



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 - Tuesday, August 18, 2015
Veteran's Memorial Building – 6:00 P.M.
209 Surf Street, Morro Bay, CA**

Chairperson Robert Tefft

Commissioner Gerald Luhr
Commissioner Richard Sadowski

Vice-Chair Katherine Sorenson
Commissioner Michael Lucas

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 not on the agenda may do so at this time. In a continual attempt to make the public process open to members of the public, the City also invites public comment before each agenda item. 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 Community Development at (805) 772-6264. 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 the Planning Commission meeting of June 16, 2015.
Staff Recommendation: Approve minutes as submitted.

A-2 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.

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.: CP0-419, UP0-383

Site Location: 3420 Toro Lane, Morro Bay, CA

Project Description: The applicants propose to grade for and construct a 1,538 square-foot dwelling and a 579 square-foot garage, on a vacant 10,019 square-foot beach front parcel. Plans also show a 242.4 square-foot patio area. The proposed lot coverage is 21.2%. The project site is located in a Single Family Residential (R-1) zone with an S.2.A Overlay which limits the height of the structure to a maximum of 17 feet. The site contains areas of environmentally sensitive habitat and is subject to development standards for coastal bluff properties. This project is located in the Coastal Commission appeal jurisdiction.

CEQA Determination: The Community Development Director determined the project qualifies for a Mitigated Negative Declaration of Environmental Impact (MND). Mitigation is recommended to reduce any environmental impacts to a less than significant level.

Staff Recommendation: Adopt the Mitigated Negative Declaration and conditionally approve the project.

Staff Contact: Whitney McIlvaine, Contract Planner, (805) 772-6211

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

G. ADJOURNMENT

Adjourn to the regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on September 1, 2015 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 Community Development 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 Community Development 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 Community Development Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Community Development 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 Community Development 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 Community Development 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 \$263 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: August 18, 2015

ACTION: _____

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – JUNE 16, 2015
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Robert Tefft	Chairperson
	Katherine Sorenson	Vice Chairperson
	Gerald Luhr	Commissioner
	Richard Sadowski	Commissioner
	Michael Lucas	Commissioner
STAFF:	Scot Graham	Community Development Manager

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

PUBLIC COMMENTS

Chairperson Tefft opened Public Comment period and seeing none closed the Public Comment period.

<https://youtu.be/2zGhxgwVIj0?t=2m58s>

PRESENTATIONS – NONE

A. CONSENT CALENDAR

<https://youtu.be/2zGhxgwVIj0?t=3m24s>

A-1 Approval of minutes from the Planning Commission meeting of April 7, 2015 and April 21, 2015.

Staff Recommendation: Approve minutes as submitted.

A-2 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

MOTION: Vice-Chairperson Sorenson moved to approve the minutes from the Planning Commission meeting of April 7, 2015 and April 21, 2015 and the Current and Advanced Planning Processing. Commissioner Lucas seconded the motion and the motion passed unanimously (5-0).

<https://youtu.be/2zGhxgwVIj0?t=7m37s>

B. PUBLIC HEARINGS

<https://youtu.be/2zGhxgwVIj0?t=7m53s>

B-1 Case No.: UP0-409

Site Location: 2455 Greenwood

Proposal: Conditional Use Permit approval for an addition exceeding 25% of existing floor area for a nonconforming single-family residence. The applicant proposes to add 1,112 sq. ft. of habitable floor area to an existing 1,039 sq. ft. residence, add 65 sq. ft. to the existing garage, and add 80 sq. ft. of deck. Specifically, the project will include 2,151 sq. ft. of habitable floor area, a 465 sq. ft. garage, and 200 sq. ft. of decking. The project is located within the R.1/S.2 zoning district and outside of the Coastal Commission Appeals Jurisdiction.

CEQA Determination: The project meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15303 Class 3. The exemption applies to new single-family residences in residential zones.

Staff Recommendation: Continue to the July 7, 2015 Planning Commission meeting

Staff Contact: Joan Gargiulo, Contract Planner, (805) 772-6270

Graham stated there will be a continuance for this project due to the project being noticed incorrectly as an Administrative Notice and not a Public Hearing.

Chairperson Tefft opened Public Comment period and seeing none closed the Public Comment period.

<https://youtu.be/2zGhxgwVIj0?t=8m50s>

MOTION: Commissioner Sadowski moved to continue Case No. UP0-409 to the next meeting held on July 7th. Vice-Chairperson Sorenson seconded the motion. Commissioners Lucas and Luhr abstained from the motion because they live within the radius of the project. Motion passed (3-0).

<https://youtu.be/2zGhxgwVIj0?t=9m9s>

C. UNFINISHED BUSINESS

Continue discussion on the Waterfront Master Plan View Corridor Interpretation.

<https://youtu.be/2zGhxgwVIj0?t=10m29s>

Chairperson Tefft opened Public Comment period and seeing none closed the Public Comment period.

<https://youtu.be/2zGhxgwVIj0?t=21m59s>

MOTION: Commissioner Lucas moved to approve Resolution PC 22-15. Commissioner Luhr seconded the motion and the motion passed unanimously (5-0).

D. OLD BUSINESS

D-1 Design Guidelines Review

Staff contact: Scot Graham, Community Development Manager

Chairperson Tefft opened Public Comment period and seeing none closed the Public Comment period.

<https://youtu.be/2zGhxgwVIj0?t=1h16s>

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING –JUNE 16, 2015

MOTION: Commissioner Luhr moved to approve Resolution PC 23-15. Commissioner Lucas seconded the motion and the motion passed unanimously (5-0).

E. PLANNING COMMISSIONER COMMENTS

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

Graham notified the Commissioners of the following items:

- Sign ordinance will be picked up in July.
- Discussion with City Manager and Livick to discuss the Parking Management Plan.

G. ADJOURNMENT

The meeting adjourned at 7:27 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on June 20, 2015, at 6:00 p.m.

Robert Tefft, Chairperson

ATTEST:

Scot Graham, Secretary



City of Morro Bay
 Community Development Department
 Current & Advanced Project Tracking Sheet

This tracking sheet shows the status of the work being processed by the Planning & Building Divisions
 New Planning items or items recently updated are highlighted in yellow. Building items highlighted in green are pending action from the applicant.
 Approved projects are deleted on next version of log.

Agenda No: A-2

Meeting Date: August 18, 2015

#	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	Project Planner
Hearing or Action Ready										
1	Merrifield	1147 West St.	4/24/15	CP0- 469 & UP0-414	Coastal Development and Conditional Use Permits to construct new SFR subject to bluff development stds.	WM. Under review. Scheduled for 8-4 meeting. Phase 1 arch report req'd. Continued to a date uncertain		PN - Conditionally approved with comments-6/1/15		wm
2	Wright	1149 West St.	4/24/15	CP0-470 & UP0-415	Coastal Development and Conditional Use Permits to construct new SFR subject to bluff development stds.	WM. Under review. Scheduled for 8-4 meeting. Phase 1 arch report req'd. Continued to a date uncertain		PN - Conditionally approved with comments-6/1/15		wm
4	Frye	3420 Toro Lane	1/13/14	CP0-419 & UP0-383	Coastal Development Permit and Conditional Use Permit for New 2,209sf SFR and 551sf garage w/ approx. 300 sf of decking on vacant lot.	WM. Revising MND. MND complete and routed to State Clearinghouse on 6-6-15. Anticipated PC hearing on August 18, 2015	BC-disapproved- need geologic and engineering geology report.FD/TP Approve2/24/14	RPS conditionally approved per memo of 7/20/14		wm
5	Central Coast Women For Fisheries	Coleman Drive/ Morro Rock	6/22/15	UP0-424	CUP for placement of lifesize statue near Morro Rock.	Review complete. Schedule for PC hearing on 9-1-15.				cj
6	Hough	289 Main	10/16/13	CP0-410 & UP0-369	CDP and CUP to construct a 2,578sf single family home on vacant lot	CJ- under review. Met with Applicant's representative 11-21-13. Met w/ Applicant representative 3-3-14 regarding bluff determination per LCP maps. Letter sent 4-1-14 re completeness and bluff standards. CJ. Visited site to review project 10-24-14. Concurrent request sent re bluff to Coastal Commission 10-27-14. Discussed project with Coastal staff 11-18-14 with referral to CCC Geologist 1-2015. Met w/ Coastal geologist 2-12-15 on site. Resubmittal received and review complete for PC hearing.	BC- conditionally approved. TP-Disapprove 12/6/13.	BCR: Conditionally approved: ECP and sewer video required per memo of 10/28/13. Began resubmittal review 3/18/15		cj
7	Reynolds	2509 Greenwood	6/25/15	CP0-484	Admin. Coastal Development permit for demolition of burned home and replace with 26 x 26 manufactured home.	Under Initial Review. Noticed 8/3. JG		PN- Conditionally approved per memo dated 7/28/15		jg
8	Frederick/Haseley/Dunn	413 Shasta	1/14/15	CP0-458	Admin Coastal Development Permit for Demo and Reconstruction of 2,195 sq. ft. SFR w/546 sq. ft. garage	Under Review. JG. Correction letter sent 2/23. JG. Email correspondence w/ agent 3/2. JG. Resubmittal rcv'd. Under review. JG. Incomplete letter sent 4/23 Resubmittal received 6/17. Under review. Incomplete letter sent. Corrections rcv'd. Noticed 7/30.		PN- Plans disapproved per memo dated 7/6/15.		jg

#	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	Project Planner
9	Smothers/ Fortino	570 Kings	5/27/15	CP0-477	Admin Coastal Development Permit for new SFR and 3 garage on R-2 zoned lot with existing SFR.	Reviewed for completeness. Corrections sent and resubmitted received 7-23-15		PN- Conditionally approved with comments - 6/12/15		cj
30 -Day Review, Incomplete or Additional Submittal Review										
10	SLCUSD	235 Atascadero	7/20/15	CP0-485 / UP0-427	CDP & CUP for new pool and student services building at Morro Bay High School	Under initial review				cj
11	Jordan	340 Tulare	7/10/15	UP0-426 & AD0-103	CUP & Parking Exception for 650 sf 2nd floor addition, remodel garage to provide covered enclosed parking with 1 tandem driveway space	Under initial review. JG				jg
12	Verizon Wireless	1401 Quintana	6/12/15	CP0-483/UP0-421	Coastal Development and Conditional Use Permits to construct unmanned telecommunications facility	JG - Under Initial Review. Correction letter sent 7/31		PN- Conditionally approved per memo dated 7/8/15		jg
13	Whitaker	1170 Front St.	6/12/15	UP0-422	Request for extension of UP0-120/AD0-024 for 6 unit hotel	Waiting on letter of request for time extension before scheduling for PC				jg
14	Tobin	326 Panay	6/11/15	UP0-425/ CP0-480	New SFR in R-4 zone. CDP and MUP for 1486sf SFR and 446sf garage					wm
15	Reddell	310 Trinidad	6/1/15	CP0-479	Admin Coastal Development Permit for new SFR on a vacant lot	JG - Under initial review. Sent back for corrections and need an MUP		PN- Conditionally approved with comments - 6/12/15		jg
16	Gambriel	405 Atascadero Rd.	5/13/15	CP0-475 / UP0-417	New construction of 10,000sf commercial retail on vacant lot	WM. Under review. Will need Arch and Traffic reports.		RPS returned incomplete per memo of 6/12/15		wm
17	Robson	110 Orcas St.	4/24/15	CP0-471	Coastal Development Permit for new SFR in S2A overlay. Design includes semi-subterranean garage	Under review. Corrections sent 6-25-15. Anticipate PC hearing 9-1-15.				cj
18	Boisclair	900 Main St.	4/24/15	CP0-472 & UP0-416	Business change. Combine 2 separate uses, bar & restaurant	JG. Under initial review. Correction letter sent 5/14. Resubmittal recv'd 8/5/15		JSW - Conditionally Approved with commetns		jg

#	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	Project Planner
19	Verizon / Knight	702 Morro Bay Blvd	4/15/15	UP0-412 & CP0-466	Conditional Use Permit & Coastal Development permit for new Verizon antenna and cabinets, associated facilities	JG. Under review. Correction letter sent.		ME- Conditionally approved per memo 4/22/2015		jg
20	AT&T	590 Morro Street	4/10/15	UP0-411 & CP0-465	Conditional Use Permit & Coastal Development permit to modify 2006 Planning permit approval for unmanned cell site	WM. Incomplete letter sent 4/28/15.				wm
21	T-Mobile	1478 Quintana	1/30/15	UP0-403	Minor Use Permit to Modify existing wireless telecommunication site at church	JG - Under initial review. Correction letter sent 3/5/2015. JG		JW approved		jg
22	Volk	800 Quintana	1/29/15	CP0-461 & UP0-405	CDP / CUP for Verizon wireless telecommunications facility	CJ - under review. Incomplete letter sent 3-2-15. Revised RF report submitted 6-5-15. Requested RF clarification via email 7-9-15.		RPS approved		cj
23	Knight / Verizon	485 Piney Way	1/29/15	CP0-460 & UP0-402	CDP /CUP for Verizon wireless telecommunications facility (panel antennas & equipment cabinet)	CJ - RF Compliance Report under review. Incomplete letter sent 3-2-15. Revised RF report submitted 6-5-15. Requested RF clarification via email 7-9-15.		ME conditionally approved per memo 2/3/15		cj
9	Chivens	431 Kern	1/6/15	CP0-456	Admin Coastal Development Permit. Demo existing structure. New 3,000+/- SF SFR. Development of 2nd home where previous CDP for 431 Kern approved 9-2014. WM	Incomplete letter sent 2/3/15. Resubmitted plans 5/15/15.	2/23/15 FD Cond App TP	RPS has approved plans 2/23/15 pending submission of sewer video and ECP prior to Building Permit.		wm
10	Verizon / Knight	184 Main	11/19/14	UP0-394	Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.	Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG		RPS disapproved on 12/15/14 since proposed pole site will be removed during undergrounding project.		jg
11	Leage	833 Embarcadero	9/15/14	UP0-389	Demolish existing building. Reconstruct new 1 story building (retail/restaurant use) & outdoor improvements	Under review. Deemed incomplete. Letter sent 10-13-14. CJ Resubmittal received 2/17/15. Incomplete letter sent . Resubmittal received.	BC- incomplete	RPS - Disapproved for plan corrections noted in memo of 10/14/14		cj
12	Wordeman	2900 Alder	7/28/14	CP0-447	Admin Coastal Dev. Permit for new construction of duplex in R-4 zone. Unit A: 1965 sf w/605 sf garage. Unit B: 1714 sf w/605 sf garage.	Under Review. Correction letter sent 8-27-14. Resubmittal received 1-26-15. JG. Correction letter sent. Partial resubmittal rcv'd 2/23. Under Review. JG. Correction letter sent 1/30 JG. Resubmittal received 6/8/15. Under review. Correction letter sent	BC- conditionally approved.	PN-Disapproved for plan corrections per memo dated 6/12/15		jg

#	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	Project Planner
13	Sonic	1840 Main St.	8/14/13	UP0-364 & CP0-404	Conditional Use Permit and Coastal Development Permit to develop Sonic restaurant.	Under initial review. Comment letter sent 9/10/13. CJ. Spoke w/ applicant 10/3 re: traffic study. CJ. Public Works & Fire comments received & forwarded 10/8/13 to applicant. Comments from Cal Trans received 10/31 and forwarded to Applicant. Applicant requested meeting w/ City staff & Cal Trans to review project requirements. Had project meeting-discussed traffic study requirements on 11-21-13. Requested fee estimate from environmental consultant for CEQA purposes. CJ. Resubmitted 5/27. Environmental Review in process. Correction letter based on environmental review sent 8-6-14. Resubmittal received 1-23-15 and correction sent 2-23-15. Resubmittal received 5/8/15.	Bldg -- Review complete, applicant to obtain building permit prior to construction.FD-Disapprove UPO 364/CPO 404 9/11/13.9/9/14 FD App TP. 2/10/15 FD Not App TP.	PN- Conditionally approved per memo dated 6/3/2015; RPS: Initial conditions provide by memos of 9/10/13 and 10/14. Met with Caltrans on 10/17.		cj
14	Perry	3202 Beachcomber	9/8/2011 & 10/25/2012	AD0-067 / CP0-381	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.Appeal in abeyance until coastal application complete. Incomplete letter for CDP sent 12/13/12. No response since 2012. Sent Intent to Deem Withdrawn Letter 9-2-14. JG. Applicant responded with Request for Meeting to keep CDP application open. SG.	Review complete, applicant to obtain building permit prior to construction.	No review since conditional approval of 6/11/12		
15	LaPlante	3093 Beachcomber	11/3/11	CP0-365	Coastal Development Permit for New SFR in appeals jurisdiction. Proposed SFR of 3,495sf w/ 500 sf garage on vacant land.	SD-- Incomplete Letter 12/12/11. Letter sent 4/11/2012 requesting environmental study. MR-Met with Applicant and discussed potential impacts of project and CEQA information requested to complete MND. Project referred to env. consultant and Coastal. MND in process. Applicant revising bio report and snail study. Spoke w/ Applicant Representative 3-13-14. Snail study complete and sent to Dept of Fish and Wildlife for concurrence review. Spoke w/ env. consultant re environmental 4/7 CJ. Met with application 7-18-14 to request addendum to bio report in order to complete CEQA. Bluff determination and snowy plover report submitted 8-14-14. CJ. MND complete. Anticipate routing to State Clearinghouse on 9/18/14. Coastal Commission comment letter received 10-20-14. City responded to Coastal on 10-27. Applicant working to address comments. Discussed project with Coastal staff in meeting 11-18-14 and met with applicant 12/4/14 and 1/20/15. Waiting on plan revisions. CJ.	Review complete, applicant to obtain building permit prior to construction.	No review since conditional approval of 11/20/12	No Comments to date	cj
Planning Commission Continued projects										
16	Seashell Estates, LLC	361 Sea Shell Cove	1/26/15	CP0-459/ UP0-401	Coastal Development Permit/Conditional Use Permit for new SFR. Lot 4 of 1305 Teresa Subdivision	Reviewing CC&R Design Guidelines. Deemed complete 3-2-15. Anticipate 4/21 PC hearing. Project continued to a date uncertain. CJ.	2/23/15 FD Cond App TP	BCR has for review 2/3/15		cj

