



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, September 15, 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 August 4, 2015 and August 18, 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 Number: UP0-422

Site Location: 1170 Front Street, Morro Bay, CA

Proposal: Request for a time extension on permit approvals for UP0-120 and AD0-024, allowing for the development of a six-room hotel project.

CEQA Determination: Categorically Exempt, Section 15301, Class 1

Staff Recommendation: Approve time extension

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

B-2 Case No.: #UP0-426 and AD0-103

Site Location: 340 Tulare Avenue, Morro Bay, CA

Proposal: Conditional Use Permit and Parking Exception approval to allow for an addition of more than 25% to an existing nonconforming single-family residence and to allow for a tandem parking space in the driveway. Specifically, the applicant proposes to add a 650 sq. ft. second-story addition and to enlarge the existing one-car garage to meet minimum standards and locate the second required parking space in tandem in the drive. The project is located outside of the Coastal Commission Appeals Jurisdiction.

CEQA Determination: Categorically exempt, Section 15301, Class 1

Staff Recommendation: Conditionally approve

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

B-3 Case No.: #AD0-028

Site Location: 781 Quintana Blvd, Morro Bay, CA

Proposal: Modification to existing permit to modify the existing exterior of the Burger King restaurant. The project includes the demolition of the existing canopy covering the drive through window.

CEQA Determination: Categorically exempt, Section 15301, Class 1

Staff Recommendation: Conditionally approve

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

B-4 Case Number: N/A

Site Location: Vacant Mindoro Street lot, West side of Highway 1 abutting the HWY 1 right of way. APN: 065-113-066

Proposal: Planning Commission review of General Plan conformance in association with City property disposal/sale. The City has listed the subject property for sale and prior to any property sale, California Government Code Section 65402 requires the Planning Commission to review and report on the property disposition as to conformity with the City's General Plan.

CEQA Determination: Exempt Per Section 15061(b)(3)

Staff Recommendation: Adopt Resolution Finding that disposition of the subject property is consistent with the Morro Bay General Plan

Staff Contact: Scot Graham, Community Development Manager, [\(805\) 772-6291](tel:8057726291)

- 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 October 6, 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: September 15, 2015

ACTION: _____

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – AUGUST 04, 2015
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Robert Tefft	Chairperson
	Katherine Sorenson	Vice Chairperson
	Gerald Luhr	Commissioner
	Richard Sadowski	Commissioner
STAFF:	Scot Graham	Community Development Manager
	Whitney McIlvaine	Contract Planner
	Joan Gargiulo	Contract Planner

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

PUBLIC COMMENTS

Chairperson Tefft opened Public Comment period.

Rigmor Samuelson, resident stated her concerns on the public view access on Surf Street.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/4KXem9pkZHg?t=3m19s>

PRESENTATIONS – NONE

A. CONSENT CALENDAR

<https://youtu.be/4KXem9pkZHg>

A-1 Approval of minutes from the Planning Commission meeting of June 2, 2015.
Staff Recommendation: Approve minutes as submitted.

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

MOTION: Commissioner Sadowski moved to approve the Consent Calendar. Vice-Chair Sorenson seconded the motion and the motion passed unanimously (4-0).

<https://youtu.be/4KXem9pkZHg?t=3m54s>

B. PUBLIC HEARINGS

<https://youtu.be/4KXem9pkZHg?t=4m23s>

B-1 Case No.: #CP0-469 and #UP0-414

Site Location: 1147 West Street, Morro Bay, CA

Project Description: Request for a Coastal Development Permit and Conditional Use Permit to demolish a 375 square-foot residential structure and a portion of an

1,100 residential structure and construct a new two-story, 2,805 square-foot dwelling, with an attached 580 square-foot garage and 277 square feet of upper level deck area on a 6,302 square-foot bluff top lot on the westerly side of West Street within the Beach Street Specific Plan area. The property is zoned Duplex Residential with a Planned Development and Specific Plan overlay (R-2PD/SP) This project is located in the Coastal Commission appeal jurisdiction.

CEQA Determination: Categorically Exempt, Section 15303(a), Class 3

Staff Recommendation: Conditionally Approve

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

B-2 Case No.: #CP0-470 and #UP0-415

Site Location: 1149 West Street, Morro Bay, CA

Project Description: Request for a Coastal Development Permit and Conditional Use Permit to demolish an 1,100 square-foot residential structure and construct a new two-story, 2,805 square-foot dwelling, with an attached 580 square-foot garage and 277 square feet of upper level deck area on a 6,774 square-foot bluff top lot on the westerly side of West Street within the Beach Street Specific Plan area. The property is zoned Duplex Residential with a Planned Development and Specific Plan overlay (R-2/PD/SP) This project is located in the Coastal Commission appeal jurisdiction.

CEQA Determination: Categorically Exempt, Section 15303(a), Class 3

Staff Recommendation: Conditionally Approve

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

McIlvaine presented the staff report for items B-1 and B-2.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/4KXem9pkZHg?t=12m33s>

Chuck Stevenson, agent for applicant, informed the Commission of the archeological survey delay. He also noted he has no issues with the conditions mentioned in the staff report.

