 feet northeast of the terminus of Nutmeg Avenue, 760 feet north of Cuesta Street, within the County of San Luis Obispo, adjacent to the City limits
Existing Use:	Agriculture; the City's existing municipal water tank, surrounded by concrete, and bordered by a chain-link fence and gate
Surrounding Land Uses	
North	Agriculture (County); undeveloped, livestock grazing, cellular telecommunications facility
South	Agriculture (County)/R-1/S.2 Single Family Residential/Special Building Site and Yard Standards; undeveloped, livestock grazing/single family residences
West	R-1/S.2 Single Family Residential/Special Building Site and Yard Standards; single family residences
East	Agriculture (county); undeveloped, livestock grazing
Other Permits Needed	Minor Use Permit (County); Coastal Development Permit (County)

PROJECT DESCRIPTION:

The City's adopted Master Plan Update calls for consolidation of existing pressure zones. As such, modifications to various water storage facilities are needed to assure adequate fire protection for all properties. The Master Plan delineates the need to upgrade the storage capacity of the Nutmeg water tank site from 0.14 million gallons (MG) to 1.23 MG in order to provide additional storage to meet fire demands for the modified pressure zone. The tank replacement will occur in phases, consisting of the construction of one 0.68 MG steel tank, demolition of the existing tank, and the construction of the second 0.68 MG steel tank.

Demolition will occur over approximately three days, including removal of the foundation. The existing tank would be cut apart (using shears, torches, or a saw) and the foundation will be broken apart (typically by using a jack hammer). Materials will be temporarily stacked onsite before off-site transfer via trailer or truck to an appropriate waste disposal facility.

The new tanks will be 76 feet in diameter and 24 feet high. The new tanks will be constructed above the access provided by the existing access road to the tank site. The tanks will be set 1 to 20 feet below existing grade, and some fill will be used to create a berm and an approximately 1,000 square foot area for visual screening. The color of the new tanks will generally match the surrounding landscape (i.e. muted, light grey green or beige).

The project will result in the disturbance of 0.76 acre of the 1.3 acre easement area, including approximately 5,690 cubic yards of cut and 630 cubic yards of fill. Approximately 5,060 cubic yards of fill will be exported offsite.

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act. The MND was submitted to the California State Clearinghouse for public and agency review on November 26, 2012, and the public review period ended on December 26, 2012. No comments were received by the California State Clearinghouse from noticed agencies and no written comments have been received to date from the public on the MND.

The major environmental issues addressed in the Mitigated Negative Declaration are summarized in the following table and are included in their entirety in the MND attached to this staff report; exhibit C. The applicant, the City of Morro Bay, has incorporated the mitigation measures into the project.

ENVIRONMENTAL IMPACT	MITIGATION MEASURES TO REDUCE IMPACTS TO INSIGNIFICANCE
Visual Resources AES Impact 1-Visibility of Water Tanks as viewed from State Hwy 1	AES/mm-1-prepare elevations showing exterior finish colors; AES/mm-2-restore all disturbed soils to remain undeveloped with native grasses and vegetation, consistent with surrounding open space.
Air Quality AQ Impact 1 short-term emissions of DPM, potentially affecting sensitive receptors	AQ/mm-1-include ten notes on grading and construction plans regarding standard APCD mitigation measures to reduce diesel particulate matter (DPM) emissions from construction equipment
AQ Impact 2 construction activities could generate nuisance dust	AQ/mm-2-include ten notes on grading and construction plans regarding standard APCD mitigation measures to reduce fugitive dust emissions such that they do not exceed the APCD's 20 percent opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402)
AQ Impact 3 demolition activities could result in hazards associated with presence of Asbestos Containing Materials and lead based paint	AQ/mm-3-demolition conducted in compliance with applicable regulatory requirements, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants, including notification to APCD, asbestos survey and applicable removal and disposal of asbestos containing materials. AQ/mm-4- prior to demolition, prepare and submit lead work plan to APCD for review and approval; obtain demolition permit.
Biological Resources BIO Impact 1 construction would result in loss of up to 17 individual Cambria morning glory plants	BIO/mm-1-prepare grading plans and associated notes regarding, stockpiling topsoil, replacement of soil, add early successional grasses including Cambria morning glory added to seed base within stockpiled top soil, irrigate and stabilize prior to final erosion and sedimentation control plan, restoration monitoring for three years, and submittal of quarterly monitoring reports.

BIO Impact 2 project construction could result in inadvertent discharge of sediment and other pollutants into down-gradient tributary to Morro Creek	Refer to mitigation measures GS/mm-2 and HAZ/mm-1
Cultural Resources -no impact	Standard City Mitigation Measure CR/mm-1- In the event that archaeological artifacts or historic or paleontological resources are encountered, stop work until resource is evaluated and further mitigation measures applied
Geology/Soils GS Impact 1 development places structures and people in an area subject to geologic hazards including seismic ground shaking and landslide risks and soil expansion	GS/mm-1 enforce soils engineering report and geologic hazards report.
GS Impact 2 soils disturbed during construction would be subject to erosion from storm water runoff	GS/mm-2 prepare a drainage and erosion control plan to reduce potential for erosion and sedimentation
GS Impact 3 project would increase impervious surface area, and potential contribute to off-site erosion and sedimentation	GS/mm-3- prepare off-site restoration plan for 2,000 square foot area immediately northeast of the existing stone retaining wall adjacent to Nutmeg Avenue
Hazardous Materials HAZ Impact 1 development has potential to result in accidental release of hazardous materials into sensitive areas adjacent to project site	HAZ/mm-1-prepare spill prevention control and countermeasure plan identifying hazardous materials and procedures for storage distribution and spill response. HAZ/mm-2 verify contractor compliance with regulations and standards related to lead-based paint, including compliance soils testing prior to and following demolition activities.
Hydrology and Water Quality Refer to BIO Impact 2	Refer to mitigation measures GS.mm-2m GS/mm-3 and HAZ/mm-1
Noise Noise Impact 1 demolition has potential to generate excessive noise and groundborne vibration, potentially affecting sensitive receptors in immediate area	N/mm-1-use of metal shears, saws, and jack-hammers shall be limited to Monday through Friday, 9:00 AM to 4:00 PM only. N/mm-2-a minimum of 48 hours prior to initiation of demolition, provide notice by mail, delivery and/or on site posting to occupants within 500 feet of the existing Nutmeg water tank.
Mandatory Findings of Significance -see Findings	