#	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	Project Planner
17	Redican	725 Embarcadero Rd.	6/26/13	UP0-359	Use Permit for seven boat slips and gangway	Under review. Incomplete letter sent 7-23-13. Resubmittal received on October 1, 2013. Additional info requested and resubmittal received 12-2-13. Incomplete letter sent 12-30. Meeting with Applicant on 2-13-14. Emailed Applicant 2-26-14 to clarify eelgrass study requirements for environmental review. Info hold letter sent 9-2-14. Resubmitted 10-28-14. Initial Study/MND complete & routed to State Clearinghouse 1-2-15. Anticipate 2-17-15 PC hearing. Comments received from Coastal Commission regarding eelgrass mitigation. Dock revision in progress. Project continued to 3-17-15 mtg to ensure legal noticing. Applicant submitted revised dock plans based on Coastal Commission feedback re: MND. Supplemental info sent to Coastal on 5/12/15. Applicant consulting with Coastal staff regarding MND environmental 7-2015. CJ	Bldg -- Review complete, applicant to obtain building permit prior to construction. Disapproved 4/21/14TP-Disapprove 11/19/13.	PW requirements will be addressed with Building Permit review	Harbor conditions: 1. one slip to be reserved for public use; 2. southern-most end tie to remain vacant in order to not encroach on neighboring lease site. Note-water lease line will need to be extended out to accommodate slips. EE 12/16/13	cj
18	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	Environmental documents for Nutmeg Tanks. 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. Planning Commission continued this item to address concerns regarding traffic generated from the removal of soil. In applicant's court, they are addressing issues brought up by neighbors during initial P.C. meeting. Project has been redesigned and will be going forward with concrete tanks. Modifications to the MND are in process. Neighborhood meeting conducted with Engineering on 9/27/2013. Revising project description and MND.	No review performed.	BCR- New design concept completed. Needs new MND for concrete tank, less truck trips. Neighborhood mtg held 9/27. Neighbors generally support new design that reduces truck trips by 80%. Concrete batch plant set up on site will further reduce impact. 5/5/14 - Cannon contract signed to finish permit phase. Construction will be delayed to FY15/16	?	
Environmental Review										
19	City of Morro Bay	N/A		UP0-423	MND for Chorro Creek Stream Gauges	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj

#	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	Project Planner
Pre-application										
20		Morro Mist			Final Map questions on 23 lot community housing project.	Received property inquiries from interested parties regarding conditions of approval on final map.				cj
21		Black Hill Villas			Final Map questions on 16 lot tract map approved by Coastal	Coordinating with applicant regarding conditions of approval relative to recent Coastal Commission approval of CDP.				cj
Grants										
22	Coastal Conservancy, California Coastal Commission, California Ocean Protection Council	City-wide			\$250,000 Grant Opportunity for funding for LCP update to address sea-level rise and climate change impacts.	Application submitted July 15, 2013. Awaiting results. Agency requested additional information and submitted 10-7-13. Notice received application was successful for amount requested. City funded \$250,000. Staff in contact with CA Ocean Protection Council staff to commence grant contract.	No review performed.	N/A		
23	City of Morro Bay	City-wide			Community Development Block Grant/HOME Program - Urban County Consortium	Staff has ongoing responsibilities for contract management. 2012 contracts in progress. 2013 contracts in progress. City Council approval 6/10/14 for City participation in Urban County consortium for Fiscal Years 2015-2017. Needs Assessment Workshop scheduled for 9/11/14 in tandem with Cities of Atascadero and Paso Robles at Atascadero City Hall 5pm. Draft 2015 CDBG funding recommendation approved by Council 12/9/14.	No review performed.	N/R		
24	City of Morro Bay	City-wide			Climate Action Plan - Implementation	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				
Project requiring coordination with another jurisdiction										
25	City of Morro Bay	Outfall			Original jurisdiction CDP for the outfall and for the associated wells	Coastal staff is working with staff. Coastal letter received 4/29/2013. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	City provided response to CCC on 7/12/13. Per Qtrly Conference Call CCC will take 30days to respond		
26	City of Morro Bay Desal Plant	170 Atascadero			Project requires a Coastal Development Permit for upgrades at the Plant. Final action taken Sent to CCC but pursuant to their request the City has rescinded the action.	Waiting for outcome from the CDP application for the outfall. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15/13. Phase 1 complete and finalized. Phase 2 on hold as of 7/22/14.		
Final Map Under 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	Project Planner
27	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. Recent Submittal reviewed and memo sent to PW regarding deficiencies. Initial review shows resubmitted map does not meet the 50 foot ESH buffer setback requirement. Creek restoration required per Planning condition #4 prior to recordation of the final map.	No review performed.	DH - resubmitted map and Biological study on Dec 19th 2012. PW has completed their review. Received a letter from Medina's lawyer and preparing response. PW comments sent to RS to be included with his response letter. RS said to process map for CC. Letter being prepared to send to applicant to submit mylars for CC meeting.		sg/cj
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive										
28	Maritime Museum Association (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. Resubmitted additional material on 9/30/09. Applicant working with City Staff regarding lease for subject site. Applicants enter into agreement with City Council on project. Applicant to provide revised site plan. Staff processing a "Summary Vacation (abandonment)" for a portion of Surf Street. Staff waiting on applicant's resubmittal. Meeting held with applicant 2/23/2011. Staff met with applicant 1/27/11 and reviewed new drawings, left meeting with 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. Sent Intent to Deem Withdrawn letter 9-2-14. JG.	Please route project to Building upon resubmittal.	An abandonment of Front street necessary. To be scheduled for CC mtg.		
29	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. Six month extension granted. Sent Intent to Deem Withdrawn Letter 8-28-14. Applicant requested to keep project open 9-25-14.	Please route project to Building upon resubmittal.	N/A		cj
Projects going forward to Coastal Commission for review (Pending LCP Amendments) / State Department of Housing										

#	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	Project Planner
30	City of Morro Bay	Citywide	10/16/13	A00-013	Zoning Text Amendment - Second Unit	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. 6-11-13 City Council direction to staff to bring back to Planning Commission for review of ordinance. At 10-16-13 PC meeting, Commission recommended changes to maximum unit size and tandem parking design where units over 900 sf and/or tandem parking design of second unit triggers a CUP process. Council accepted PC recommendation at 2-11-14 meeting and directed staff to bring back revised ordinance for a first reading and introduction. Item continued to 4/22/14 Council meeting to allow time for Coastal staff comment regarding proposed changes. Council approved Into and First Reading on 4/22/14. Final Adoption of Ord. 585 at 5/13/14 Council meeting. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission.	No review performed.			wm
31	City of Morro Bay	Citywide	2/1/13	Ordinance 556	Wireless Amendment - LCP Amendment CHAPTER 17.27 Amendment for "Antennas and Wireless Telecommunications Facilities" AND MODIFYING CHAPTER 17.12 TO INCORPORATE NEW DEFINITIONS, 17.24 to MODIFY primary district matrices to incorporate the text changes , 17.30 to eliminate section 17.30.030.F "antennas", 17.48 modify to eliminate section 17.48.340 "Satellite dish antennas".	Application for Wireless Amendment submitted to Coastal Commission 9-11-13. Received comments back from CCC 11-27-13, working on addressing issues.	No review performed.	N/A		sg
Projects Appealed or Forwarded to City Council										
32	Fowler	1185-1215 Embarcadero	10/6/14	UP0-058	Precise Plan submittal for landside improvements	Under review. Incomplete letter 11-5-14. CJ. Fire comments emailed to applicant 11-26-14. Resubmittal received 12/29/14. Correction sent 1-29-14. Resubmittal 3-19-15. PC Agenda 5/19/15. Council date 6/23/15.		RPS provided comments for revision of Precise Plan on 2/11/15		cj

#	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	Project Planner
33	City of Morro Bay	Citywide	6/19/13	A00-015	Sign Ordinance Update. Text Amendment Modifying Section 17.68 "Signs"	Text Amendment Modifying Section 17.68 "Signs". Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs. 5/17/2010. PC made recommendations and forwarded to Council. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. A report brought to PC on 2/7/2011. Workshops scheduled 9/29/11 & 10/6/11. -Workshop results going to City Council 12/13/11. Continued to 1/10/12 CC meeting. Staff Report to PC. Project went to 5/2/2012. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13. Continued to 7/3/13 PC meeting for further review. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 Final Draft of Sign Ordinance approved at 9/4/13 PC meeting with recommendation to forward to City Council. Council directed staff to do further research with local businesses. First workshop held 11/14 with approx. 12 Quintana area businesses. Downtown workshop held March 2014, North Main business workshop held 4/28/14 and Embarcadero business workshop held 5/19/14. Result of sign workshops to be agendized for Planning Commission.	No review performed.	N/R		sg
Projects in Building Plan Check										
34	Sangren	675 Anchor	11/28/12	B-29813	SFR Addition	Requested corrections 1/9/13. CJ. Resubmittal received and under review (November 14, 2013). Denial letter sent 4/24/14 GN	BC- Returned for corrections 1/9/13.	N/A		
35	Eisemann	535 Atascadero	7/1/15	B-30547	SFR Alteration and addition of new bathroom			PN- Plans approved, owner will now add new sewer lateral. -7/13/15		
36	Gannage	185 Azure Street	5/11/15	B-30465	SF Additon of 44sf , relocated new kitchen, remodel bathrooms, replace façade, doors, windows, roof & water heater.			PN- Plans approved - 7/10/15		
37	Bernal	624 Bernardo	6/10/15	B-30520	SFR Addition of 732sf bed/bathroom			PN- Disapproved. Need lateral sewer video & updates -7/6/15		
38	Wiseman	671 Bernardo	6/5/15	B-30429	SFR Interior Remodel	JG-2nd submittal under review. Approval 6/23. JG		JSW 2015-06-17 - second submittal denied, no changes made from 1st submittal JSW 2015-07-02 - Video Submitted; conditionally approved for final routing JSW 2015-07-09 - Plans approved		
39	LaPlante	3093 Beachcomber	11/3/11	B-29586	New SFR: 3,495sf w/ 500 sf garage on vacant land.	SD--Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012. Building Permit on hold until Planning process complete. CJ.	BC- Application on hold during planning process	DH- Provide SW mgmt, drainage rpt, EC per memo of 1/18/12.		
40	Fowler	1213 Embarcadero	9/11/14	B-30126	Phase 1-B Water Site Improvements	Requested correction 10-7-14 - Received resubmitted - applicant will need pre-construction eelgrass survey prior to issuance	BC- under review.	PN- Approved 5/2/15, no memo.		

#	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	Project Planner
41	PG&E	1290 Embarcadero	10/2/13	G-040	Soil Removal	CJ- Monitoring Well location partially in Coastal original jurisdiction. Coastal Commission processing consolidated permit. Waiver granted by Coastal 9-14-1491-W	BC- on hold pending planning process.	Memo of 11/29/13. CDP application should address soil revegetation		
42	Appleby	381 Fresno	7/31/14	B-30227	Carport & Storage Shed	Correction sent 8-7-14. WM. Will require a CUP prior to building. JG. Corrections sent 2/23 JG	BC-on hold pending Planning process.	RPS - No PW comments if street access is not required for storage bldg		
43	Decker	430 Fresno	6/8/15	B-30491	Convert existing laundry room into bathroom.			PN- Disapproved, needs sewer video & bwv 6/12/15		
44	Funk	672 Fresno	7/10/15	B-30558	SFR Addition	Corrections sent 7-27-15. CJ				
45	Reynolds	2509 Greenwood	6/25/15	B-30544	Demo burned down home & install new 26x46 manufactured house.	OK. JG. Noticed for CDP 8-3		PN- Disapproved, need sewer video- 7/28/15		
46	Monie	2577 Greenwood Ave.	5/18/15	B-30471	2-story Addition to SFR: 935sf			PN- Disapproved, needs sewer video & EC 6/8/15		
47	Gonzalez	481 Java	10/6/13	B-30029	SFR Addition/ Remodel: add 578 sf living and 112 sf decking	WM. Expecting Admin Use Permit application for minor revision to approved design.	BC- on hold pending planning process.	Return for resolution of Planning issues. BCR - Conditionally approved per memo of 10/9/14		
48	Najarian	2295 Juniper	5/5/15	B-30471	New SFR: 2,216sf living, 522sf garage, 121sf patio & entry, and permeable paver driveway.	Under review 7-2-15. WM		PN- Plans approved - 7/29/15		
49	Chivens	431 Kern		B30482	Demo Existing 625 S.F. Residence Construct 2,274 S.F. SFR & 550 S.F. Garage	Conditionally approved 7-16. WM	Returned for corrections June 23, 2014			
50	Tobin	315 Las Vegas	6/16/15	B-30524	New SFR	Waiting for CDP approval. JG. Building plans approved		PN- Disapproved, needs sewer video & corrections. 6/19/15		
51	Tobin	325 Las Vegas	6/16/15	B-30533	New SFR	Waiting for CDP approval. JG. Building plans approved		PN- Disapproved, needs sewer video & corrections. 6/19/15		
52	Douglas	2587 Laurel	7/27/15	B-30352	Addendum to B-30074. Add 24 sq. ft., converting 1,020 sq. ft. to habitable space, add 120 sq. ft. porch, and 191 sq.ft. deck	Under Review. JG. Denial				
53	Candy Fish Sushi	898 Main	2/23/15	B-30380	Demise wall to add inside seating in restaurant	Approved 2/26/15 JG				
54	Dyson	117 Main	8/18/14	B-30248	Covered Patio	Corrections. 9-5-14. WM.	BC-Returned for corrections 9/8/14.	NRR		
55	Tobin	2500 Main	6/16/15	B-30534	New SFR	Waiting for CDP approval. JG. Building plans approved		PN- Disapproved, needs sewer video & corrections. 6/19/15		
56	Tobin	2540 Main	6/16/15	B-30535	New SFR	Waiting for CDP approval. JG. Building plans approved		PN- Disapproved, needs sewer video & corrections. 6/19/15		
57	Bernal	560 Monterey	6/12/15	B-30443	Addition of 158sf to existing SFR (includes roof & deck)	Approved. WM		PN- Approved 7/8/15, no memo.		
58	Meisterlin	315 Morro Bay Blvd.	9/12/14	B30275	Commercial Alteration-Handicap restroom	Approved 9/25/14. CJ.	BC-returned for corrections 10/2/14.	RPS returned for corrections per memo of		
59	Dennis	270 Piney	2/13/15	B-30383	New SFR	Under review 2/26 JG. Waiting for conditions of approval to be included in plan set. 3/5 JG Approved 3/17 JG. Building permit approval 6/25/15	Approved 7-16-15. CL	PN- Plans Approved- 7/22/15		
60	Dennis	290 Piney	2/13/15	B-30382	New SFR	Under review 2/26 JG. Waiting for conditions of approval to be included in plan set. 3/5 JG Approved 3/17 JG		ME approved 4/16/2015		
61	St. Tim's	962 Piney	6/5/15	B-30470	Addition and interior remodel- 147sf	JG. Needs modification to existing planning permit. Adjustment AD0-023 approved, noticed 6/19.		PN-Disapproved, needs sewer video, per memo 7/10/15		

#	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	Project Planner
61	Verizon	750 Radcliff	7/15/15	B-30562	Verizon Wireless fiber, trench and equipment			PN- Plans conditionally approved, Enrcoachment Permit req. -7/31/15		
62	Salin & Torino	845 Ridgeway	6/12/15	B-30156	Demo/Reconstruct SFR.	JG Under review. Approved.		PN- Plans conditionally approved, Special Enrcoachment Permit req. -7/21/15		
63	Holland	990 Ridgeway	5/20/15	B-30488	Addition of 222sf bed/bath, remodel of 726sf & demo of non-permitted garage.	Disapproved 5-21-15. WM		PN- Plans disapproved. Need lateral sewer video & plans update -7/6/15		
64	Frye	244 Shasta	5/7/13	B-29910	Garage to Second Unit conversion	KM - Needs to comply with or amend existing CDP. 2006 Planning permit modified to allow non-conforming structure. No activity since 2014 on this building permit.	BC- on hold pending planning process.	BCR-approved 5/13/13		
65	Lindsey	413 Shasta	1/14/15	B-30357	Demo / Reconstruct SFR.	Needs CDP. Under review. JG. Noticed 7/30		PN- Plans disapproved. Need lateral sewer video & plans update -7/6/15		
66	Turner	356 Yerba Buena	5/21/15	B-30490	SF Additon & Alteration addition of 2,026sf	Corrections sent 6-19-15 CJ.		PN- Plans disapproved. Needs sewer lateral & plan update -7/7/15		
Projects & Permits with Final Action										
1	Bellisario	1125 Las Tunas	5/28/15	CP0-478	Admin Coastal Development Permit for new SFR on a vacant lot/ 2185sf SFR and 580sf garage	JG - Under initial review. Noticed 7/17. Admin permit issued 7/30		PN- Conditionally approved with comments - 6/12/15		jg
2	Combs	460 & 490 Errol St.	4/19/15	CP0-467	Removal of 2 residential structures on property	Project near archaeologically sensitive area. Incomplete letter sent to applicant 5/13/15. Spoke with Applicant 6/4/15 - Arch monitoring contract in process. Admin permit issued 7-21-15.				cj
3	Martin	454 Yerba Buena	6/8/15	UP0-420 & AD0-102	Conditional Use Permit and Parking Exception to add 195 sf as a second story addition to existing SFR for a total new square footage of 999 sf	JG - Under initial review. Scheduled for PC 8/4. Approved, Reso. No. 27-15		RPS approved with no PW conditions 6/12/15		jg



AGENDA NO: B-1

MEETING DATE: August 18, 2015

Staff Report

TO: Planning Commissioners

DATE: August 18, 2015

FROM: Whitney McIlvaine, Contract Planner

SUBJECT: Coastal Development and Conditional Use Permit (CP0-419 & UP0-383)

Request to construct a single-family residence with an attached garage on a vacant coastal lot with designated environmentally sensitive habitat (ESH) at 3420 Toro Lane.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by adopting Planning Commission Resolution 28-15 which includes findings for adoption of the Mitigated Negative Declaration and findings, conditions, and environmental mitigation measures for approval of the project.

APPLICANT/AGENT:

Greg and Jeanne Frye, Owners/Applicants
Chris Parker, Architect
Rachell Kovesdi, Agent

LEGAL DESCRIPTION/APN:

065-091-022

PROJECT DESCRIPTION:

The project proposes construction of a 1,538 square-foot single-story house with an attached 579 square-foot garage and approximately 240 square feet of open patio. Plans show a 50-foot ESH buffer from the coastal dune habitat and a 25-foot buffer from the edge of the stream corridor.



PERMITTING REQUIREMENTS:

A Coastal Development Permit is required for new single-family home construction located within the California Coastal Commission appeals jurisdiction. Because of the Environmentally Sensitive Habitat (ESH) overlay zoning, site development is also subject to environmental review. A Conditional Use Permit is required for development within the coastal bluff review area, for reductions in an ESH buffer setback, and for coastal access.

Prepared By: WM

Department Review: SG

BACKGROUND:

In 1972, a parcel map was approved by the City of Morro Bay, which created the project’s underlying lot. An application for construction of a 2,065 square-foot house with a 656 square-foot garage on this site was submitted in January, 2014. An initial environmental study was prepared and circulated for public comment in July, 2014, which concluded that with incorporation of mitigation measures, the project qualified for a Mitigated Negative Declaration of environmental impact (MND). On September 2, 2014, the Planning Commission continued review to a date uncertain to allow for preparation of further studies and reports in response to comments on the MND, including comments from the Coastal Commission staff and from U.S. Fish and Wildlife (<http://www.morro-bay.ca.us/DocumentCenter/View/8762>). Since then the following reports and responses were prepared:

- Addendum to the Biological Resources Assessment (KMA 11/2014)
- Response to California State Coastal Commission Comments (Earth Systems Pacific 9/2014) - addressing top of bank determination and canyon and coastal bluff distinction
- Revised Sea Wave Run-up Analysis (Earth Systems Pacific 2/2015)
- Slope Stability Analysis (Earth Systems Pacific 3/2015)

The project has been redesigned with a reduced building area and footprint to accommodate a 50-foot buffer for the coastal dune ESH in addition to a 25-foot buffer for the intermittent drainage in the stream corridor. A revised MND was re-circulated in June, 2015.

➤ *Project reports and studies as well as the MND are available on the City web page. An on-line link for these documents is provided at the end of this report.*

PROJECT ANALYSIS:

The project is located in a residential neighborhood between Highway One and Atascadero State Beach at the north end of Morro Bay. Homes are one-story in keeping with the zoning ordinance height limitations for properties in this area of the city. Applicable land use and zoning designations and adjacent uses are summarized in the following two tables.

<u>Adjacent Zoning/Land Use</u>			
North	R-1/S.2A/ESH Residential Use	South	R-1/S.2A Residential Use
:			
East:	R-1/S.2A Toro Lane & Highway 1	West:	OA-1/PD Morro Strand State Park, Pacific Ocean

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Low Medium Density Residential Environmentally Sensitive Habitat
Base Zone District	Single Family Residential (R-1)
Zoning Overlay District	Environmentally Sensitive Habitat (ESH)
Special Treatment Area	Special Design Criteria (S.2A)
Coastal Zone	Located in the Coastal Zone within appeals jurisdiction
Bluff Review Area Setback	Subject to Bluff Development Standards

Site Description

The vacant coastal lot is 10,019 square feet in size. It is located between Toro Lane to the east and the ocean and beach to the west. To the north and south are single-family homes. The site slopes generally down from undeveloped Toro Lane right-of-way toward the ocean, and from the southerly boundary toward a drainage channel along the northerly boundary. Evidence of previous grading, which may have been used as tank access to the beach during the 1940's, crosses the middle of the site and contains an informal foot path to the beach.

A portion of a drainage easement crosses the northeast corner of the site. (Please refer to the proposed project site plan, Sheet A1.2 of the plans.)The easement, which extends into the adjacent lot to the north, contains a concrete channel directing the drainage outflow from a culvert running under Toro Lane and Highway One. The drainage is mapped on the U.S. Fish and Wildlife Wetlands Inventory as riverine. This un-named drainage is mapped as ESH on the City's official zoning and land use maps. The United States Geological Survey (USGS) quadrangle map shows the drainage terminating east of Highway One.

View of Vacant Project Site



<u>Summary Site Characteristics</u>	
Overall Site Area	10,019 square feet
Existing Use	Vacant
Terrain	Gently to steeply sloping
Vegetation	annual grassland, arroyo willow, ice plant, coastal dune scrub
Access	Toro Lane

Zoning Ordinance Compliance

Site Zoning. The project is in a Single Family Residential (R-1) zone. It is also subject to the provisions of two special treatment overlay zones: the S.2A overlay and the Environmental Sensitive Habitat overlay (ESH). Special treatment overlay zones require additional review and analysis for new development in unique areas of the city.

S.2A Overlay Zone. The S.2A overlay zone applies specific setback and height standards for properties in north Morro Bay west of Highway One and north of Azure Street.

<u>Zoning Ordinance Standards – S.2A Overlay</u>		
	Standards	Proposed
Front-Yard Setback	15 feet	5 feet to garage*
Side-Yard Setback	5 feet	Minimum of 5 feet***
Rear-Yard Setback	5 feet	Minimum of 51+ feet
Lot Coverage	50% allowed	21.2%****
Height	17 feet**	16.9 feet
Parking	2 covered and enclosed spaces	2 covered and enclosed spaces

*Garage Setbacks: Zoning Ordinance Section 17.48.045 allows for a reduced garage setback where there is a grade change of at least 7 feet from the centerline of the right-of-way to the front portion of the abutting lot. In this case the grade change is more than 10 feet. The setback is allowed to be reduced to within 5 feet of the front property line.

**Height: The maximum height for dwellings in the S.2A Overlay is 14 feet for flat roofs and top of railing on roof decks. A height of up to 17 feet may be permitted for structures with peaked roofs with a minimum pitch of 4 in 12. The project proposes 4 in 12 pitched roofs.

***Interior Side-Yard Setbacks: The project proposes a 5-foot side setback along the

southeasterly property line. Setbacks from the northwesterly property line are based on a proposed 25-foot ESH buffer from the stream corridor and a 50-foot ESH buffer from the coastal dune habitat.

****Coverage: In response to site constraints, the project confines all on-site development (structure and impervious surfaces) to roughly 30% of the lot. Project coverage, as defined by the Zoning Ordinance Section 17.12.092, which does not include impervious surfaces such as driveways and walkways, is 21.2% of the lot area.

Environmentally Sensitive Habitat Overlay (ESH). Both the City Zoning Map and Land Use Map show an Environmentally Sensitive Habitat (ESH) designation on the project site. Coastal Land Use Plan Policy 11.05 requires that prior to issuance of a coastal development permit, project plans shall show the precise location of potentially affected habitats. Two Biological Resources Assessment Reports were submitted for the project by Kevin Merk (March 2012, and December 2013). An addendum to these reports was also submitted in November, 2014, following guidance from and discussions with California Coastal Commission Ecologist, Dr. Jonna Engle. (Links to each of these documents is provided at the end of this report.)

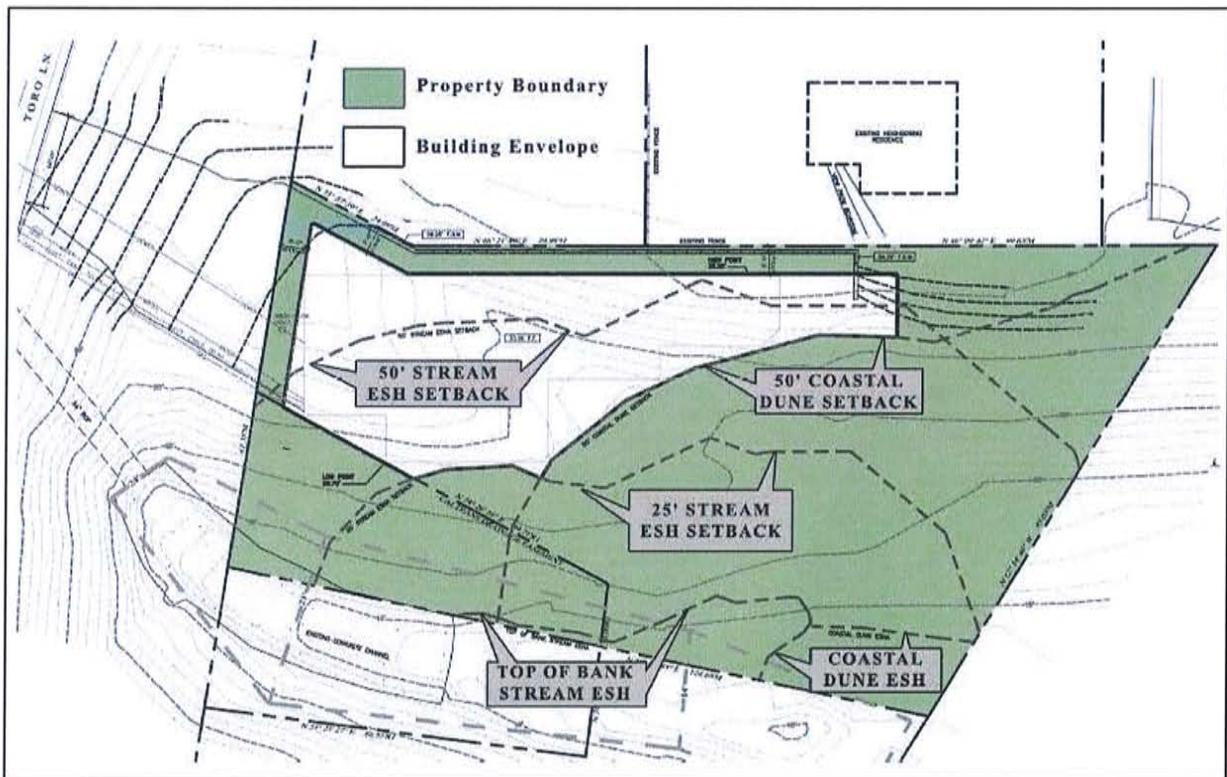
Vegetation on site includes annual grassland, Bermuda buttercup, and ice plant mat/foredune. No special status species were observed on site. The biological studies conclude that there are two ESH areas on the property – the stream corridor along the northerly boundary and a small area of coastal dune in the westerly corner of the site shown in the Addendum to Biological Resources as Iceplant Mat/Foredune (Exhibit E). The stream corridor habitat is confined to the drainage channel and includes a single willow. There is no other riparian vegetation associated with the stream corridor ESH.

ESH Buffer Areas. The Zoning Ordinance specifies setback/buffer distances from identified ESH areas. In the case of streams and coastal dunes, the required setback is 100 feet in non-urban areas and 50 feet in urban areas. Where the full setback would render a subdivided property unusable, the stream corridor setback may be reduced down to 25 feet, subject to mitigation deemed necessary for habitat protection and in consultation with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW). Brandon Sanderson, CDFW Environmental Scientist, noted that CDFW received the MND for review and had no concerns with the project. He suggested fencing at the buffer setback so that residential activities do not occur within the buffer. (See Planning condition 16 in the attached resolution.) Julie Vanderwier, Senior Fish and Wildlife Biologist at USFWS, commented that the Biological Addendum adequately addressed previous concerns, especially regarding habitat for the possible presence of red-legged frogs and the California seablight plant (a coastal dune scrub plant). (Correspondence from CDFW and USFWS can be viewed on the City web page at <http://www.morro-bay.ca.us/DocumentCenter/View/8737> .)

Requiring a full 50-foot buffer area from both the stream corridor and the coastal dune habitat would effectively render the lot unusable. Plans show a 50-foot setback from the coastal dune habitat. The applicants are requesting a 25-foot setback from the top of bank of the intermittent stream consistent with provisions of Coastal Land Use Plan Policy 11.14 and Zoning Ordinance subsection 17.40.040D.6. As mitigation, the environmental initial study recommends a Habitat Restoration and Enhancement Plan which includes coastal grassland and coastal scrub planting in the combined buffer area to reduce potentially significant habitat impacts to a less than significant level. (Please refer to the Biological Resources discussion in the Mitigated Negative Declaration. See *BIO/mm-4* in Attachment 1 to the resolution.)

The buffer map below indicates the extent of the 25- and 50-foot ESH buffers and the resulting building envelope. It also illustrates that a full 50-foot buffer from the stream corridor would effectively eliminate all site development potential.

ESH Buffer Map (CP Parker 2015)

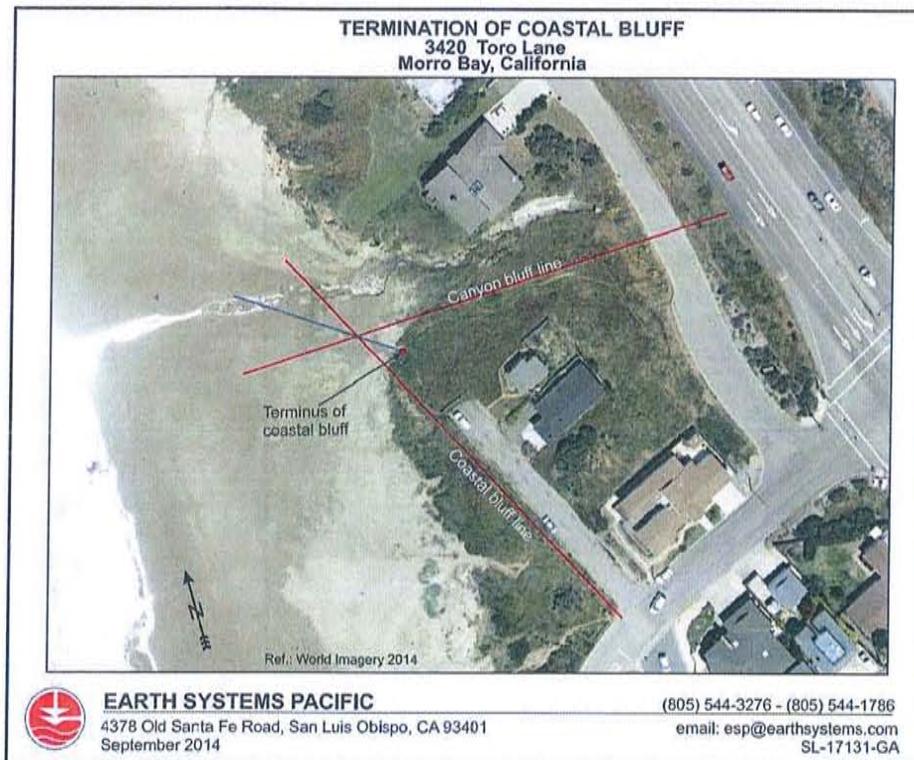


Bluff Development Standards

Because the site is between the ocean beach and the first public road, it is within a coastal bluff review area. Chapter 17.45 of the Zoning Ordinance establishes development standards and requires use permit approval for properties within the bluff review area setback. The Coastal Land Use Plan specifically references two bluff lines – the one running from the power plant to Morro Bay State Park and the one running along Beachcomber Drive inside Atascadero State Beach. The project site sits inland from the bluff line within Atascadero State Park, just north of the terminus of Beachcomber Drive.

Development projects in the bluff review area are required to submit a geologic report that addresses slope stability, erosion, building setbacks, and overall site suitability for development over a minimum 75-year period. For this project, Earth Systems Pacific has prepared a Geologic Bluff Study, a Sea Wave Run-up Analysis, a Slope Stability Report, as well as a clarification of top of bank and identification of coastal and canyon bluff lines. (On-line links to these documents are listed at the end of this report.)

The project site is unique in that it sits inland from the edge of a coastal bluff and is bordered on the northerly side by a canyon bluff. Geologic analysis of the site by Earth Systems Pacific in consultation with Coastal Commission staff geologist, Mark Johnsson, concludes that the top of coastal bluff is outside the boundaries of the property and runs roughly parallel to the shoreline. The on-site slope adjacent to the drainage is more accurately characterized as a riverine or canyon bluff, which runs more or less perpendicular to the beach and ocean. Site topography has also been significantly altered by previous grading and the concrete channelization of the natural drainage.



The stated purposes of the bluff development standards are to:

A. Protect Public Views. To protect public views to and along the ocean and scenic coastal areas, maintain the character of the bluff setting, not impair but facilitate public access, address environmental concerns as provided in the general and local coastal plans.

Environmental concerns are addressed in the Mitigated Negative Declaration (MND) prepared for this project. An ecological restoration planting plan is recommended in the proposed setbacks from the adjacent drainage and coastal dune habitat areas. This landscaped area together with the drainage channel will continue to provide a view through the site toward the beach and ocean. Coastal Access is separately discussed below.

B. Protect The Coastal Bluffs. To protect the coastal bluffs in the city from future development which may damage such bluffs, and in an effort to minimize the hazards to life and property.