Staff would propose one change to the Initial Study under “14 Transportation/ Circulation” item e. In regards to the project’s impact to emergency access a mitigation should be added to the project to ensure adequate traffic control is exercised to prevent the vehicles from stopping and blocking the

houses adjacent to the private access way. Staff proposes to modify from No Impact to Less than significant with mitigation incorporated and to add the following mitigation:

1. Adequate traffic control shall be exercised during the project including that adequate access is maintained to the houses adjacent to the private access way. A traffic control plan shall be submitted to the City of Morro Bay's City Engineer for approval which addresses the queuing, staging and parking of vehicles.

ANALYSIS:

The project has been reviewed for compliance with the California Environmental Quality Act and with the incorporation of the recommended mitigation measures all impacts associated with the project will be mitigated to less than significant.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on January 4, 2013, and all property owners of record within 300 feet of the project site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

Staff recommends approval and certification of the Mitigated Declaration.

Report prepared by: Mary B. Reents, Contract Planner

Attachments:

1. Findings-Exhibit A
2. Conditions of Approval-Exhibit B
3. Mitigated Negative Declaration-Exhibit C
4. Development Plans-Exhibit D

EXHIBIT A: FINDINGS

UP0-344 (tracking number only); Nutmeg Water Tank; Environmental Certification

California Environmental Quality Act (CEQA)

- A. In accordance with the California Environmental Quality Act an Initial Study was conducted on Case No. UP0-344 it was identified through the checklist that a number of potentially significant impacts would result to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hazards/Hazardous Materials and Noise. Mitigations have been incorporated into the document which reduced the impact level to less than significant. Based on the Initial Study and on the incorporation of mitigations a Mitigated Negative Declaration has been proposed as recommended by the City's Environmental Coordinator.

- B. The Planning Commission having considered all public comments and testimony and the recommendation of the City's Environmental Coordinator has made the determination to approve the Mitigated Negative Declaration for UP0-344.

EXHIBIT B

CONDITIONS OF APPROVAL

UP0-344(tracking number only); Nutmeg Water Tank; Environmental Certification

ENVIRONMENTAL CONDITIONS

1. The applicant shall incorporate the environmental mitigation measures agreed upon to mitigate the project to a level of insignificance; these conditions are listed in the attached "Attachment A" following this condition. In addition, the applicant shall conduct the required monitoring as established for each mitigation measure and confirm compliance with these conditions to the satisfaction of the Environmental Coordinator.



AGENDA NO: B-3

Meeting Date: January 16, 2013

Staff Report

TO: Planning Commissioners

DATE: January 9, 2013

FROM: Rob Livick, PE/PLS – Public Services Director/City Engineer

SUBJECT: Request for abandonment of a portion of the public right of way westerly of the existing back of curb of Toro Lane, between Yerba Buena and North Point Subdivision, using the procedures provided by the California Streets and Highways Code, Section 8300 et seq. (Greg Frye, 3450 Toro Lane, Applicant)

RECOMMENDATION

Adopt Planning Commission Resolution Number 01-13, finding that the right-of-way abandonment is consistent with the General Plan and recommend that the City Council adopt a resolution of intention of the abandonment with findings and conditions.

SUMMARY

The State of California Streets and Highways Code §8300 et seq, Public Streets, Highways, and Service Easements Vacation Law contains procedures under which a local agency can vacate or abandon its Rights-of-Ways. The Code requires that if the proposed abandonment of a street, highway, or public service easement is within an area for which a General Plan is adopted by a local agency, the legislative body of the public entity shall consider the General Plan prior to vacating the street, highway, or public service easement.

The applicant has proposed to abandon the excess right of way westerly of the existing curb line from Yerba Buena Street to the prolongation of the northerly property line of the applicant's parcel, approximately 234-feet using §8300 et seq of the *California Streets and Highways Code*. If this abandonment is approved, staff recommends to extend the limit of abandonment approximately 145-feet to the North, to the beginning of the private section of Toro Lane that was previously abandoned with Tract 2110 (North Point). The portion of the street for proposed abandonment has never been developed for street purposes and would be challenging to do so due to the topography and existing natural drainage features. Once the abandonment is complete the adjoining lots can be reconfigured for more orderly development and potentially eliminating a non-standard "Flag Lot" through future lot line adjustment.

The Planning Commission's role is to review the proposed street abandonment for consistency with the City's General Plan and to make a recommendation to the City Council. The Planning Commission should be aware that the California Streets and Highways Code requires a street vacation (abandonment) be done in the interest of the public and not an individual property owner. The Council will consider whether to adopt a "Resolution of Intention," which would set

Prepared by: RL Dept. Review: KW/CJ

a public hearing to consider the matter of final abandonment. If passed, a final "Resolution of Abandonment" will be adopted and recorded with the County Recorder.

Data Summary:

Applicant/Representative: Greg Frye

Property Owner: City of Morro Bay

Zoning: R-1/S2a

General Plan Designation: Moderate Density Residential and Environmentally Sensitive Habitat

Coastal Designation: Coastal Appeals Area (Abandonments not Subject to a Coastal Permit)

Environmental Status: Categorically exempt under Class 5, Minor Alterations in Land Use Limitations (Section 15305 of the CEQA Guidelines)

Site Description

The total area of proposed abandonment is approximately 15,260 square foot area (see Attachments 1 and 2). The project area is bounded by developed and undeveloped residential properties, a drainage channel (ESH) and part of a developed City roadway. The road serves as the main entry to North Point development and the North Point natural area (Park).