The project is set back more than 70 feet from the top of the coastal bluff. A Sea Wave Run-up Analysis (Earth Systems Pacific, February 2014) concludes the project, with a finish floor elevation of 33 feet, will be well above the flood elevation resulting from a 100-year storm event coupled with projected sea-level rise and a simultaneous tsunami (estimated at 17.2 feet). A Slope Stability Analysis (Earth Systems Pacific, March 2015) concludes that both the canyon bluff and coastal bluff are grossly stable, with seismic and static safety factors above generally accepted minimum standards. The report notes that if the residence is supported by foundations bearing in the underlying bedrock, no setback from the canyon bluff top would be necessary. The report also recommends control of surface water to reduce the potential for soil slumps on the steeper slopes. A Soils Engineering Report prepared by GeoSolutions (August 2014) concludes that the site is suitable for the proposed development subject to recommended site preparation. (On-line links to these documents are listed at the end of this report.)

C. Adverse Visual Impacts. To mitigate the potential for adverse visual impacts that can be created by blufftop development and to preserve existing public coastal views for the future enjoyment of the city's residents and visitors.

The project site is visible from Toro Lane, State Route 1, Morro Strand State Beach, and the Northpoint Natural Area (as seen from the steps leading down to the beach). Views of the ocean from Highway One are generally obstructed in this area, due to a line of residences on Beachcomber Drive and Toro Lane. The project site and adjacent drainage currently provide a visual break between existing residences, allowing a brief view of the bluff, beach, and ocean.

To mitigate adverse visual impacts in this area of the City, the S.2A Overlay limits the maximum height of site development to 14 feet for flat roofs and 17 feet for pitched roofs. Plans indicate compliance with this requirement. In addition, Policy 11.23 of the Coastal Land Use Plan requires, as a condition of approval, that property owners dedicate a permanent easement over portions of the property determined to be sensitive habitat. (See Planning condition 10 in the resolution.) This would ensure the protection of the remaining view corridor through the property from Highway One to the beach. The project will also be required to underground utilities to reduce visual impacts.

D. Geographic Features. To maintain the unique geographic features of the bluffs and ensure development is subordinate to the character and form of the coastal bluff areas.

The proposed development is in keeping with existing residential development along Toro Lane in terms of character, form and scale. Site development is set well back from the edge of the coastal bluff. Some on-site grading will be necessary to accommodate the project.

**Massing Study of Project as Viewed from the Beach
Prepared by C.P. Parker 2015**



Architectural Design

Plans show a single story home with a series of gable roofs covered in dark charcoal colored asphalt composition shingles. The proposed exterior finish is taupe colored stucco. The color and materials exhibit shows bronze vinyl windows, a wood finished garage door and black trim. (Exhibit C).



Landscaping

Bluff development standards state that landscaping shall be designed to minimize ecological and geologic disturbance and that only plant materials recognized for drought tolerance and erosion control shall be authorized on bluffs and bluff tops. Mitigation is recommended in the environmental initial study under the discussion of Biological Resources which identifies landscaping as a means of erosion control and habitat restoration. The project will be required to have an approved Habitat Restoration and Enhancement Plan prior to issuance of any grading or construction permit, which will require that ESH buffer areas include native species of coastal scrub and coastal grassland habitat. Landscaping around the house and to the east and south would be drought tolerant and non-invasive. (See Planning condition 15.)

The conceptual landscape plan submitted for this project includes a variety of native coastal species. (The illustration suggests a much brighter palette than would likely be the case.) The final landscaping plan must include areas of coastal grassland as required by Biological mitigation measure 4 in the Mitigation, Monitoring and Reporting Program (Resolution Attachment 1).

Coastal Access

An informal trail crosses the site from Toro Lane down to the beach. Because the project is located seaward of the first public road, it is subject to the Public Access and Recreation policies of the Coastal Act, in addition to the City's LCP policies related to coastal access. The applicant is willing to provide an access easement through the project site if coastal access at this location is deemed necessary. Continued access through the property would require realignment of a portion of the existing trail toward the north in order to accommodate site development. Comments from Coastal Commission staff on the MND recommend the City further analyze the feasibility and environmental impact of including a public access trail within the stream buffer.

A re-aligned coastal access trail would cross through coastal dune and stream corridor ESH and associated buffer. The trail currently crosses through the coastal dune ESH but travels outside of the stream corridor ESH. Coastal Land Use Plan Policy 11.15 allows for public trails in a stream corridor outside of riparian habitat *when no alternative is feasible* (Italics added.) Policy 11.20 states, "For all permitted uses within dune habitat areas, including recreation, foot traffic on vegetated dunes shall be minimized. Where access through dunes is necessary or established through historical public use, well-defined footpaths or boardwalks shall be developed and used."

Consistent with Coastal Land Use Plan policies, the Zoning Ordinance (Section 17.40.040) allows public trails in ESH buffer areas subject to approval of a conditional use permit and compliance with performance standards. The ordinance states that trails and walkways "shall be designed to minimize the disturbance of wildlife and vegetation. For example, in dune areas elevated walkways may be required." No uses may be permitted that would result in significant adverse effects upon habitat value. Where permitted uses require the removal of riparian or dune related plant species, such removal shall be limited to the minimum amount necessary. In residential areas, no permanent structures are permitted in the buffer area except for fences and eaves.

For development between the nearest public road and the sea, the Planning Commission must make a specific finding that the project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act, including:

Section 30210 *Access; recreational opportunities; posting*

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse.

Section 30212 *New development projects* requires

(a) Public access from the nearest public roadway to the shoreline and along the coast shall

be provided in new development except where:

1. it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources;
2. adequate access exists nearby, or
3. agriculture would be adversely affected.

Section 30214 *Implementation of public access policies; legislative intent*

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain uses and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Article 5 *Land Resources* in Chapter 3 of the Coastal Act offers guidance on development, including trail development, in environmentally sensitive habitat areas:

Section 30240 *Environmentally sensitive habitat areas; adjacent developments*

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Options available for maintaining public access to the beach on this site include:

1. The Applicant could propose to create a similar trail on the property (e.g. same approximate length and grade and trail base, etc.) that would be signed and maintained by the Applicant/landowner in perpetuity. This could be incorporated into the easement required for the designated buffer area. A new link through the undeveloped Toro Lane right-of-way would also need to be created on the north side of the project driveway.

2. The Applicant could propose an Offer to Dedicate (OTD). The city or another public agency could then accept this OTD (within 21 years) and then build and “open” the site, which means that the accepting agency would construct the trail and maintain it in perpetuity.

3. The Applicant could directly dedicate a public access easement to the City of Morro Bay. The City would immediately become the easement holder. The City would then construct and maintain the trail. The Applicant could be required to pay an agreed upon cost of construction.

Compliance with ADA standards would probably not be required here, as long as there are nearby facilities that provide this. Options 2-3 would result in closure of the trail for an unknown period of time, as just offering an easement doesn’t mean that the City or other agency would/could immediately accept, build and open the trail. The benefit, however, is that the area is under an easement for public access, which may be better than nothing if this access point is deemed necessary.

If the City deems it necessary to maintain coastal access through the property, the applicant would need to provide an engineered design plan showing the location of the easement, the trail route, materials of construction, and all necessary grading, retaining, railing, and fencing in order to fully analyze the environmental impacts on the proposed ESH buffer, determine the construction cost of a re-aligned trail, and clarify the legal mechanism for establishing the new access way. This would be necessary before final action on the project.

Conclusion: Preserving the trail in its existing location, in addition to the ESH buffers would preclude all reasonable site development. Staff is aware some members of the public believe the public has acquired a right to use a portion of the subject property for access to the beach. Whether or not such right has been acquired is a fact-specific determination, ultimately made by a court. Such a right may be pursued by a private party or by the City as an implied dedication of land for public use. In either situation, the City is not obligated to pursue an action in court to

have such a right determined, and whether or not to pursue that litigation is a decision for the City Council to make.

Rerouting a portion of the trail through the stream corridor ESH would require encroachment into the drainage easement and would push the trail onto steeper terrain. Even absent a more complete design for a public access trail, it is clear that maintaining a trail through the ESH buffer would significantly reduce the area available for re-vegetation and habitat restoration and would require some extensive grading and erosion control measures.

Several other regularly used coastal access trails are nearby at the end of Yerba Buena Street and along Beachcomber in addition to the engineered access trail from the North Point parking area. The forked trails from Beachcomber just north of the intersection with Yerba Buena are comparable in slope to the one crossing the project site and shorter in length from available on-street parking.

In summary, staff recommends that trail access not be required through the site for the following reasons:

1. There are several public access points nearby.
2. Continued provision of access through the site would necessitate re-routing the trail through the drainage easement. This could pose a public safety issue.
3. The re-routing would require a trail through steeper terrain, possibly necessitating some stair and railing construction and additional erosion control.
4. The trail would be located in the habitat buffer area, effectively reducing the area available for restoration.
5. The trail would pass very close to the building envelope, making adequate privacy protection difficult.
6. The City of Morro Bay has extremely limited funds to improve existing access ways, let alone acquire maintain and improve new access ways.

ENVIRONMENTAL DETERMINATION:

On June 6, 2015, the 30-day public review period began for a Mitigated Negative Declaration (MND) of Environmental Impact. The MND identifies potentially significant impacts primarily associated with aesthetics, biological resources, and geology/soils, and recommends mitigation measures that, if incorporated into the project, would reduce potential impacts to a less than significant level. The full text of the MND is available on line at <http://www.morro-bay.ca.us/DocumentCenter/View/7529>. A hard copy has been provided to each Planning Commissioner. Attachment 1 to the resolution for approval lists project mitigation measures and monitoring requirements.

Public agency comments: In response to the MND, U.S. Fish and Wildlife Service commented that earlier concerns regarding habitat have been adequately addressed in the Addendum to the Biological Assessment. The California Department of Fish and Wildlife commented that they have no further concern with the project. The Salinan Tribe of Monterey and San Luis Obispo Counties asked that a Salinan or Chumash Native American assist in archaeological monitoring. Coastal Commission staff concluded that their earlier concerns regarding visual impacts, biological resources, and geology and bluff setbacks have been addressed (July 6, 2015 letter). However, Commission staff asked that the City further analyze the feasibility and environmental impact of including a coastal access trail within the stream buffer. (See Coastal Access discussion above.) Discussion with Caltrans staff clarified that the drainage easement was mistakenly attributed to Caltrans on earlier site plans. The easement was transferred to the City of Morro Bay at the time of incorporation. The mitigation and monitoring plan (Attachment 1 to the resolution) reflects public agency comments and clarifications. Public agency comments are included in the Public Comment posting for this project on the City website at <http://www.morro-bay.ca.us/DocumentCenter/View/8737>.

PUBLIC COMMENT

In addition to public agency response to the MND, the City received written comments about the project from members of the public. Several members of the public expressed support for the project. Others wrote in opposition. A hard copy of public comment received before August 10, 2015 is provided to the Planning Commissioners as part of their meeting packet. Public comment is also posted on the City website at <http://www.morro-bay.ca.us/DocumentCenter/View/8737>.

Those opposing the project expressed concern regarding:

Access to the beach via a path through the site – Linda Stedjee’s email (6/19/15) outlines her position that a public prescriptive easement has been established over the path that cuts through the lot to the beach. The same concern is echoed in Barry Branin’s earlier email (7/28/14). The City has also received some questionnaires that address public use of the path.

Bluff definition and development – Bill McLennan’s letters to the City outline his position that the whole site is subject to coastal bluff development standards such that a minimum 20-foot setback from the canyon bluff edge should apply in addition to required setbacks from the coastal bluff.

Habitat definition and impacts – Both Bill McLennan and Linda Stedjee dispute the characterization of habitat. Mr. McLennan refers to the City’s definition of wetland and feels the associated 100-foot setback should apply. Ms. Stedjee’s 6/20/15 email argues that “degraded coastal prairie” may well be a better characterization of the area designated “annual grassland” in Figure 3 of the Addendum to the Biological Resource Assessment, given the purported tenacity

of the native purple needle grass. She questions the overall extent of habitat impact as a result of construction.

PUBLIC NOTICE:

Notice of a public hearing on this item was published in the San Luis Obispo Tribune newspaper and posted on site on August 7, 2015. All property owners of record and occupants within 500 feet of the subject site were mailed notification of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

The project site is one of the last remaining vacant beachfront parcels in Morro Bay. As such, it has some notable constraints, including steep slopes, access through unimproved right-of-way, a drainage easement and intermittent stream corridor, coastal dune habitat and a flood zone boundary. The ESH and Special Treatment S.2A zoning overlays further restrict the site's developable area and project design. Considerable effort has been made by the project applicant to design a project that addresses site constraints consistent with the General Plan and Local Coastal Plan and the Zoning Ordinance.

With the incorporation of conditions of approval and recommended environmental mitigation measures, staff recommends the Planning Commission approve the project as shown on plans dated August 3, 2015 by adopting Planning Commission Resolution 28-15 which includes the Findings for adoption of the Mitigated Negative Declaration and Findings, Mitigation Measures, and Conditions of Approval for the project.

EXHIBITS:

- Exhibit A – Planning Commission Resolution 28-15, with Attachment 1: *Mitigation Monitoring and Reporting Program*
- Exhibit B – Project Plan Reductions, dated August 3, 2015
- Exhibit C – Colors and Materials Exhibit
- Exhibit D – Landscape Plans
- Exhibit E – Existing Habitat Map
- Exhibit F – Habitat Impact Map
- Exhibit G – Coastal Commission staff response to MND

On the City of Morro Bay Web Page:

Environmental Review (MND):
<http://www.morro-bay.ca.us/DocumentCenter/View/7529>

Public Comment:

<http://www.morro-bay.ca.us/DocumentCenter/View/8737>

Previous Coastal and USFWS 2014 comments:

<http://www.morro-bay.ca.us/DocumentCenter/View/8762>

Professional Studies and Reports:

GeoSolutions Soils Report:

<http://www.morro-bay.ca.us/DocumentCenter/View/8737>

2012 Biological Resources Report:

<http://www.morro-bay.ca.us/DocumentCenter/View/8739>

2013 Biological Resources Report:

<http://www.morro-bay.ca.us/DocumentCenter/View/8740>

2014 Biological Resources Assessment Addendum:

<http://www.morro-bay.ca.us/DocumentCenter/View/8741>

Earth Systems Pacific Response to Coastal Comments:

<http://www.morro-bay.ca.us/DocumentCenter/View/8742>

Earth Systems Pacific Revised Sea Wave Run-up Analysis:

<http://www.morro-bay.ca.us/DocumentCenter/View/8743>

Earth Systems Pacific Slope Stability Analysis:

<http://www.morro-bay.ca.us/DocumentCenter/View/8744>

Earth Systems Pacific Update of Geologic Bluff Study:

<http://www.morro-bay.ca.us/DocumentCenter/View/8745>

Planning Commissioners' Packet includes full-size plans, a packet of public comments, and the MND, which was distributed at the August 4, 2015 Planning Commission meeting.

EXHIBIT A
RESOLUTION NO. PC 28-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION ADOPTING A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND APPROVING COASTAL DEVELOPMENT PERMIT (CP0-417) AND CONDITIONAL USE PERMIT (UP0-383) TO CONSTRUCT A NEW SINGLE-FAMILY DWELLING ON A VACANT BEACH FRONT PROPERTY WITH AN ENVIRONMENTALLY SENSITIVE HABITAT OVERLAY IN THE BLUFF SETBACK REVIEW AREA AND THE COASTAL APPEAL JURISDICTION AT 3420 TORO LANE

WHEREAS, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on August 18, 2015, for the purpose of considering Coastal Development Permit CP0-419 and Conditional Use Permit UP0-383 and the associated Mitigated Negative Declaration for construction of a new single-family home at 3420 Toro Lane, on a bluff review area property with an Environmentally Sensitive Habitat Overlay in the Coastal Commission appeal jurisdiction; and

WHEREAS, notice of the public hearing was provided at the time and in the manner required by law; and

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

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

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

California Environmental Quality Act (CEQA) Finding

1. That for purposes of the California Environmental Quality Act, an Initial Study was prepared for the project which resulted in a Mitigated Negative Declaration. The Mitigated Negative Declaration was routed to the State Clearinghouse for the required 30 day review and all other legal noticing and review requirements have been met. The project applicants agreed to all mitigations. With the incorporation of these mitigations the project will have a less than significant impact on the environment.

Coastal Development Finding

1. As conditioned, the project is consistent with applicable provisions of the Local Coastal Program for construction of a new single-family residence and bluff development in the Atascadero State Beach Bluff Area.

Conditional Use Findings

1. As conditioned, the project is consistent with the General Plan and Local Coastal Program regarding the location of residential uses and development of property in coastal bluff setback review area.
2. As conditioned, the project will not be detrimental to the health, safety and welfare of persons residing or working in the neighborhood.

Reduced Buffer Area Finding

1. Consistent with the Coastal Land Plan Use (Policy 11.14) and the Environmentally Sensitive Habitat development standards in the City's Zoning Ordinance (subsection 17.40.040.D.6), the reduction in the stream corridor buffer area from 50 feet to 25 feet is reasonably necessary to allow development of the site and environmental mitigation is incorporated into the project description to require native habitat restoration landscaping in the buffer area.

Coastal Access Finding

1. The project is consistent with the public access and public recreation policies of Chapter 3 of the Coastal Act because there are several other well established paths nearby that lead down to the beach from Beachcomber Drive in addition to an engineered trail leading to the beach from a parking lot at the north end of Toro Lane. Therefore, it is not necessary to provide public access across the project site.
2. Providing public access on site through the Environmentally Sensitive Habitat and associated buffer area would significantly reduce the area proposed for re-vegetation and habitat restoration, and would require extensive grading and erosion control.

Section 2. Action. The Planning Commission does hereby adopt the June, 2015 Mitigated Negative Declaration and approve Coastal Development Permit CP0-419 and Conditional Use Permit UPO-383 for property located at 3420 Toro Lane subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated August 18, 2015, for the project at 3420 Toro Lane depicted on plans received by the City on August 3, 2015, as part of Coastal Development Permit CP0-419 and Conditional Use Permit UP0-383, on file with the Community Development 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 Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Manager (the "Manager"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Manager. Any changes to this approved permit determined, by the Manager, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Manager or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Manager, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

PLANNING CONDITIONS

1. Construction Hours: Pursuant to MBMC subsection 9.28.030.I, Construction or Repairing of Buildings, the erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Community Development Department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.
2. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
3. 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.
4. Exterior Materials: Building color and materials shall be as shown on plans approved by the Planning Commission and specifically called out on the plans submitted for a Building Permit to the satisfaction of the Community Development Manager.
5. Boundaries and Setbacks: The property owner is responsible for verification of lot boundaries. Prior to requesting foundation inspection, a licensed land surveyor shall verify lot boundaries and building setbacks to the satisfaction of the Community Development Manager. A copy of the surveyor's *Form Certification* based on a boundary survey shall be submitted to the Building Inspector with the request for foundation inspection.
6. Building Height Verification: Prior to foundation inspection, a licensed land surveyor shall measure and inspect the forms and submit a letter to the Community Development Manager certifying that the tops of the forms are in compliance with the finish floor elevations as shown on approved plans. Prior to either roof nail or framing inspection, a licensed surveyor shall submit a letter to the Building Inspector certifying that the height of the structures is in accordance with the approved plans.
7. Maximum Building Height: Building height shall comply with the maximum building height standards in the S-2.AOverlay, which are 14 feet for flat roofs and

roof deck sills, and 17 feet for roofs with a minimum pitch of 4 in 12. Height shall be measured from the average natural grade beneath the building footprint.

8. Stream Corridor Buffer: The minimum buffer area for the stream corridor shall be 25 feet from the top of bank as delineated on the project site plan.
9. Coastal Dune Buffer: The minimum buffer area for the coastal dune habitat shall be 50 feet as delineated on the project site plan.
10. ESH Easement: Consistent with Land Use Element Policy LU-61, the property owners shall dedicate a permanent easement over portions of the property determined to be sensitive habitat. This will include the stream corridor and the coastal dune area as shown on the project site plan and in the Addendum to Biological Resources Assessment (KMA 2014) together with the approved buffer areas.
11. Geologic Reports: The applicant shall comply with all recommendations contained in the geologic reports, prepared for this property by Earth Systems Pacific (June/September 2002, September, 2013 Update).
12. Slope Stability Analysis: The applicant shall comply with all recommendations contained in the slope stability analysis prepared for this property by Earth Systems Pacific (March 5, 2015).
13. Soils Engineering Report: The applicant shall comply with all recommendations contained in the soils engineering report prepared for this property by GeoSolutions (August, 2014).
14. Utility Undergrounding: Prior to final occupancy clearance, the applicant shall install all utility distribution and service lines underground.
15. Landscaping: Project landscaping shall include native and drought tolerant plants consistent with the Habitat Restoration and Enhancement Plan (as required by Biological mitigation measure 4 in the *Mitigation, Monitoring and Reporting Program* approved by the Community Development Manager). Landscaping shall be designed to minimize ecological and geological disturbances. Only plant materials recognized for their drought tolerance or erosion controlling properties shall be authorized on bluffs or bluff tops.
16. ESH Fencing: Prior to final occupancy clearance, low open fencing shall be provided at the ESH buffer boundary to ensure residential activities do not occur within the buffer area to the satisfaction of the Community Development Manager.

17. HVAC Location: Any HVAC system shall be located under the roof lines or on the ground outside of required setbacks and not visible from the public right of way to the satisfaction of the Community Development Manager.

ENVIRONMENTAL CONDITIONS

1. The applicant shall comply with the environmental mitigation measures as detailed in the Mitigation Monitoring and Reporting Program which is attached hereto as Attachment 1.

PUBLIC WORKS CONDITIONS

1. The project shall provide frontage improvements as noted below and must include Low Impact Development (LID) Performance Requirements as required by the Storm Water Management Guidance- EZ Manual, March 6, 2014 amendment to the City Standard Drawings and Specifications.

The following comments shall be addressed with the building permit submittal:

2. Stormwater: Since the project is $\geq 2,500$ sf of impervious area provide a Stormwater Performance Requirement #1 Certification, prepared by a Registered Civil Engineer. Since there is no potential for downstream flooding, the project is exempt from the requirements of Performance Measure #5.
3. Erosion and sediment control: Provide a standard erosion and sediment control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.
4. Frontage improvements:
 - a. City standard driveway approach and a concrete curb and gutter are required. A street tree is required.
 - b. All standard improvements (e.g. driveway approach) in the City right of way per City Engineering Standards require a Standard Encroachment Permit.
 - c. Non-standard improvements in the right of way (e.g. retaining wall) shall require a Special Encroachment Permit.
5. Utilities:
 - a. Include the locations of all proposed utilities, gas, sewer, water etc. Indicate on the plans if the sewer lateral is proposed or existing. If the existing sewer lateral is going to be used the following must be completed:
 - i. Conduct a video inspection of the conditions of existing sewer lateral prior to building permit issuance. Submit a DVD to City Public Services Department. Repair or replace as required to prohibit inflow/infiltration.
 - b. Sewer Backwater Valve: A sewer backwater valve shall be installed on

site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project. (MBMC 14.07.030) Indicate on the plans.

Add the following Notes to the Plans:

1. Any damage to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.

BUILDING CONDITIONS

1. Building Permit: Prior to construction, the applicant shall submit a complete Building Permit Application and obtain the required Permit.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 18th day of August, 2015 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chairperson Robert Tefft

ATTEST

Scot Graham, Community Development Manager

The foregoing resolution was passed and adopted this 18th day of August, 2015.

Attachment 1

Mitigation Monitoring and Reporting Program

AESTHETICS:

AES Impact 1 **Visibility of night lighting and daytime glare would adversely affect views resulting in a direct long-term impact.**

AES/mm-1 *Prior to issuance of a building permit, a comprehensive lighting plan shall be submitted for review and approval by the City. The lighting plan shall be prepared using guidance and best practices endorsed by the International Dark Sky Association. The lighting plan shall address all aspects of the lighting, including but not limited to all buildings, infrastructure, parking and driveways, paths, recreation areas, safety, and signage. The lighting plan shall include the following at minimum:*

- a) The point source of all exterior lighting shall be shielded from offsite views.*
- b) Light trespass from exterior lights shall be minimized by directing light downward and utilizing cut-off fixtures or shields.*
- c) Lumination from exterior lights shall be the lowest level allowed by public safety standards.*
- d) Exterior lighting shall be designed to not focus illumination onto exterior walls.*
- e) Bright white-colored light shall not be used for exterior lighting.*
- f) Any signage visible from offsite shall not be internally illuminated.*

AES/mm-2 *Prior to issuance of a building permit, the applicant shall submit building plans and elevations for review and approval consistent with the following conditions:*

- a) No highly reflective glazing or coatings shall be used on windows.*
- b) No highly reflective exterior materials such as chrome, bright stainless steel, or glossy tile shall be used on the portions of the development where visible from off-site locations.*

After implementation of these measures, residual impacts would be less than significant.

Monitoring:

The City of Morro Bay would verify implementation of these design details through review and approval of the lighting plan and building plans prior to issuance of building permits for the project.

AIR QUALITY

AQ Impact 1 **Construction activities associated with development of the proposed project would result in short-term emissions of DPM, potentially affecting sensitive receptors.**

AQ/mm-1 *Prior to issuance of grading and construction permits, the applicant shall submit plans including the following notes, and shall comply with the following standard mitigation measures for reducing diesel particulate matter (DPM) emissions from construction equipment:*

- a) Maintain all construction equipment in proper tune according to manufacturer's specifications;*

- b) *Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);*
- c) *Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;*
- d) *Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;*
- e) *Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;*
- f) *All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;*
- g) *Excessive diesel idling within 1,000 feet of sensitive receptors is not permitted;*
- h) *Electrify equipment when feasible;*
- i) *Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,*
- j) *Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.*

AQ Impact 2

Construction activities associated with development of the proposed project could generate dust that could be a nuisance to adjacent sensitive receptors.

AQ/mm-2

Prior to issuance of grading and construction permits, the applicant shall include the following notes on applicable grading and construction plans, and shall comply with the following standard mitigation measures for reducing 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) as follows:

- a) *Reduce the amount of disturbed area where possible;*
- b) *Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;*
- c) *All dirt stockpile areas shall be sprayed as needed;*
- d) *Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;*
- e) *All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;*
- f) *All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.*

- g) *Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;*
- h) *All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;*
- i) *Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;*
- j) *All PM₁₀ mitigation measures required shall be shown on grading and building plans; and*
- k) *The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. The name and telephone number of such persons shall be provided to the APCD Compliance Division and listed on the approved building plans prior to the start of any grading, earthwork or demolition.*

AQ Impact 3 Construction activities associated with development of the proposed project could generate dust that could be a nuisance to adjacent sensitive receptors.

AQ/mm-3 Prior to issuance of a grading permit, the applicant shall submit a geologic evaluation that determines if naturally occurring asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request shall be filed with the District. If NOA is found at the site, the applicant shall comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

With implementation of these measures, air quality impacts would be less than significant.

Monitoring:

Copies of regulatory forms will be submitted to the APCD for review and approval, consistent with existing regulations. The applicant is required to submit approval documentation from APCD to the City Community Development Director/Planning Manager. Monitoring or inspection shall occur as necessary to ensure all construction activities are conducted in compliance with the above measures. Measures also require that a person be appointed to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. All potential violations, remediation actions, and correspondence with APCD will be documented and on file with the City Community Development Director.

BIOLOGICAL RESOURCES

BIO Impact 1 Development of the project could indirectly affect the natural drainage feature to the north of the site, coastal and shoreline habitat to the west, and special-status species and wildlife in the proximity.

BIO/mm-1 Prior to issuance of construction permits, the applicant shall submit documentation verifying designation of a qualified environmental monitor for all biological resources measures to ensure compliance with Conditions of Approval and mitigation measures. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) compliance reporting; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. Monitoring shall be at a frequency and

duration determined by the affected natural resource agencies, which may include the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, Regional Water Quality Control Board, California Coastal Commission, U.S. Fish and Wildlife Service, and the City of Morro Bay.

BIO/mm-2 Prior to the initiation of construction, the environmental monitor shall conduct environmental awareness training for construction personnel. The environmental awareness training shall include discussions of sensitive habitats and animal species in the immediate area. Topics of discussion shall include: general provisions and protections afforded by the Endangered Species Act; measures implemented to protect special-status species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communications; and procedures to be implemented in the event a special-status species is observed in the work area.

BIO/mm-3 Prior to the initiation of construction, the applicant's contractors and the environmental monitor shall coordinate the placement of project delineation fencing throughout the work areas. The environmental monitor shall field fit the placement of the project delineation fencing to minimize impacts to sensitive resources. The project delineation fencing shall remain in place and functional throughout the duration of the project. During construction, no project related work activities shall occur outside of the delineated work area.

BIO/mm-4 Prior to issuance of grading and construction permits, the applicant shall submit a Habitat Restoration and Enhancement Plan prepared by a qualified restoration ecologist for the review and approval by the City Community Development Manager. The plan shall be implemented concurrent with or immediately following construction. The plan shall include, but not be limited to the following measures, pursuant to the Biological Resources Assessment (KMA December 2013 and KMA Addendum 2014):

- a. Prior to any construction activities, a construction buffer shall be demarcated with highly visible construction fencing or staking for the benefit of contractors and equipment operators.*
- b. Restoration of surface contours through minor grading and seeding native vegetation may be required to reduce the erosion potential and provide temporary cover during and after construction.*
- c. Non-native and invasive plant species shall not be permitted in the approved buffer areas. For a list of noxious weeds and appropriate plant materials, please refer to the following sources: the California Invasive Plant Council website at www.cal-ipc.org and the County of San Luis Obispo's approved landscape plant list. Substitutions may be allowed, but shall be approved by a qualified botanist.*
- d. The ESH buffer areas shall utilize native species characteristic of the coastal scrub and coastal grassland habitat. Landscaping around the house and to the east and south shall utilize drought tolerant, non-invasive species.*
- e. As part of any building permit application, a sediment and erosion control plan shall be submitted that specifically seeks to protect the drainage and protected native habitat adjacent to the construction site. Erosion control measures shall be implemented to prevent runoff from the site. Silt fencing, straw bales, and/or sand bags shall be used as well as other methods to prevent erosion and sedimentation of the drainage channel. The plan shall specify locations and types of erosion and sediment control structures and materials that would be used on-site during construction activities. Biotechnical approaches using native vegetation shall be used as feasible. The plan shall also describe how any and all pollutants originating from construction equipment would be collected and disposed.*
- f. Current Best Management Practices (commonly referred to as BMPs) shall be utilized to minimize impacts to the drainage feature and native habitat areas onsite. Washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing of equipment, tools, roads, etc. shall not be allowed in any location where the tainted water could affect the drainage and adjacent beach's sensitive biological resources.*

- g. *Identification of areas to be seeded or planted following weed abatement, planting and weed control methodologies, measures to protect plantings during the establishment period, irrigation methods and timing (which shall not result in erosion or down-gradient sedimentation).*
- h. *The plan shall be monitored for two years following initial site preparation, planting, and seeding.*
- i. *Annual monitoring reports shall be submitted to the City Community Development Manager, and shall include written explanation of adherence to the plan, any necessary remediation or maintenance actions, and photo-documentation.*

BIO Impact 2 Development of the project could adversely affect nesting birds onsite or in the proximity.

BIO/mm-5 Prior to ground disturbance, to minimize impacts to nesting bird species, including special status species and species protected by the Migratory Bird Treaty Act, initial site grading shall be limited to outside the nesting season and focused during the time period between September 1 and February 1 as feasible. If initial site disturbance cannot be conducted during this time period, a pre-construction survey for active bird nests onsite shall be conducted by a qualified biologist. Surveys shall be conducted within two weeks prior to any construction activities. If no active nests are located, ground disturbing/construction activities can proceed. If active nests are located, then all construction work shall be conducted outside a non-disturbance buffer zone to be developed by the qualified biologist based on the species (i.e., 50 feet for common species and upwards of 250 feet for special status species), slope aspect and surrounding vegetation. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged.

After implementation of these measures, residual impacts to biological resources would be less than significant.

Monitoring:

The City shall verify required elements on plans and compliance in the field. The City shall review and approve plans and monitoring reports.

CULTURAL RESOURCES

CR Impact 1 Ground disturbance associated with the construction of the residence and all associated facilities may result in the inadvertent discovery of previously undocumented archaeological resources.

CR/mm-1 A qualified archaeologist and a Salinan or Chumash Native American who is culturally affiliated to the project area, as approved by the City, shall be on site to monitor grading, trenching and related site preparation. The name and contact information of the monitoring archaeologist shall be included on the cover sheet of the building plans. Prior to a request for foundation inspection, the applicant shall submit a report prepared by the monitoring archaeologist summarizing the dates and times of monitoring and observations regarding the presence or absence of cultural material during grading operations.

CR/mm-2 In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other construction activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, the onsite archaeological monitor shall be notified, and the resource shall be evaluated to ensure the discovery is adequately recorded, evaluated and, if significant, mitigated.

CR/mm-3 Prior to any grading or construction, contractors involved in grading and grubbing activities shall receive training from a City-approved qualified archaeologist knowledgeable in local tribes. At a minimum, the training shall address the following:

- a) Review of the types of archaeological artifacts that may be uncovered.
- b) Provide examples of common archaeological artifacts to examine.
- c) Review what makes an archaeological resource significant to archaeologists and local Native Americans.
- d) Describe procedures for notifying involved or interested parties in case of a new discovery.
- e) Describe reporting requirements and responsibilities of construction personnel.
- f) Review procedures that shall be used to record, evaluate, and mitigate new discoveries.
- g) Describe procedures that would be followed in the case of discovery of disturbed or intact human burials and burial-associated artifacts.

After implementation of these measures, residual impacts would be less than significant.

Monitoring:

The City Community Development Director shall verify compliance with this measure.

GEOLOGY/SOILS

GS Impact 1 Development associated with the proposed project places structures and people in an area subject to geologic hazards including seismic groundshaking, and risks associated with slope stability.

GS/mm-1 Upon application for grading and construction permits, all mitigation measures identified in the September 13, 2002 Geologic Report and September, 2013 Update prepared by Earth Systems Pacific shall be incorporated into the project. These measures shall be included on all grading and building plans. These include the following:

- a. The Certified Engineering Geologist of record shall provide an engineering geologist's written certification of adequacy of the proposed site development for its intended use.
- b. A Certified Engineering Geologist shall review, approve and stamp construction plans including all plans for building foundations and excavation.
- c. The Certified Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
- d. Before final inspection and/or issuance of occupancy permits, should the services of the Certified Engineering Geologist be terminated the applicant shall submit a transfer of responsibility statement to the Planning Division from the new Certified Engineering Geologist pursuant to the Uniform Building Code.

GS/mm-2 Concurrent with submittal of construction plans, the applicant shall submit a Soils Report, prepared by a California Registered Geologist or Soils Engineer, a Geology Report, prepared by a

California Registered Geologist, and a Slope Stability Report, prepared by a California Registered Engineering Geologist. The Soils Report shall address soils engineering and compaction requirements, slope stability issues, drainage locations with respect to walls, finish floor elevations, drain materials, and shall contain recommendations regarding foundation design, retaining wall design, and paving sections, where applicable, for the project. The soils report shall be reviewed and approved by the City Engineer.

GS/mm-3 Prior to issuance of grading and construction permits, the applicant shall prepare a drainage and erosion control plan to reduce the potential for erosion and down-gradient sedimentation both during construction and for the life of the project. Grading and construction plan shall include measures to prevent and avoid spills or spread of dangerous materials and clean-up procedures in the event of a spill. Monitoring or inspection of construction activities by the City Building Inspector shall occur as needed to ensure compliance with the erosion control plan.

After implementation of these measures, residual impacts related to geology and soils would be less than significant.

Monitoring:

Design plans shall be inspected and approved by the City Engineer to ensure compliance with the requirements of the Geologic Report. Erosion control plans shall be submitted to the City Community Development Department for review and approval, in consultation with the City Engineer. Monitoring or inspection of construction activities by the City Building Inspector shall occur as needed to ensure compliance with design plans and the drainage and erosion control plan.