Project Description

The proposed project is a General Plan consistency determination on a requested abandonment of a portion of public right-of-way known at the Toro Lane (Exhibit 1).

DISCUSSION

In order to abandon the right-of-way, the California Streets and Highways Code requires that the Planning Commission determine whether the abandonment is consistent with the City's General Plan. This means that a determination needs to be made on whether the right-of-way will be needed for present or future public circulation purposes. In addition, continued access to any City or public utility services and improvements needs to be properly preserved.

Toro Lane is designated as residential local street in the Circulation Element of the General Plan. Toro Lane was acquired by the County of San Luis Obispo from the State of California on October 28, 1963 as a relinquishment of property not required for the construction of the Highway 1 Freeway construction. Upon incorporation this "fee title" right of way transferred to the City of Morro Bay. Toro Lane served as a "frontage" road to the freeway providing access to those parcels that previously accessed Highway 1 directly.

Unless the rights-of-way are owned in fee by the City, the underlying property reverts back to the adjacent property owners when abandoned. According to the documents submitted by the applicant, and verified by staff, the rights-of-way are owned in fee by the City, and after or concurrent with abandonment, the property will need to be declared as surplus and potentially sold at its market rate.

If the Council determines that the right-of-way should be abandoned, easements must be reserved for public and private utilities to the satisfaction of the City and the respective utility companies. These easements will insure that the affected local utilities retain rights to repair and service their facilities within the area proposed for abandonment. Staff supports the proposed abandonment, subject to reservation of necessary easements. The right-of-way abandonment proposal was sent to the local utility companies for their review and comment. Other interested parties will be given another opportunity to comment during the abandonment process prior to final City Council approval. Staff finds that the proposed right-of-way abandonment will not adversely impact existing or future public utilities in the immediate area or in the City as a whole provided the required easements are dedicated. Therefore, staff recommends a condition be included as follows: "Reservation of an 15-foot wide public pedestrian and utility easement be reserved" to protect the rights of the City for future but unlikely need for a sidewalk along the westerly side of Toro Lane and if there is a need to place future utilities within the abandoned area.

Notice of this item is published in the agenda and posted at the required locations. Prior to preceding to Public Hearing the site will be noticed pursuant to the California Streets and Highways Code, additionally, while not required by law, all property owners of record within 300 feet of the subject site will be notified of the public hearings and invited to voice any concerns. As of December 9, 2012 the City has received one objection to the proposed abandonment, attached as Exhibit 3.

CONCLUSION

The proposal can be found consistent with the California Streets and Highways Code and the City's General Plan. The proposal is exempt pursuant to State CEQA guidelines, and it appears that all of the required findings can be made to recommend abandonment to the City Council for approval.