HAZARDS AND HAZARDOUS MATERIALS

HAZ Impact 1 Development associated with the proposed project has the potential to result in the accidental release of hazardous materials into sensitive areas adjacent to the project site.

HAZ/mm-1 Prior to construction, the applicant shall prepare a drainage and erosion control plan which also specifically addresses hazardous materials to be used during construction and operation, and identifies procedures for storage, distribution, and spill response for review and approval by the City Community Development Department. The plan shall identify hazardous materials to be used during construction and operation, and shall identify procedures for storage, distribution, and spill response. Equipment refueling shall be done in non-sensitive areas and such that spills can be easily and quickly contained and cleaned up without entering any existing stormwater drainage system or creek. The plan shall include procedures in the event of accidents or spills, identification of and contact information for immediate response personnel, and means to limit public access and exposure. Any necessary remedial work shall be done immediately to avoid surface or ground water contamination. The plan shall be implemented by the construction contractor, and verified by the City Building Inspector.

With implementation of this mitigation measure, impacts related to hazards and hazardous materials would be less than significant.

Monitoring:

The applicant shall be responsible for implementing the approved drainage and erosion control including spill prevention control and response measures. The City Building Inspector shall conduct periodic inspections to verify compliance.

HYDROLOGY AND WATER QUALITY

HWQ Impact 1 **The project would increase impervious surfaces at the project site, which would increase the total volume of storm water runoff and could contribute to erosion, siltation and flooding risks.**

HWQ/mm-1 *Prior to issuance of grading permits, the applicant shall submit a final grading and drainage plan for review and approval by the City Engineer and California Department of Transportation (Caltrans). The drainage plan shall demonstrate that additional runoff resulting from the project would not compromise the existing culvert under Toro Lane, and would avoid scour under the culvert structure and concrete portion of the channel.*

HWQ/mm-2 *Prior to issuance of grading permits, final plans shall clarify if any work will occur within the easement for the culvert and drainage channel and obtain any encroachment permit deemed necessary by the City Engineer.*

HWQ/mm-3 *Prior to issuance of grading and building permits, the applicant shall submit construction plans incorporating Low Impact Development (LID) planning principles, to the maximum extent feasible, consistent with the City of Morro Bay "Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements" to the satisfaction of the Public Works Director.*

After implementation of these measures, residual impacts would be less than significant.

Monitoring:

Monitoring shall occur as necessary to ensure development is proceedings consistent with the final grading and drainage plan. The City shall verify receipt of a copy of the Caltrans-issued Encroachment Permit.

NOISE

N Impact 1 **The proposed project places structures and people in an area subject to excessive noise levels associated with traffic along State Route 1.**

N/mm-1 *Prior to issuance of building permits, the applicant shall submit plans incorporating noise mitigation measures, including, but not limited to:*

- a. location of all vents and other roof and wall penetrations on walls and roofs facing away from the noise source (on the north, west and east elevations whenever possible)*
- b. use of bends and insulation in ventilation systems*
- c. use of closable dampers*
- d. Sound Transmission Class rated wall, door and window materials*
- e. use of acoustical sealant on all windows and other openings as appropriate.*

With implementation of these construction measures, impacts would be less than significant.

Monitoring:

Monitoring shall occur as necessary to ensure development is proceeding consistent with the mitigation measures and that all exterior and interior noise levels are consistent with levels established in the Noise Element prior to occupancy.

Acceptance of Mitigation Measures by Project Sponsor:

Name

Date

LOW-IMPACT DEVELOPMENT

HABITAT RESTORATION AND ENHANCEMENT AS PER BIOLOGY REPORT
 NON-INVASIVE DROUGHT TOLERANT PLANTS
 VEGETATED SWALES
 AMEND SOILS
 CATCH BASINS
 CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP)

GREEN MEASURES

ENERGY STAR APPLIANCES
 TANKLESS WATER HEATER
 HIGH EFFICIENCY FAU
 LOW E GLAZING
 SHIELDED LOW INTENSITY EXT. LIGHTING
 TITLE 24 ENERGY COMPLIANCE
 LOW & NO-VOC FINISHES

BLDG. CODES

2013 CALIFORNIA BUILDING CODE
 2013 CALIFORNIA RESIDENTIAL CODE
 2013 CALIFORNIA PLUMBING CODE
 2013 CALIFORNIA MECHANICAL CODE
 2013 CALIFORNIA ELECTRIC CODE
 2013 CALIFORNIA ENERGY CODE
 CALIFORNIA GREEN BUILDING CODE
 2013 CALIFORNIA FIRE CODE
 CALIFORNIA REFERENCE STANDARDS CODE

STORMWATER

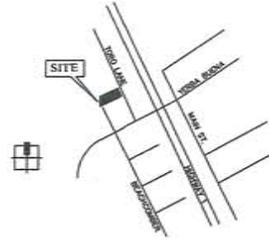
APPENDIX A

SFR PERFORMANCE ADJUSTMENT (SFR PERFORMANCE FORM)

The following form shall be completed for all SFR development and redevelopment projects. Projects that are exempt from performance requirements are required to complete Section 1 & 2 only.

Section 1: General Information	
Project Name	Frye Residence
Project Address	3420 TORO LN
Assessor's Parcel Number(s)	205-0010000
Name of Applicant	Gene & Yvonne Frye
Applicant Email Address	gfrye@gmail.com
Applicant Phone	(805) 835-4650
Project Type (See Single-Family Residential, Appendix C)	Single-Family Residence
Section 2: Area Information (SFR)	
Total Project Area	5,019 Sq. Ft.
Total Existing Impervious Surface Area	None
Proposed Gross Impervious Area (Use only the surface areas that are being created or replaced)	
a. Roofing	2,124.7 Sq. Ft.
b. Driveways	581.6 Sq. Ft.
c. Patios	<None of 10' x 7' >
d. Parking Lots	
e. Other	
Total Gross Impervious Area	2,706.3 Sq. Ft.
Impervious Area (Impervious Area (I.A.) = Total Gross Impervious Area (T.G.I.A.) x 0.85)	2,301.0 Sq. Ft.
Section 3: P/I Determination	
Net Impervious Area (From page 7)	2,706.3 Sq. Ft.
Performance Requirement (From Page 2)	#1 & 2

VICINITY MAP



PROJECT INFO.

APN: 065-091-022
 ZONING: R-1 / S.2.A. / ESH

PROPOSED NEW RESIDENCE:
 CONDITIONED SPACE: 1,538 SQ. FT.
 GARAGE: 579 SQ. FT.
 COVERED ENTRY: 7.7 SQ. FT.
 OPEN PATIO: 242.4 SQ. FT.

PORTION OF DRIVEWAY & CONC. FLATWORK ON PROPERTY: 581.6 SQ. FT.
 PORTION OF DRIVEWAY IN RIGHT-OF-WAY: 1,056 SQ. FT.

LOT SIZE: 10,019 SQ. FT.
 PROPOSED LOT COVERAGE: (2,124.7 SQ. FT.) 21.2%
 [HOUSE, GARAGE, & COVERED ENTRY]

PROPOSED IMPERVIOUS SURFACES: 2,948.7 SQ. FT.
 [WITHIN PROPERTY - HOUSE, GARAGE, COVERED ENTRY, OPEN PATIO, DRIVEWAY & CONCRETE FLATWORK]

OCCUPANCY: R-3 SFR
 CONSTRUCTION TYPE: TYPE V, SPRINKLED
 A.N.G. OF BUILDING PAD: 31.03°
 ALLOWED ROOF HEIGHT: > 4:12 SLOPE 48.03°
 ALLOWED ROOF HEIGHT: < 4:12 SLOPE 45.03°
 PROPOSED ROOF HEIGHT: > 4:12 SLOPE 47.95°

Copyright © 2015
 All Plans, Drawings, Specifications and other information contained herein are the property of C.P. Parker Architect and shall remain the property of C.P. Parker Architect. No part of this document, in whole or in part, may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of C.P. Parker Architect.

C. P. PARKER
 ARCHITECT

CHRISTOPHER P. PARKER
 ARCHITECT
 888 QUINCY RD., #200
 SAN LUIS OBISPO, CA 95428
 (805) 778-8700

STAMPS



CONSULTANTS
MBS
 LAND SURVEYS
 MICHAEL B. STANTON, PLS 3702
 1165 E. SULLY ST., UNIT G
 SAN LUIS OBISPO, CA 95401
 (805) 544-1800

EARTH SYSTEMS PACIFIC
 4218 SANTA FE ROAD
 SAN LUIS OBISPO, CA 95401
 (805) 544-3276

KMA
 KEVIN MERK ASSOCIATES, LLC
 P.O. BOX 318
 SAN LUIS OBISPO, CA 95406

PROJECT

FRYE RESIDENCE

3420 TORO LANE
 MORRO BAY, CA
 93442

DRAWING PHASE
CONSTRUCTION DOCUMENTS

Project No.	14-112
Drawn By	CFP
Desig. Date	08/02/15
Updated	-
Scale	AS NOTED

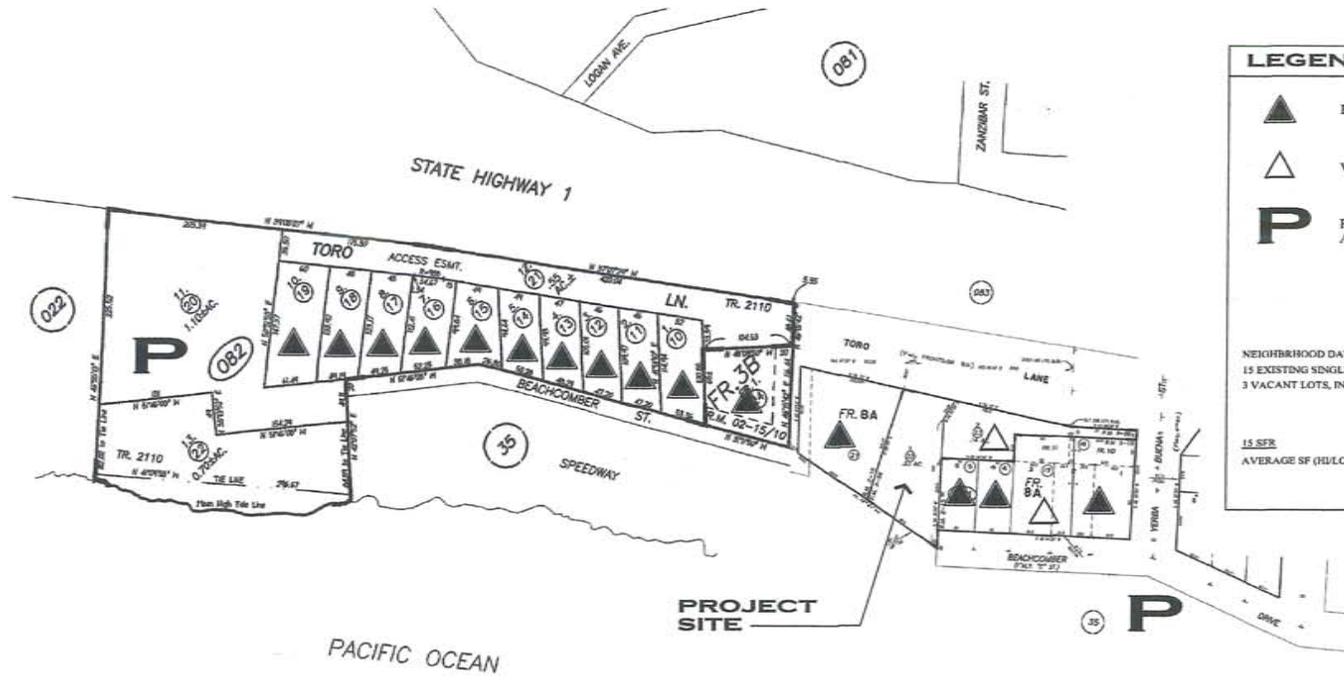
REVISIONS

SHEET TITLE

PROJECT INFO.

SHEET NO.

A1.1



LEGEND

- ▲ EXISTING SFR
- △ VACANT PARCEL
- P PUBLIC LANDS & ACCESS POINT

NEIGHBORHOOD DATA (FROM PUBLIC RECORDS)
 15 EXISTING SINGLE FAMILY RESIDENCES (SFR)
 3 VACANT LOTS, INCLUDING THE PROPOSED RESIDENCE

IS SFR	AREA	LOT COVERAGE
AVERAGE SF (HI/LOW)	2,463 SF	28.89%

NEIGHBORHOOD COMPATIBILITY

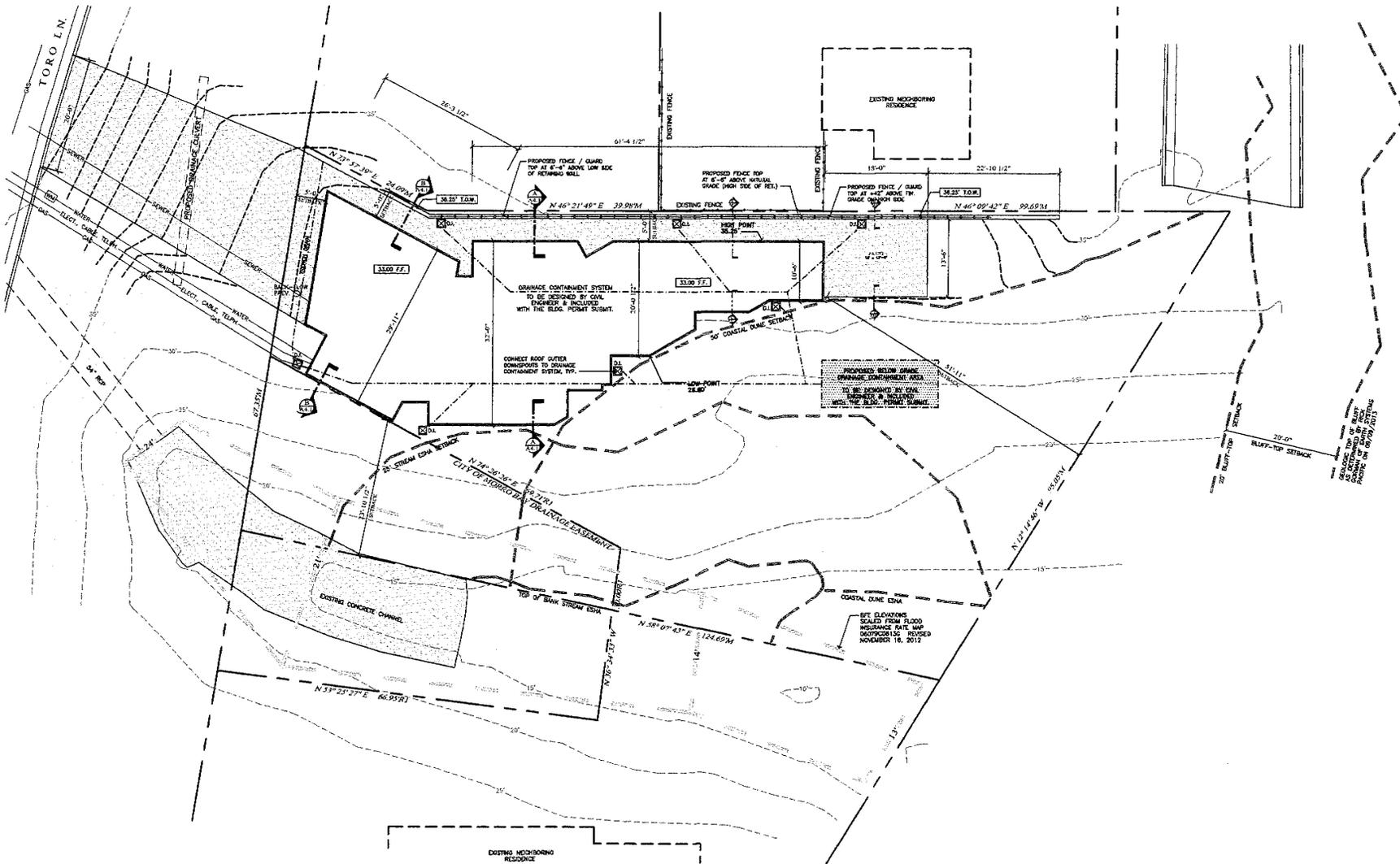
RECEIVED
 AUG 03 2015

City of Morro Bay
 Community Development Dept.

SHEET INDEX

A1.1	PROJECT INFORMATION
A1.2	SITE PLAN
A1.3	GRADING PLAN
A2.1	FLOOR PLAN
A3.1	ELEVATIONS
A4.1	SECTIONS

EXHIBIT B



SITE PLAN

Copyright © 2015
 All design, drafting, measurements and data included on this drawing are the property of C.P. Parker Architect. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of C.P. Parker Architect.

C. P. PARKER ARCHITECT

CHRISTOPHER P. PARKER ARCHITECT
 630 QUINTANA RD, #230
 SAN LUIS OBISPO, CA 93401
 (805) 772-5700

STAMPS



CONSULTANTS
MBS LANDSURVEYS
 MICHAEL B. STANTON, PLS 5702
 3543 BILLYE ST, UNIT G
 SAN LUIS OBISPO, CA 93401
 (805) 784-7908

EARTH SYSTEMS PACIFIC
 3178 SANTA FE ROAD
 SAN LUIS OBISPO, CA 93401
 (805) 544-3178

KMA KEVIN MERK ASSOCIATES, LLC
 P.O. BOX 318
 SAN LUIS OBISPO, CA 93406

PROJECT

FRYE RESIDENCE

3420 TORO LANE
 MORRO BAY, CA 93442

DRAWING PHASE
CONSTRUCTION DOCUMENTS

Project No.	14-112
Drawn By	CPP
Dwg. Date	08/02/15
Updated	-
Scale	AS NOTED

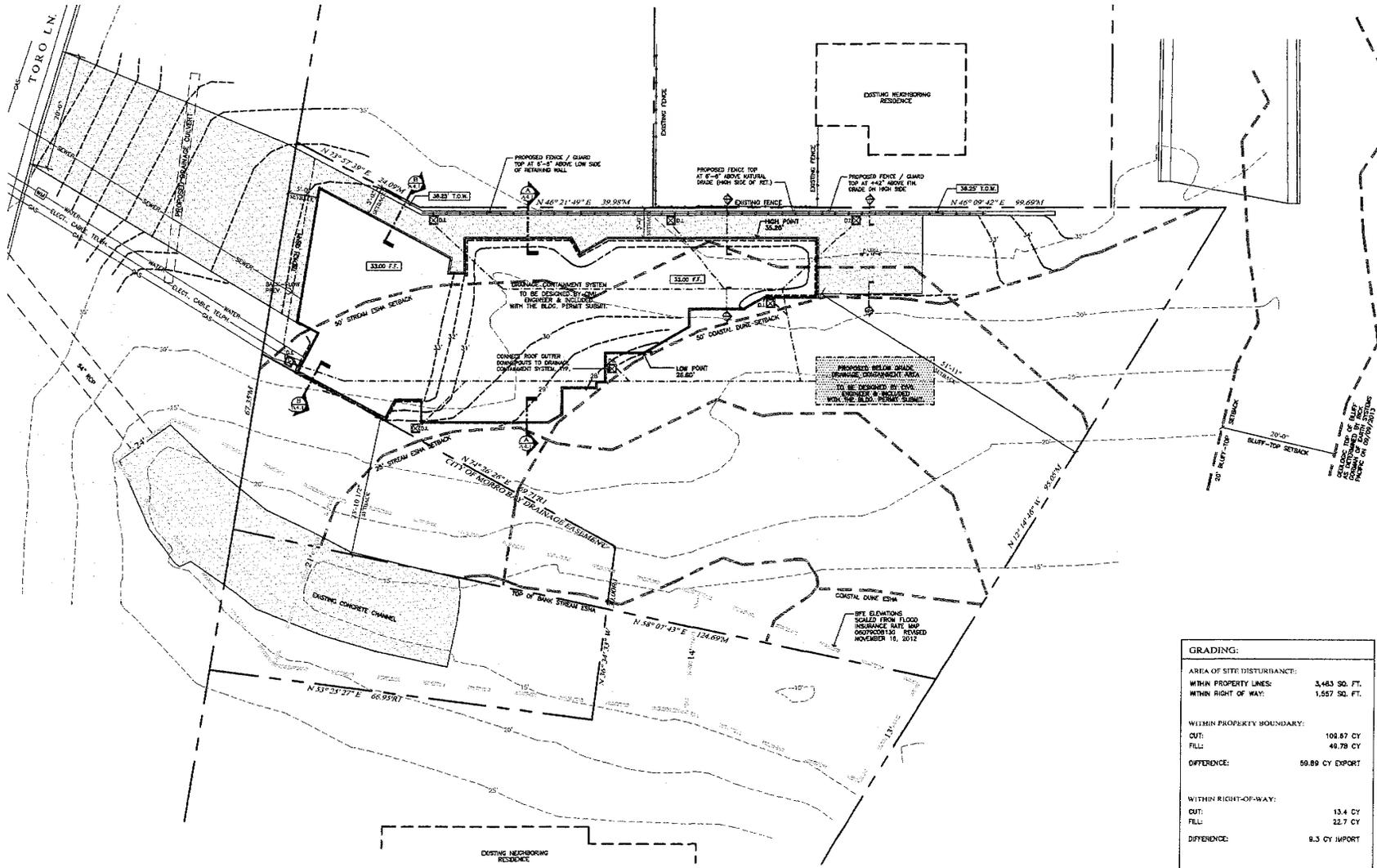
REVISIONS

SHEET TITLE
SITE PLAN

SHEET NO.

A1.2

EXHIBIT B



Copyright © 2015
 All lines, angles, dimensions and data indicated on this drawing are the property of C. P. Parker Architect. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of C. P. Parker Architect.

C. P. PARKER
 ARCHITECT

CHRISTOPHER P. PARKER
 ARCHITECT
 630 QUINTANA RD. #200
 SAN LUIS OBISPO, CA 93401
 (805) 772-8700

STAMPS



CONSULTANTS
MBS
 LAND SURVEYS
 MICHAEL B. STANTON, PLS 5702
 3543 BILKID ST. UNIT G
 SAN LUIS OBISPO, CA 93401
 (805) 594-1960

EARTH SYSTEMS PACIFIC
 4373 SANTA FE ROAD
 SAN LUIS OBISPO, CA 93401
 (805) 544-3171

KMA
 KEVIN MERK ASSOCIATES, LLC
 P.O. BOX 318
 SAN LUIS OBISPO, CA 93406

PROJECT

FRYE RESIDENCE

3420 TORO LANE
 MORRO BAY, CA
 93442

DRAWING PHASE
CONSTRUCTION
DOCUMENTS

Project No.	14-112
Drawn By	CPP
Dev. Date	08/02/15
Updated	-
Scale	AS NOTED

REVISIONS	

SHEET TITLE
GRADING PLAN

SHEET NO.

A13

GRADING:	
AREA OF SITE DISTURBANCE:	
WITHIN PROPERTY LINES:	3,443 SQ. FT.
WITHIN RIGHT OF WAY:	1,557 SQ. FT.
WITHIN PROPERTY BOUNDARY:	
OUT:	108.87 CY
FILL:	49.78 CY
DIFFERENCE:	59.89 CY EXPORT
WITHIN RIGHT-OF-WAY:	
OUT:	13.4 CY
FILL:	22.7 CY
DIFFERENCE:	6.3 CY IMPORT
PROJECT TOTALS:	
DIFFERENCE:	50.59 CY EXPORT

GRADING PLAN

EXHIBIT B

Copyright © 2015
 All items, designs, arrangements and other material
 are hereby assigned, transferred and otherwise
 conveyed to C.P. PARKER ARCHITECT and all
 material shall be deemed to be the property of
 C.P. PARKER ARCHITECT. No part of this
 drawing, design, arrangement, plan or other
 material may be reproduced, stored in a
 retrieval system, or transmitted in any form
 or by any means, electronic, mechanical,
 photocopying, recording, or by any
 information storage and retrieval system,
 without the prior written permission of
 C.P. PARKER ARCHITECT.

C. P. PARKER
 ARCHITECT

CHRISTOPHER P. PARKER
 ARCHITECT
 630 QUINCYA RD. #300
 SAN LUIS OBISPO, CA 95060
 (805) 772-9700

STAMPS



CONSULTANTS

MBS
 LAND SURVEYS
 MICHAEL B. STANTON, PLS. 3302
 3303 BUELL ST. UNIT 10
 SAN LUIS OBISPO, CA 95001
 (805) 594-1900

EARTH SYSTEMS PACIFIC
 4378 SANTA FE ROAD
 SAN LUIS OBISPO, CA 95001
 (805) 544-3170

KMA
 KEVIN MERK ASSOCIATES, LLC
 P.O. BOX 318
 SAN LUIS OBISPO, CA 95006

PROJECT

FRYE RESIDENCE

3420 TORO LANE
 MORRO BAY, CA
 93442

DRAWING PHASE
CONSTRUCTION DOCUMENTS

Project No.	14-112
Drawn By	CPP
Dwg. Date	06/02/15
Updated	-
Scale	AS NOTED

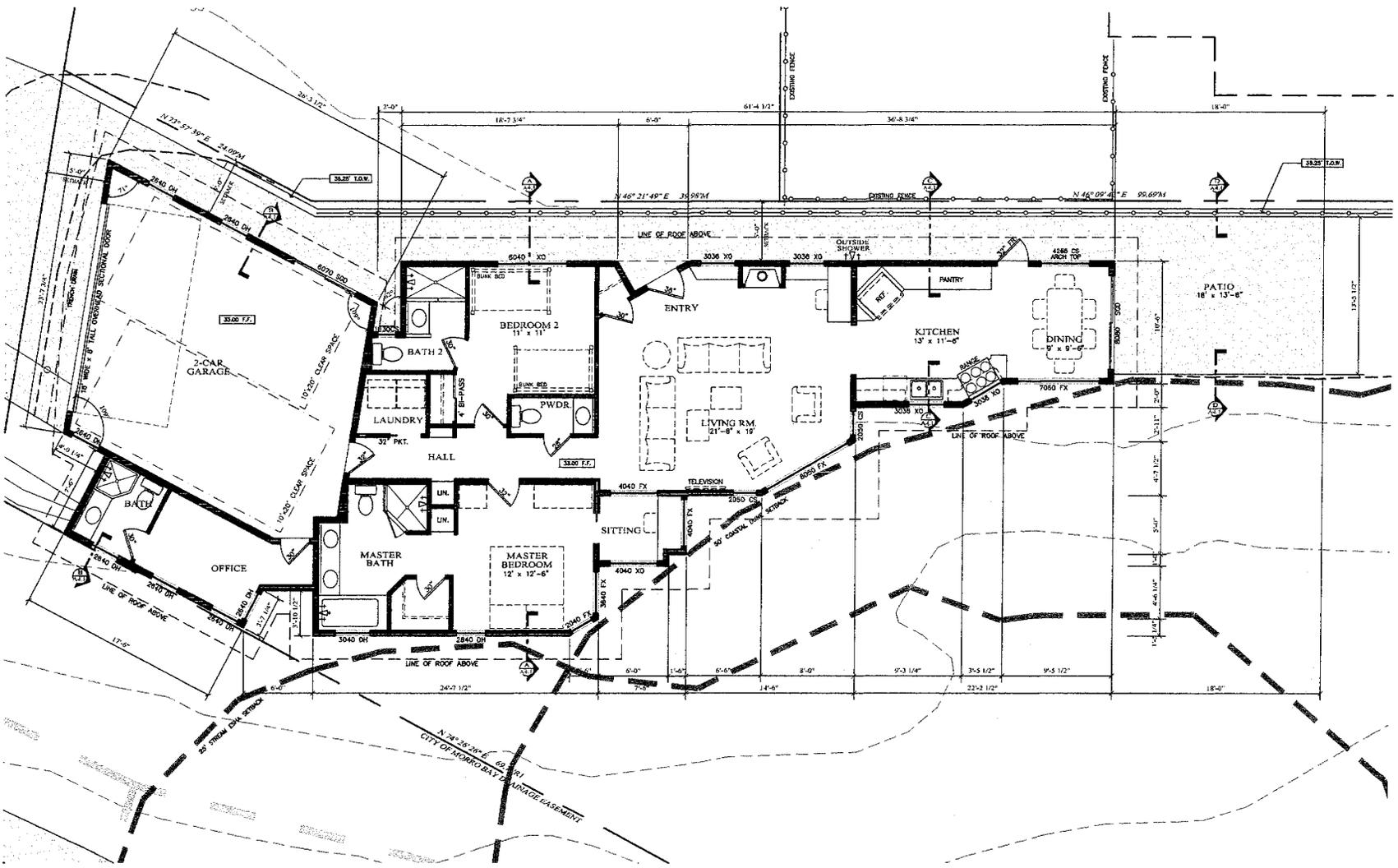
REVISIONS

SHEET TITLE

FLOOR PLAN

SHEET NO.

A2.1



FLOOR PLAN

EXHIBIT B

Copyright © 2015
 All design, drafting, construction and other related information contained herein is the property of C.P. Parker Architect. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of C.P. Parker Architect.

C. P. PARKER
 ARCHITECT

CHRISTOPHER P. PARKER
 ARCHITECT
 630 DUNSTANA RD. #330
 SAN LUIS OBISPO, CA 95060
 (805) 728-8700

STAMPS



CONSULTANTS
MBS
 LAND SURVEYS
 MICHAEL B. STANTON, PLS. 5702
 3561 SUELDOS ST., UNIT G
 SAN LUIS OBISPO, CA 95061
 (805) 594-1900

EARTH SYSTEMS PACIFIC
 4378 SANTA FE ROAD
 SAN LUIS OBISPO, CA 95041
 (805) 546-3170

KMA
 KEVIN MERK ASSOCIATES, LLC
 P.O. BOX 318
 SAN LUIS OBISPO, CA 95066

PROJECT

FRYE RESIDENCE

3420 TORO LANE
 MORRO VALLEY, CA
 93442

DRAWING PHASE

CONSTRUCTION DOCUMENTS

Project No.	14-112
Drawn By	CPP
Dwg. Date	08/02/15
Updated	-
Scale	AS NOTED

REVISIONS

SHEET TITLE

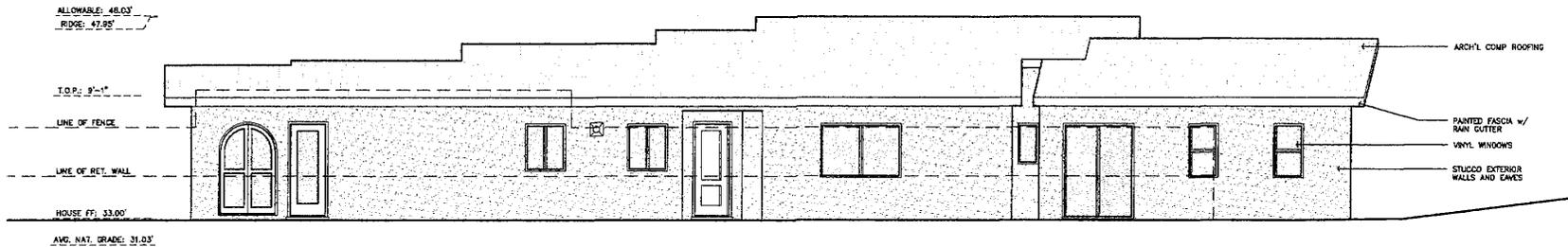
ELEVATIONS

SHEET NO.

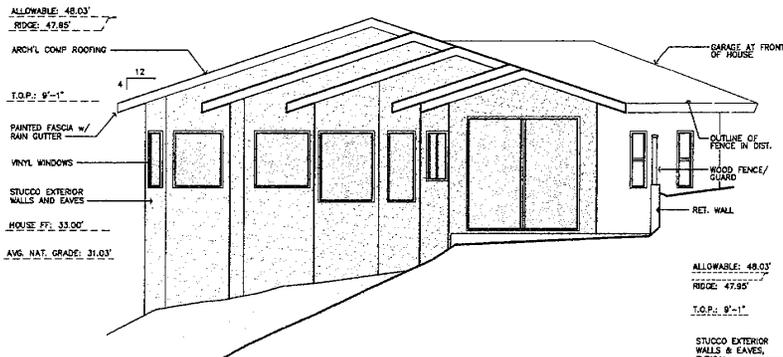
A3.1



FRONT ELEVATION (EAST)



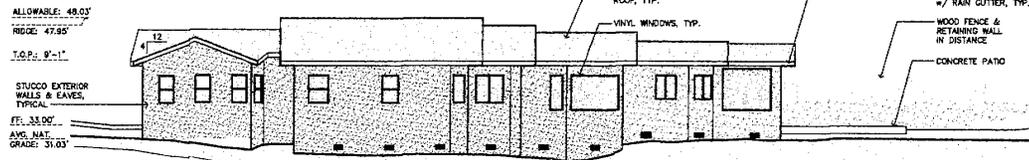
SIDE ELEVATION (SOUTH)



REAR ELEVATION (WEST)

EXTERIOR LIGHTING REQUIREMENTS

ALL EXTERIOR LIGHTING SHALL BE OF HIGH EFFICACY, OR ON A PHOTOCELL & MOTION SENSOR
 EXTERIOR LIGHTING IS TO BE DOWNWARD FACING AND SHIELDED TO NOT ALLOW THE BULB TO BE VISIBLE FROM NEIGHBORING PROPERTIES, OR PUBLIC SPACES



SIDE ELEVATION (NORTH)

EXHIBIT B

Copyright © 2016
 All ideas, designs, arrangements and other intellectual property of C.P. PARKER ARCHITECT and its affiliates, including the content of this drawing, shall remain the property of C.P. PARKER ARCHITECT and its affiliates. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the written permission of C.P. PARKER ARCHITECT.

**C. P. PARKER
 ARCHITECT**

CHRISTOPHER P. PARKER
 ARCHITECT
 630 GULFVIEW RD. #200
 #1000011500
 18001 P.O. BOX 8700

STAMPS



CONSULTANTS

**MBS
 LAND SERVICES**
 MICHAEL B. STANTON PLS 5702
 3303 KRELOFF ST., UNIT Q
 SAN LUIS OBISPO, CA 93201
 (805) 954-1560

EARTH SYSTEMS PACIFIC
 4178 SANTA FE ROAD
 SAN LUIS OBISPO, CA 93401
 (805) 544-3174

**KMA
 KEVIN MERK ASSOCIATES, LLC**
 P.O. BOX 318
 SAN LUIS OBISPO, CA 93406

PROJECT

FREY RESIDENCE

3420 TORO LANE
 MORRO BAY, CA
 93442

DRAWING PHASE
**CONSTRUCTION
 DOCUMENTS**

Project No.	14-112
Drawn By	CPP
Des. Date	08/02/15
Updated	-
Scale	AS NOTED

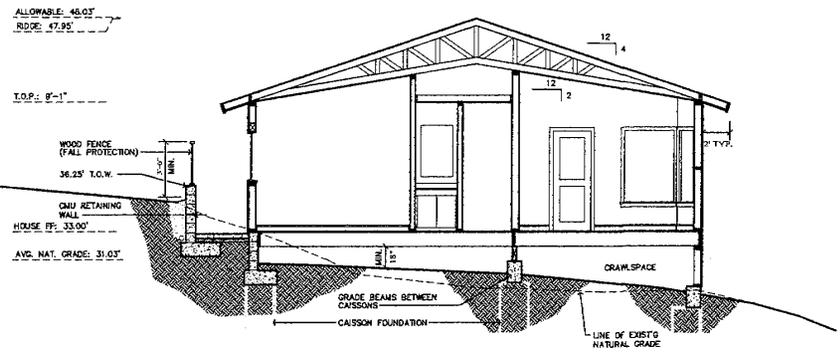
REVISIONS

SHEET TITLE

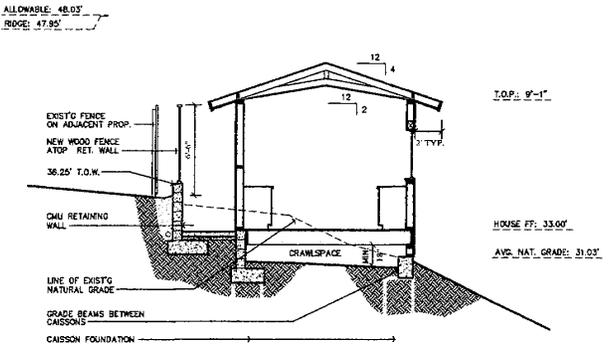
SECTIONS

SHEET NO.