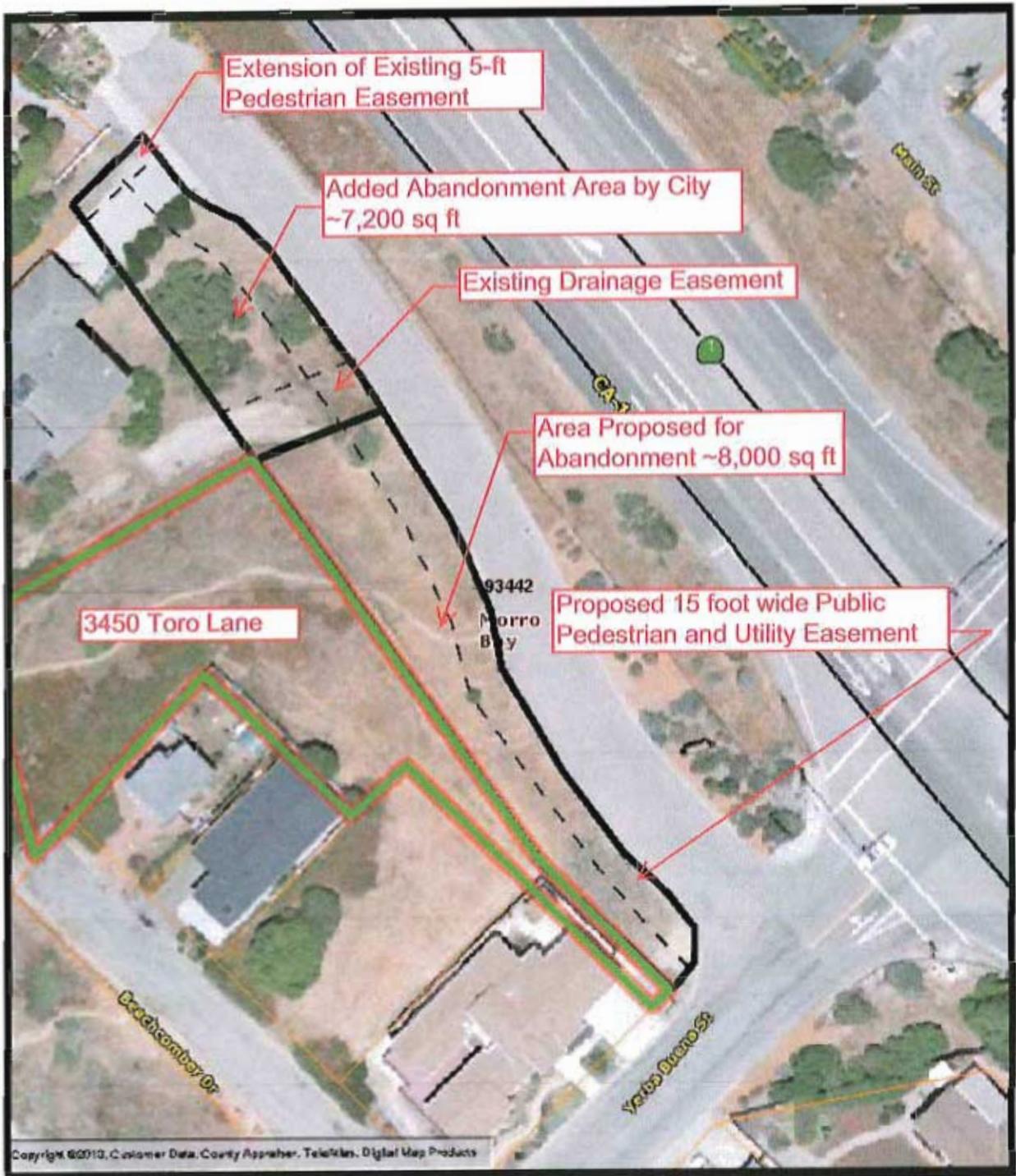
ALTERNATIVES

1. Recommend denial of the abandonment, based on findings of inconsistency with the General Plan or other policies.
2. Continue the abandonment if additional information is needed, with specific direction given to staff.

Exhibits:

1. Proposed Toro Abandonment Exhibit
2. Draft Planning Commission Resolution Recommending Abandonment
3. Correspondence

Exhibit 1



DIGITAL MAP PRODUCTS

Proposed Toro Lane Partial Abandonment E00-103 (Frye)

60 ft
CityGIS

RESOLUTION NO. 01-13
A RESOLUTION OF THE MORRO BAY PLANNING
COMMISSION RECOMMENDING APPROVAL TO THE CITY
COUNCIL TO ADOPT A RESOLUTION OF INTENTION TO ABANDON
A PORTION OF TORO LANE
E00-103 (Frye)

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing in the Veterans Memorial Building located at 209 Surf Street, Morro Bay, California, on January 16, 2013 for the purpose of considering application E00-103, a request to abandon a portion of Toro Lane; and

WHEREAS, said public hearing was for the purpose of formulating and forwarding recommendations to the City Council of the City of Morro Bay regarding the abandonment; and

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

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

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

Section 1. Findings. Based upon all the evidence, the Commission makes the following findings in support of the intention to abandon of a portion of Toro Lane as a recommendation to City Council:

1. The proposed right-of-way abandonment is consistent with the General plan because the portion proposed for abandonment is no longer needed for present or future public purposes as fee title right of way.
2. Widening of the public street further to the west would serve no public purpose and could create significant environmental impacts since property to the southeast abuts lands with significant slope.
3. The right-of-way abandonment will benefit the general public by a more orderly development of the adjoining parcels and add property to the tax rolls.
4. The proposed right-of-way abandonment is categorically exempt from environmental review under Section 15305 of the California Environmental Quality Act.

Section 2. Recommendation. The Planning Commission does hereby recommend the City Council adopt a resolution of intention to abandon of a portion of Toro Lane, subject to the following conditions and code requirements:

1. The new monuments set to describe the Toro Lane Right of Way and the adjoining property corners for all affected parcels shall be documented by a Record of Survey or other appropriate instrument.
2. The exhibit showing future property lines shall provide dimensions of the areas to be abandoned to the adjacent parcels and new parcel areas be prepared by the applicant for Council action.
3. Private utility companies shall receive additional notice of intention to vacate prior to the City Council hearing.
4. The abandonment resolution of the City Council shall include the following reservations:
 - a. The reservation of an easement and right at any time, or from time to time, to construct, operate, maintain, replace, remove and renew public utility facilities including sanitary sewers, storm drains, water lines, recycled water lines, street lights, fire hydrants, utility boxes, valves, wires, cables and appurtenances in over and across the area to be vacated, including access to protect these works from all hazards in, upon, and over the area 15-feet in width and parallel with the existing end of improvements (curb or edge of pavement) for the length of the proposed abandonment.
 - b. The reservation of an easement for public pedestrian purposes being 15-feet in width and parallel with the existing end of improvements (curb or edge of pavement) for the length of the proposed abandonment.
 - c. Informational note: although the abandonment may result in additional property to be deeded back to adjacent contiguous properties, the abandonment does not constitute creation of a separate lot or a potential future subdivision.