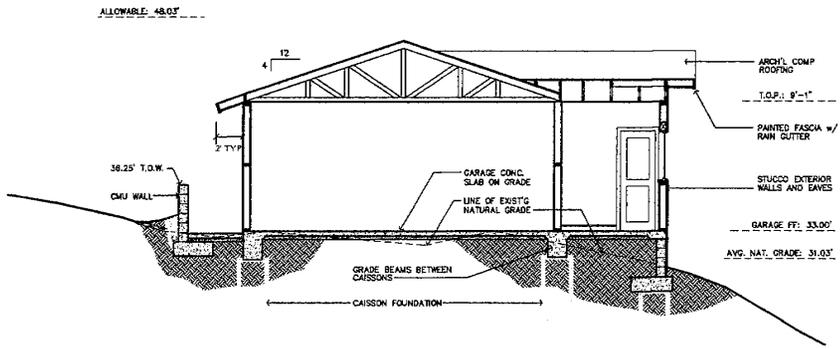
A4.1



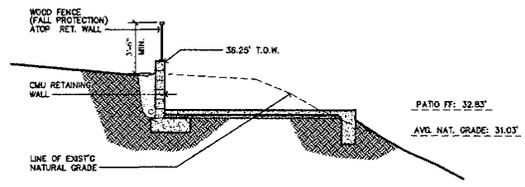
A BUILDING SECTION



C BUILDING SECTION



B BUILDING SECTION



D PATIO SECTION

**FRYE RESIDENCE
3420 TORO LANE**

**C.P. PARKER
ARCHITECT**

COLOR BOARD

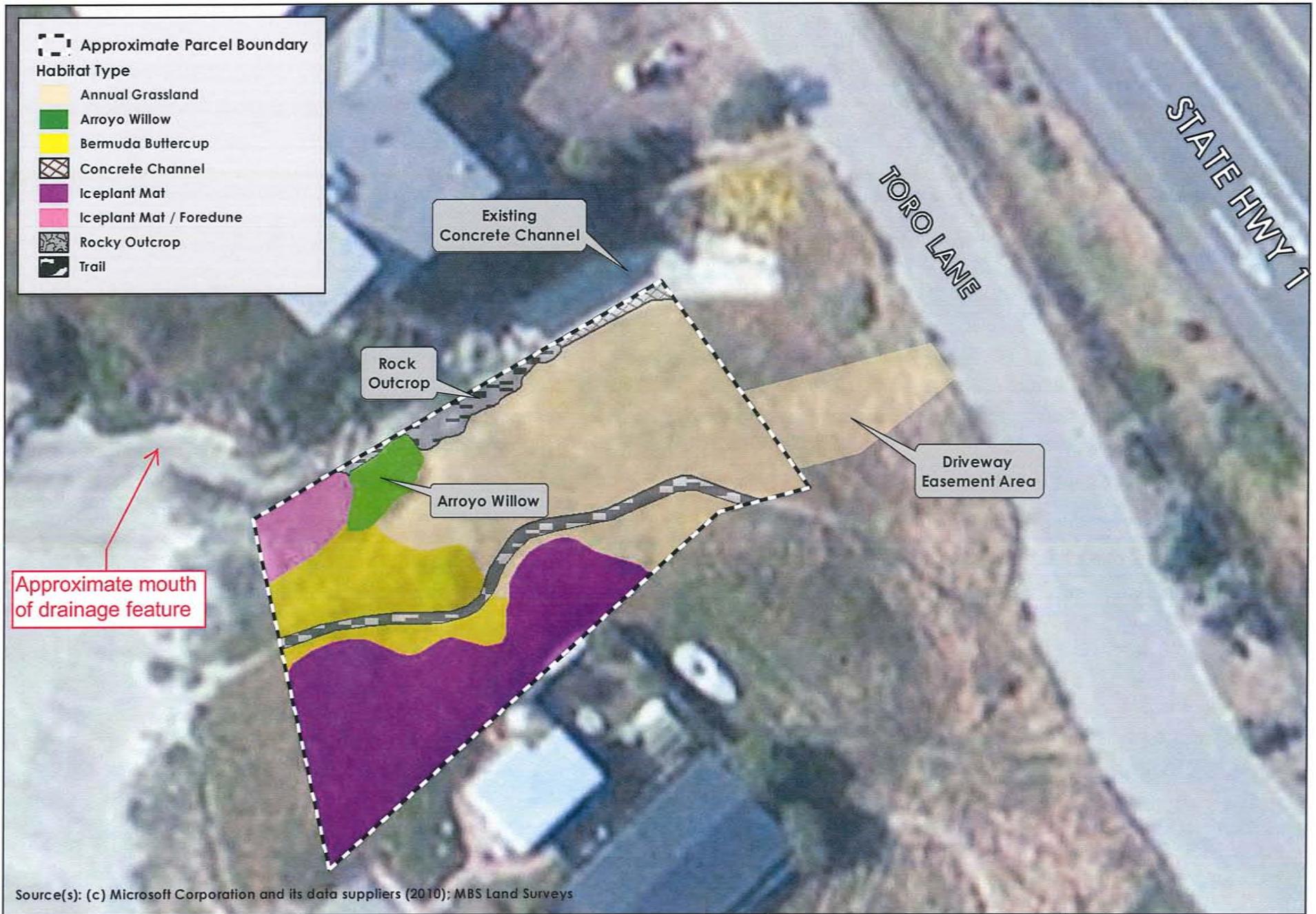


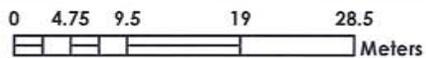
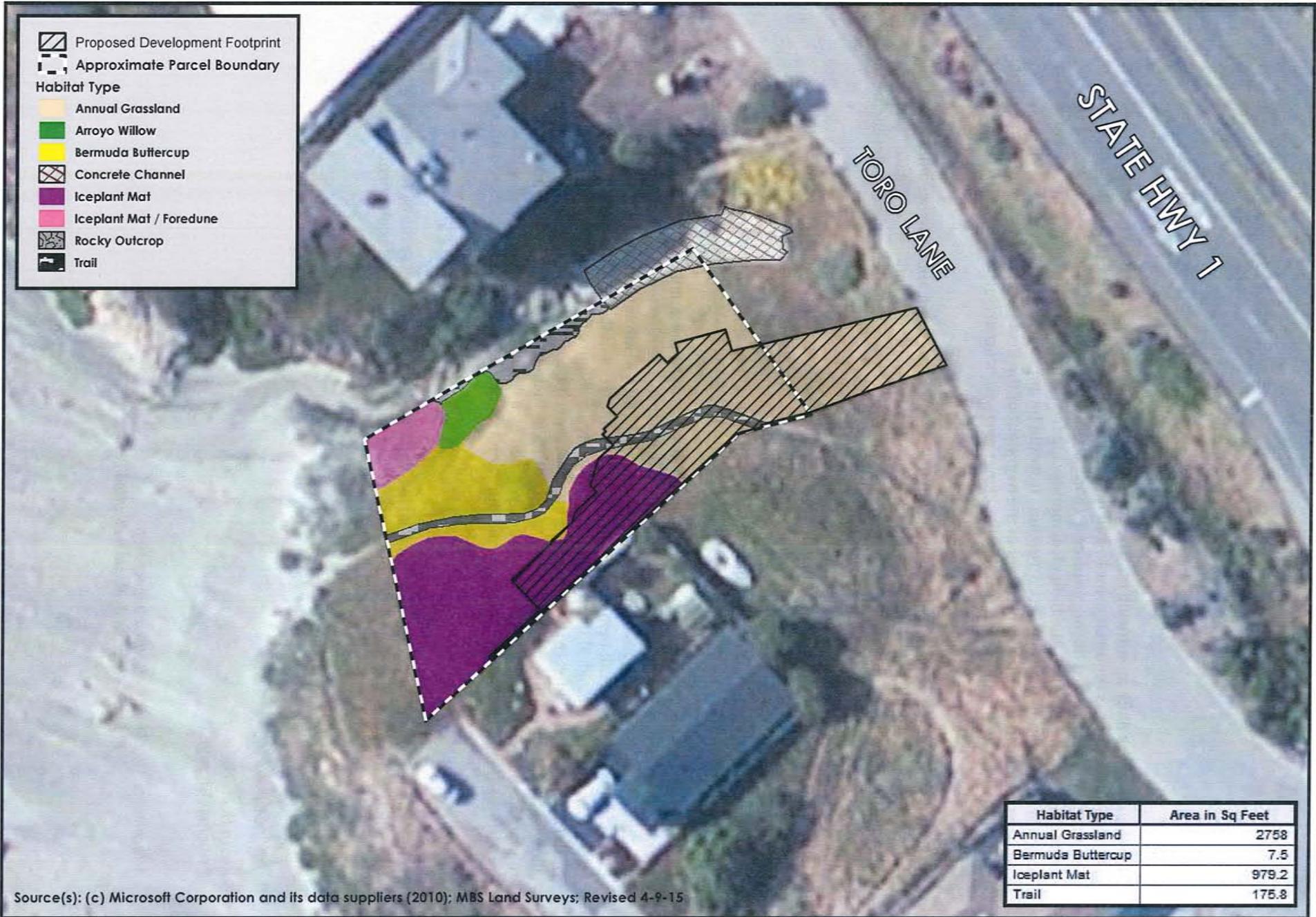
EXHIBIT C



PLANTING LEGEND

	<i>ACHILLEA MILLEFOLIUM</i> ISLAND PINK YARROW	
	<i>ACHILLEA MILLEFOLIUM CALIFORNICA</i> YARROW	
	<i>ADENOSTOMA FASCIOLATUM</i> CHAMISE	
	<i>ARCTOSTAPHYLOS MORROENSIS</i> PARK VIEW MORRO MANZANTA	
	<i>ARTEMISIA CALIFORNICA</i> - CALIFORNIA SAGEBRUSH	
	<i>ATRIFLEX LENTIFORMIS</i> BREWERI BREWERS SALT BUSH	
	<i>BACCHARIS PILLULARIS</i> 'PIGEON POINT' COYOTE BUSH	
	<i>CEANTHUS GREGELIS</i> HORIZONTALIS YANKEE POINT	
	<i>DIPLOUS/MULLUS ARANTIAQUS</i> , MONEY FLOWER	
	<i>ERIGERON GLAUCUS</i> , SEASIDE DAISY	
	<i>ERICAMERA ERICOIDES</i> , MOX HEATHER	
	<i>ERIGONUM PINK</i> , CALIFORNIA BUCKWHEAT	
	<i>ERIGONUM PARVIFOLIUM</i> - SEACLIFF BUCKWHEAT	
	<i>SALVIA APIANA</i> WHITE SAGE	
	<i>SALVIA SPATHACEA</i>	
	COASTAL TRIUMPH SOD (CENTRAL COAST SOD)	





1 inch = 50 feet

3420 Toro Lane

Frye Family

Figure 4

Impact Map

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

**RECEIVED****JUL 08 2015**

City of Morro Bay
Community Development Dept.

July 6, 2015

Whitney McIlvaine, Senior Planner
Public Services Department
955 Shasta Avenue
Morro Bay, California 93442

Subject: Revised Initial Study/Mitigated Negative Declaration for 3420 Toro Lane, City of Morro Bay (SCH# 2014071072)

Dear Ms. McIlvaine:

Thank you for the opportunity to review and comment on the above referenced Revised Mitigated Negative Declaration (MND). The proposed project consists of a single-family dwelling on a vacant beachfront parcel on Toro Lane in Morro Bay. The proposed residence has been redesigned since the initial MND to avoid development within dune, bluff, and riparian areas and their required setbacks. Thus, we have the following comments on the proposed project, as well as recommendations on particular issues the MND should analyze in more detail:

Visual Resource Protection. The LCP requires that scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. As with the original proposal, the proposed development is visible from Toro Lane and Highway 1, and would be located in what currently is a view corridor adjacent to a riparian gully between the existing residences to the south and north. However, the proposed residence appears to have been redesigned/relocated to avoid being located significantly within this existing view corridor, including through adhering to a 25-foot riparian setback from the stream channel to the north and a 50-foot coastal dune habitat setback to the northwest. In addition, the proposed project includes on-site restoration of both the coastal scrub and the coastal grassland areas, which will enhance the visual quality of the site. In terms of design, the redesigned residence appears to blend into the built residential environment that surrounds it, and will be subject to review and approval by the City for visual compatibility with nearby existing residential development along Beachcomber Drive and Toro Lane. Thus, the redesigned project appears to be consistent with the LCP's requirements to protect the scenic and visual qualities of coastal areas.

Biological Resources and Setbacks. The proposed project has been redesigned/relocated to avoid coastal dune habitat and the adjacent coastal stream channel.¹ In terms of the dune habitat, the LCP requires a minimum 50-foot buffer to be maintained in urban areas between dune habitat and adjacent development. Coastal dune habitat is a sensitive resource and the required

¹ The Commission's staff ecologist has reviewed the relevant biological and habitat maps and concurs that no wetlands exist on the site.

50-foot setback is necessary to adequately protect this resource. The redesigned project is now set back 50 feet from the furthest extent of coastal dune habitat, consistent with the LCP.

In terms of coastal stream protection, the LCP requires a minimum 50-foot setback from streams within the urban areas of Morro Bay.² However, the LCP also allows for reduced setbacks for streams from 50 feet to 25 feet if the applicant can demonstrate that the implementation of the 50-foot setback would render the parcel unusable for its designated use, and when all other means of project modifications are found inadequate to provide for both the use and the 50-foot setback. A reduced setback also requires consultation with both the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW), along with adequate mitigations. In this case, the redesigned project includes a reduced setback of 25 feet from the coastal stream (top of bank) in order to avoid sensitive resources and to allow for an approximately 1,500 square foot single-family residence on the site.³ Both USFWS and CDFW have been consulted on the issue of reduced setbacks; however, the MND does not disclose the results or conclusions of this consultation, and thus the City should provide this information during its review process. Lastly, regarding protection of stream water quality, appropriate mitigations (e.g. erosion controls, stormwater management, habitat restoration and enhancement, monitoring, BMPs, etc.) have been included as part of the project based on the recommendations of the MND.

Geology and Bluff Setbacks. According to the City's LCP, new development must be set back no less than 20 feet from a coastal bluff edge. The geologic and soils reports (Earth Systems, 2002, 2013, 2014, 2015; GeoSolutions, 2014, etc.) relied upon by the MND indicate that a coastal bluff edge line, a "stream channel canyon bluff line," and a coastal bluff point "terminus" (page 42) are located on the project site. The Commission's staff geologist agrees with this assessment and the appropriateness of using these calculations to determine bluff setbacks on the project site. Based on the long-term average site bluff retreat rate of 1.2 inches per year, it is estimated that the bluff will erode 7.5 feet from the current top of bluff over a 75-year period. In this case, the closest seaward edge of the proposed residence is approximately 70 feet from the identified coastal bluff edge, well beyond the minimum setback required. In terms of sea level rise, the MND states that the 100-year wave run-up elevation would be 14.75 feet (NAVD.88) (Note: along the creek (north side) it would be 16.25 feet), well below the 33-foot elevation of the finish floor. Commission staff concurs that the proposed project would not be adversely affected by sea level rise or bluff retreat over the economic life of the project. Because the project is predicated on the Applicant's geologic reports ensuring stability and structural integrity for the life of the development, a condition prohibiting future shoreline protective devices should be included in the City's conditions.

² The proposed residence is located within the urban area of Morro Bay.

³ A 50-foot setback would likely preclude residential use on this parcel.

Public Access and Recreation. The proposed project is located seaward of the first public through road and thus the project is subject to the Public Access and Recreation policies of the Coastal Act, in addition to the City's LCP policies related to coastal access. Coastal Act sections 30210, 30211, and 30212(a) require maximum access, and also require that development not interfere with access to the sea, and that lateral and vertical access be provided in new development. The LCP includes similar requirements. In this case, the proposed project will impact (if not eliminate) an informal and publicly used accessway that extends from Toro Lane to the beach. While access routes do exist on nearby Beachcomber Drive (immediately seaward of Toro Lane), the accessway on the subject site is more gradual in slope than the surrounding accessways and is thus more suitable for those members of the public with limited mobility, the elderly or the very young, for example.

Given the abovementioned Coastal Act and LCP requirements with respect to access, and because members of the public have recommended the provision of a continued access trail on the site, the City should analyze the feasibility and environmental impact of including a public access trail within the stream buffer. This trail analysis should include coordination, conformity, and consistency with the proposed restoration and enhancement program. For example, increased native, drought tolerant landscaping would help to provide a visual buffer between the trail and the residence.

If you have any questions regarding these comments or wish to discuss the project further, please contact me at (831) 427-4863.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Robinson", with a long horizontal flourish extending to the right.

Daniel Robinson
Coastal Planner
Central Coast District Office