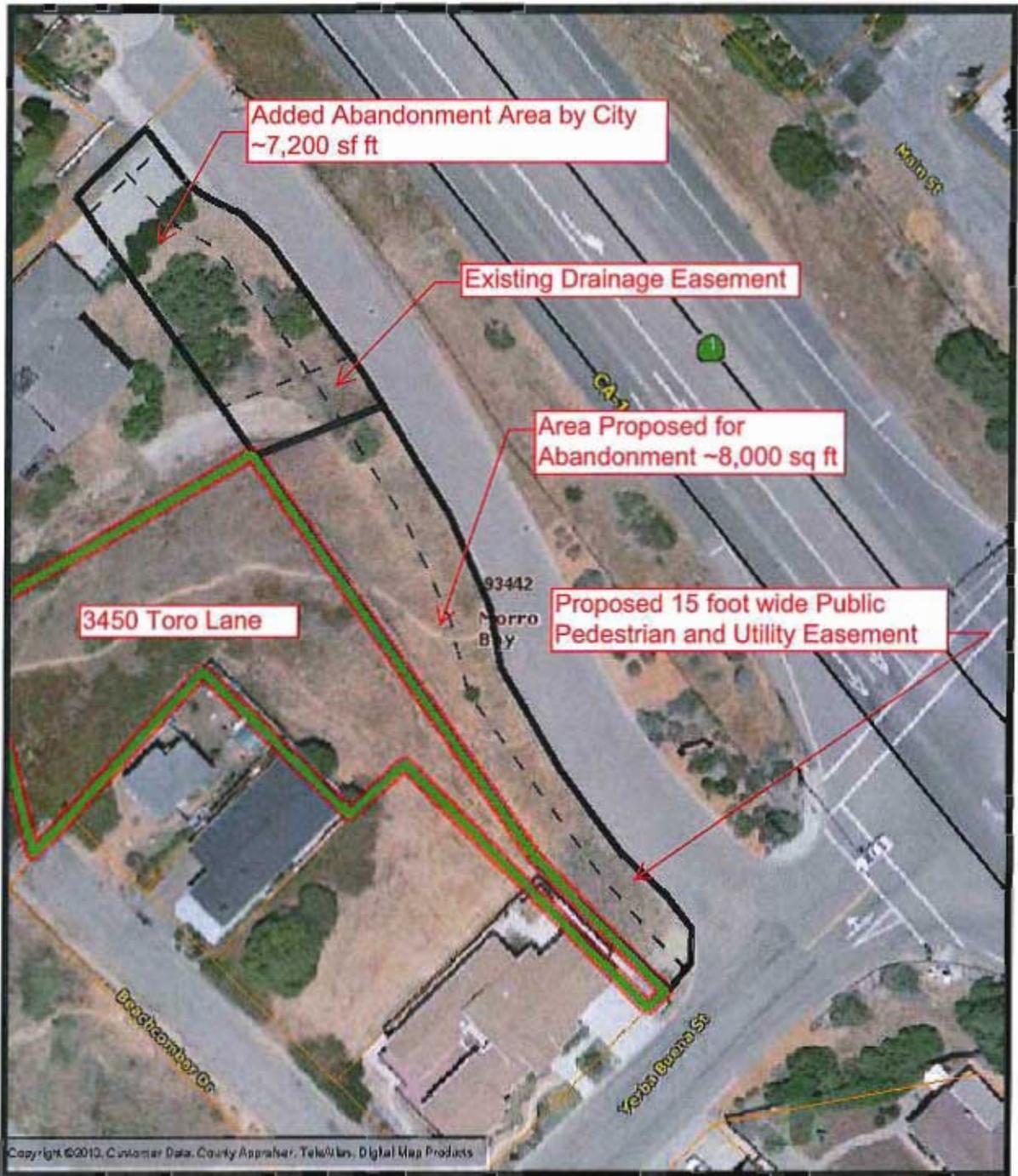
On motion by Commissioner _____, seconded by Commissioner _____
and on the following roll call vote to wit:

AYES:
NOES:
REFRAIN: None
ABSENT: None

The foregoing resolution was passed and adopted this 16th day of January, 2013.

Rob Livick, PE/PLS - Secretary
Planning Commission

Exhibit 1



DIGITAL MAP PRODUCTS

Proposed Toro Lane
Partial Abandonment
E00-103 (Frye)



60 ft
CityGIS

EXHIBIT 3

Rob Livick - Toro Abandonment

From: <tmndds@aol.com>
To: <rlivick@morro-bay.ca.us>
Date: 1/8/2013 9:47 AM
Subject: Toro Abandonment

To: Public Services Department
955 Shasta Avenue
Morro Bay, CA 93442

RE: Case# E00-103

I am writing to oppose the proposed abandonment of an approximately 15,600 square foot portion of fee owned Toro Lane right of way, North of Yerba Buena and Westerly of the existing west curb of Toro Lane.

The proposed abandonment is not in the public interest.

Sincerely,

Ted M. Nakata
3380 Beachcomber
Morro Bay, CA



**Pacific Gas and
Electric Company®**

11/26/12

RECEIVED

Los Padres Division
Service Planning Department

4325 S. Higuera Street
San Luis Obispo, CA 93401

Mr. Rob Livick
Public Services Director
955 Shasta Ave.
Morro Bay, CA 93442

NOV 28 2012

City of Morro Bay
Public Services Department

RE: Abandonment of Toro Lane, File no. 69372

Dear Mr. Livick:

This is in response to your letter, dated November 19, 2012, informing PG&E of the proposed abandonment of Toro Lane in the City of Morro Bay.

An investigation indicates that PG&E is presently operating and maintaining utility facilities within the southwest half of the proposed area to be abandoned. If the abandonment is approved by the City Council/Board of Supervisors, we respectfully request that the following reservation be inserted in the Resolution of Vacation or Abandonment for the southwest half of the proposed area to be abandoned:

RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of Pacific Gas and Electric Company, the permanent easement and the right at any time and from time to time to construct, reconstruct, maintain, operate, replace, remove, repair, renew and enlarge lines of pipes, conduits, cables, wires, poles, electrical conductors, and other equipment, fixtures and appurtenances for the operation of electric, gas, and communication facilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities; said area shall be kept open and free of buildings, structures and wells of any kind."

This reservation will protect our facilities installed pursuant to our franchise agreement with you. Upon approval of the abandonment by the City Council/Board of Supervisors, please send a certified copy of the Resolution of Vacation to:

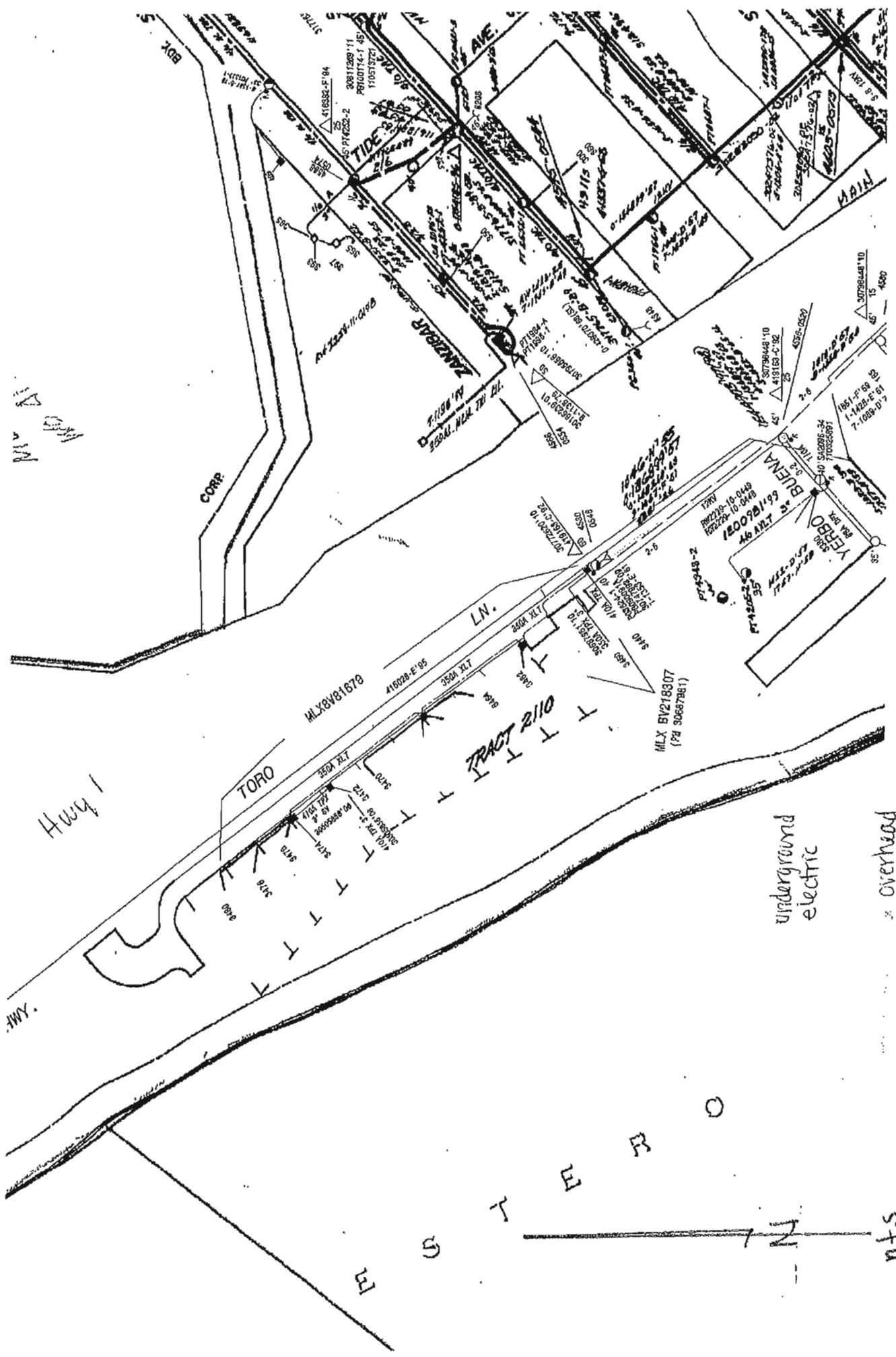
Pacific Gas and Electric Company
Claire Mastin, Land Agent
Land & Environmental Management
4325 So. Higuera St.
San Luis Obispo, CA 93401

If you have any questions, please contact me at (805) 546-3888.

Sincerely,

Claire Mastin
Land Agent

22-22-N



underground electric

overhead electric

n.f.s.

Rob Livick - RE: Street Vacation - Partial Abandonment of Toro Lane (Resent to Correct typo in email)

From: "PLEMONS, STEVE" <sp2683@att.com>
To: Rob Livick <RLivick@morro-bay.ca.us>
Date: 11/20/2012 2:24 PM
Subject: RE: Street Vacation - Partial Abandonment of Toro Lane (Resent to Correct typo in email)
CC: "SOARES, RALPH G" <rs4375@att.com>

Rob, AT&T Engineer Ralph Soares investigated the site and AT&T does have facilities on Toro and Yerba Buena in Morro Bay. I request that the City of Morro Bay reserve AT&T's rights to remain in place in the resolution to abandon. Please call me with any questions.

Regards,

Steve Plemons

Right of Way Manager

AT&T

805-237-8131

From: Rob Livick [mailto:RLivick@morro-bay.ca.us]
Sent: Monday, November 19, 2012 12:42 PM
To: PLEMONS, STEVE; erik.edeen@chartercom.com; asaks@semprautilities.com
Cc: Cathy Novak; Greg Frye; Kathleen Wold; Rob Schultz
Subject: Street Vacation - Partial Abandonment of Toro Lane (Resent to Correct typo in email)

Correction is requested response date:

To Whom it May Concern:

The City of Morro Bay, CA has received a request to abandon (vacate) a portion of a undeveloped street within morro bay in accordance with the California Streets and Highways Code. Please provide any comments by December 20, 2012



11/23/12

Public services Director/City Engineer
City Of Morro Bay
955 Shasta Ave, Morro Bay, Ca. 93442
Attention: Rob Livick PE/PLS

RE: Proposed road abandonment of Toro Lane.

Rob:

Charter does have services on this road and would like to reserve rights to remain within the roadway PUE in the event the city vacates the tract to the county.

Sincerely,

Erik Edeen

Construction Coordinator for Charter Communications
270 Bridge St.
San Luis Obispo, CA 93401
805-783-4950
erik.edeen@chartercom.com



A  Sempra Energy™ company

November 27, 2012

Public Services Director / City Engineer
City Of Morro Bay
955 Shasta Ave
Morro Bay, CA 93442
Attn: Rob Livick PE/PLS

Southern California
Gas Company

1171 More Road
Goleta, CA

Subject: Proposed Vacation Of A Portion Of Toro Lane / Morro Bay

Mailing Address:
P. O. Box 818
Goleta, CA
93116-0818
ML9360

Dear Mr. Livick,

Southern California Gas Company currently operates and maintains natural gas distribution lines within the portion of Toro Lane which has been proposed for street vacation. We would like to request that permanent rights be reserved within the area of the proposed right of way abandonment.

If adopted, we request that the final resolution include the following language: "Reserving unto Southern California Gas Company, a California corporation, its successors and assigns, a permanent non-exclusive easement to excavate for, lay, construct, reconstruct, relocate, reconfigure, use, inspect, maintain, operate, repair, replace, patrol, change the size of, add to, or remove from time to time, as Southern California Gas Company deems necessary, one or more pipelines and conduits, together with metering, measuring, regulating, cathodic protection, and other appurtenances (all hereinafter referred to as the "Facilities") for the transportation of natural gas over, under, through, along, and for all other purposes connected therewith, and together with the reasonable right of ingress and egress to and from the easement to access Facilities."

Should you have any questions, or require additional information, please call me at (805) 681-8029.

Sincerely,

A handwritten signature in black ink, appearing to read "ASaks".

Andy Saks
Pipeline Planning Assistant

cc: file



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 Planning items or items recently updated are highlighted in yellow. Building permit updates are highlighted in green.

Agenda No: C-1
Meeting Date: January 16, 2013

Approved projects are deleted on next version of log.

#	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	Gilbert	2760 Alder	10/18/12	AD0-077 A00-016	Parking Exception and Major Modification to construct a 2 story home with roof deck	Corrections issued for CDP and requested narrative describing parking exception request. Project continued from 12/5 PC to 1/16 PC due to inadequate project description. Applicant's Architect submitted roofline variation depiction for Jan 16th PC mtg.. CJ.	Approved-11/9/2012-Fire Approved-10-26-2012-Building	Approved -11/5/2012	
2	City of Morro Bay	End of 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	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 received by SWCA on 10/7/12. MND out for public notice and 30 day review as of 11/19/12. 30 day review ends on 12/25/12. No comments received. Scheduled for 1/16/13 Planning Commission meeting and then to be referred back to SLO County.	Not applicable	BCR- drainage study required for impact on City storm drain facilities	Not applicable
3	Fry	3450 Toro Ln	11/5/12	E00-103	Partial abandonment of Toro Ln. north of Yerba Buena to North Point tract	RL- under review. Notification sent to utilities. Response due 12/20/12.			
4	Shirkey	341 Nevis	9/27/12	CP0-378	Admin Coastal Development Permit for a new single family residence	Plans reviewed and deemed incomplete. Corrections sent 10/24/12. Met with applicant 11/6/12 to review needed corrections. Resubmittal received 11-27-12 and corrections letter sent 12-4-12. Applicant made corrections, project ready for noticing. CJ	Conditional approval	Conditional approval.	n/a

#	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
5	Gavin	861 Quintana	12/14/12	CP0-387	Admin Coastal Development Permit for demolition of a commercial building	Complete and ready for noticing. CJ.	Fire-conditional Approval-12/28/2012 Building--Conditional Approval-12-26-2012	Conditional Approval-12-26-2012	
5	Hsian-Zoon	341 Rennell	12/7/12	CP0-386	Admin Coastal Development Permit for demolition of a Single Family Residence.	Complete and ready for noticing. CJ.	Building-Conditional approval--12/26/2012, Fire-Conditional approval--12/27/2012	Conditional Approval-12-26-2012	
6	City of Morro Bay	170 Atsacadero	1/9/13	CP0-389	Coastal Development Permit for water treat plant (Desal) modifications.				
30 -Day Review, Incomplete or Additional Submittal Review									
7	Drinkwater	301 Main	11/2/12	S00-116	Certificate of Compliance for portion of APN.	Under review. Applicant to submit a copy of the deed for the subject lots.			
8	So Cal Gas Company	City Wide	10/10/12	CP0-382, CP0-383, CP0-384, CP0-385	Advance Metering Project - 4 separate locations	Incomplete letter sent 11-29-12. Various sites. Applicant will be resubmitting for a fifth location. Resubmittal received 1/3/12 and currently under review. Application for a fifth location is forthcoming. CJ.	No Comments to date	No Comments to date	
9	Perry	3202 Beachcomber	9/8/11	CP0-381	Coastal Development Permit. 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. P.C. approved height at 9-19-12 PC Meeting. CDP application submitted. Initial Study reqt. letter sent 12-12. Corrections letter sent 12-17-12.	Building approved 10/29/12	Flood study approved 6/18/12	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
10	Fowler - MMBS, LLC	1215 Embarcadero	10/16/12	UPO-058	Precise Plan	Under review. Precise plan different from approved concept plan. Applicant to re-submit. Applicant to submit letter from CCC stating proposal in substantial conformance. Working to demonstrate eelgrass locations.			
11	Lemos	1320 Main	6/1/12	CUP0-373/CP0-350	New Commercial Building	MR- Met with applicant - revising plans to leave storage ebuilding 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. Submittal received 11/9/12. Deemed incomplete letter sent 12/7/12. MR.		BCR- requested revised drainage and flood study from developer	
Projects in Process									
12	Diaz	1149 Market			Business License App for Mexican Market.	Directed Applicant on 11-27-12 to re-submit parking plan demonstrating compliance with Zoning Ordinance. Parking plan submitted demonstrating seven parking spaces 12-20-2012. CJ			
73	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 detailed MND. Applicant is still considering preparation of Biological Report.	No Comments to date	comments submitted 1/18/2012	No Comments to date
Environmental Review									

#	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
14	Sequoia Court Estates	670 Sequoia	4/3/12	UP0-349 & S00-112	Parcel Map. 3 parcels and an open space parcel. 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. Needs drainage plans. MR: Second incomplete letter sent 11/13/12. MND in preparation. Susan Craig, Coastal Commission staff confirmed property is entirely outside coastal zone.			
15	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. Waiting for Archaeological surface survey and Shoulderband Snail Protocol survey. Expect by May 2013.	Not applicable	Not applicable	Not applicable
Grants									
16	Community Development Block Grant (CDBG) / HOME Program through Urban County Consortium		11/13/12		CDBG Applications received 10/12/12. Nine applications received. Draft funding recommendations to be adopted at 11/13/12 City Council Meeting. Final Funding Approval to be heard at February City Council Meeting.	Application recommended for funding is Pedestrian Accessibility Improvements for City of Morro Bay. Council approved on 11-13 funding for Senior Nutrition and Pedestrian Accessibility. 2nd Funding Workshop to be held at Community Center on 1/9/13. Subrecipient Agreement under review.	Not applicable	Not applicable	Not applicable
17	Sustainable Communities	City-wide			\$900,000 Grant application due Feb. 2013 for funding for long-range planning activities including LCP update, General Plan.	In process			
Project requiring coordination with another jurisdiction									

#	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 & Cayucos	160 Atascadero	7/1/08	EIR	<i>WWTP Upgrade. Submitted 7/1/08, Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent renouncing. 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 currently working with CCC staff for De Novo hearing scheduled for January 2013 CCC meeting.</i>	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
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive									
19	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.	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.	Not applicable	An abandonment of Front street necessary. To be scheduled for CC mtg.	Not applicable
20	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.	Deemed withdrawn letters to be sent to provide response to City by 12/31/12. MR: Deemed Withdrawn letter sent November 20, 2012			

#	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
21	Redican	801/833 Embarcadero	08/20/12	UP0-212	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. Parking study is complete, but final findings are still not confirmed - EB			
22	Ron McIntosh	190 Olive	8/26/08	UP0-232 & 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. Deemed withdrawn letters to be sent to provide response to City by 12/31/12. MR: Send deemed withdrawn letter on November 20, 2012.			
23	James Maul	530, 532, Morro Ave 534	3/12/10	SP0-323 & UP0-282	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.MR: Received letter from applicant's rep 11/15/12 requesting project remain open. Called B. Elster for further information.			
Abandonments									
Projects going forward to Coastal Commission for review									
24									
Projects Appealed to City Council									
25	Perry	3202 Beachcomber	9/8/11	AD0-067	Variance. Demo/Reconstruct. New home with basement in S2.A overlay. Variance approved for deck only; the issue of stories was resolved due to inconsistencies in Zoning Ordinance.	Variance approved at 8/15/12 PC meeting. Appealed by 3 parties to City Council. Appeal to be heard. City Attorney reviewing.			
Projects in Building Plan Check									
26	Gilbert	2760 Alder St.	10/23/12	B-29799	New SFR	Elevator exceeds current height requirements. CJ.	BC- RTI pending planning approvals		
27	Sangren	675 Anchor	11/28/12	B-29813	SFR Addition	Requested corrections. CJ.	BC- Returned for corrections 12/10/12.		

#	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
28	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		
29	Kandarian	425 Bernardo	11/27/12	B-29808	SFR Remodel	Planning approved 12-18. CJ.	BC- ready to issue 12/6/2012.		
30	Meissner	380 Bonita	11/29/12	B-29812	New SFR	Planning approved 12-6. CJ.	BC- ready to issue 12/13/2012.		
31	Morgan	2930 Dogwood	10/4/12	B-29798	SFR Demo/ Reconstruct	Planning approved. CJ	BC- issued 12/18/2012.		
32	Whibley	451 Embarcadero	6/1/20112	B-29715	Fire Sprinklers		TP- out for corrections.		
33	Imani	571 Embarcadero	4/23/12	B-29695	Commercial alteration, addition	CJ- Incomplete Memo 11/26/2012 sent to applicant's representative. Awaiting response.	BC- resubmitted 11/5/2012.		
34	Hall	2234 Emerald Circle	12/2/10	B-29359	New SFR	SD--Incomplete Memo 12/21/10.	BC- application extended, awaiting resubmittal.		
35	Degarimore	1001 Front	6/14/12	B-29723	Water site improvements	Planning approved. CJ	BC-CCC conforming plans submitted 12/17/2012.		
36	Methodist Church	3000 Hemlock	8/16/12	B-29752	Construct new modular classroom, sitework.		BC- returned for corrections 10/1/2012		
37	Sturgill	1885 Ironwood	12/29/11	B-29677	14 new townhouses		BC- first three building permits issued.		
38	Holcomb	3230 Main	8/6/12	B-29747	Commercial Change of Occupancy and Sitework for Montessori daycare.	Parking changed from MUP approval. Requested parking corrections 12-6. CJ.	BC- returned for corrections 12/10/2012		
39	Harper	999 Main	5/16/12	B-29711	Commercial addition	KW - Incomplete Memo 5/29/12.	BC- resubmitted 12/15/2012		
40	Storm	1029 Monterey	5/3/12	B-29702	Partial Demo/ Reconstruct of MFR dwelling	KW-under review	BC- returned for corrections 7/3/2012.		
41	Markowitz	589 Morro Avenue	8/17/11	B-29820	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. Corrections requested 12-12-12. CJ.	BC- new application submitted and routed.		
42	Fennacy	500 Morro Bay	3/15/12	B-29667	Construct kitchen, walk-up serving window and site improvements		BC- Ready to issue.		

#	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
43	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	
44	Frantz	499	Nevis	9/23/12	B-29510	New SFR				
45	McGonagill	690	Olive	6/7/12	B-29248	SFR Addition		BC- spoke with applicant 8-30-2012, regarding outstanding items and intentions to proceed.		
46	Thomas	634	Piney Way	10/9/12	B-29800	SFR Addition	Planning approved 11-8-12.	BC- Issued 12/17/2012.		

Final Map Under Review

47	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.		DH - map check complete, NOR given to agent, Imprv. Agreement being finalized for bonding.	
48	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. Letter sent to biologist.			
49	Strugill	1885	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

#	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