Bill Merrifield, applicant, stated he was disappointed on the last minute request for the archeological report. He noted the delays regarding processing the application for the project. He requested the Commission help expedite the project after the archeological report is received.

Peter Beeman, Bay Front Inn owner, stated he's happy with the project, but noted his concerns regarding slippage and run-off.

Chairperson Tefft closed Public Comment period.

<https://youtu.be/4KXem9pkZHg?t=20m26s>

MOTION: Vice-Chairperson Sorenson moved to continue CP0-469/UP0-414 and CP0-470/UP0-415 to a date uncertain. Commissioner Luhr seconded the motion. Motion passed (4-0).

Commissioner Luhr notified staff the issue of buildings looking like tract homes was not brought up when discussing the design guide lines.

Graham stated will place this on his list of items to discuss on the next review.

B-3 Case No.: #UP0-420

Site Location: 454 Yerba Buena, Morro Bay, CA

Project Description: Request for Conditional Use Permit approval to add habitable floor area to a non-conforming structure located in the R-1/S.1 Single-Family Zoning District. The applicant proposes to add a 195 square-foot second-story addition to an existing 804 square-foot single-family home with nonconforming side-yard setbacks and nonconforming lot coverage. This project is located outside of the Coastal Commission appeal jurisdiction.

CEQA Determination: Categorically Exempt, Section 15301(e), Class 1

Staff Recommendation: Conditionally Approve

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

<https://youtu.be/4KXem9pkZHG?t=58m20s>

Gargiulo presented staff report.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/4KXem9pkZHG?t=1h7m49s>

Andrew Goodwin, architect, stated he understood this is non-conforming and has been respective of the concept and is staying within the guidelines.

Chairperson Tefft closed Public Comment period.

<https://youtu.be/4KXem9pkZHG?t=1h9m36s>

MOTION: Vice-Chairperson Sorenson moved to approve Conditional Use Permit UP0-420 which would include PC Resolution 27-15. Commissioner Luhr seconded the motion. Motion passed (4-0).

<https://youtu.be/4KXem9pkZHG?t=1h14m58s>

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

- Commissioner Sadwoski stated his concerns on how Morro Bay's infrastructure is being impacted by vacation rentals and on projects the Planning Commission approves.
- Commissioner Sadowski notified everyone the WRFCAC Meeting will be held tomorrow from 3 PM – 5 PM.
- Chairperson Tefft notified everyone the GPAC Meeting is scheduled to meet on August 13th at 5:30 PM at the Community Center.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING –AUGUST 4, 2015

Graham notified the second City Council meeting will be held on Monday, August 24th instead of the normal Tuesday council meeting.

G. ADJOURNMENT

The meeting adjourned at 7:37 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on August 18, 2015, at 6:00 p.m.

Robert Tefft, Chairperson

ATTEST:

Scot Graham, Secretary

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

Chairperson Tefft opened Public Comment period.

<https://youtu.be/uXKHfMLEvSI?t=29m44s>

Rachel Kovesdi, agent for Greg and Jeanne Frye, presented her report to the Commission.

Brad Schnook, coach for county chapter Surf Rider Foundation, stated his concerns regarding the native sensitive habitat and the prescriptive easement.

Bill McClennan, resident, stated his comments regarding the beach access and his concerns with the retaining wall on the bluff.

Betty Winholtz, resident, stated the Fries are the owners of an adjoining lot. She also brought up her concerns with the bluff on the north and asked how the fill was going to be held up. She noted the flooding issues would need to be addressed along with the right-of-way in front of the house and prescriptive rights.

Bill Martoni, resident, stated his concerns with the City's fee owned property and how it would be affected by the project. He also noted he understood the front of the house shouldn't be built on the bluff and should be looked at again.

Christopher Fala, resident, stated how he felt about the resistance to the Fries project but is pleased the Fries are improving the area with the native plants.

Andrew Wilke, surfer, stated he hasn't seen too many people using the beach access on the Frye's property. He also noted there are other beach access ways which could be used.

Greg Frye, applicant, stated they have taken the necessary steps in order to move forward with the project.

Mike Frye, father of Greg Frye, stated the trail on the property is not very easy to access and he uses other beach access. He also noted the new plants would improve the property.

Melinda Yudi, resident, stated she sees a lot of weekenders using the access because when they cross the street this is the first access to the beach they see. She thinks the parking will eventually worsen as time goes on.

Rachel Kovesdi, agent, answered questions about who owned the two lots and clarified what type of plants would be used on the property. Rachel also answered questions about the setbacks and noted the Coastal Commission has been on site.

Chris Parker, architect, answered questions about the retaining walls.

Chairperson Tefft closed Public Comment period.
<https://youtu.be/uXKHfMLEvSI?t=1h16m22s>

Chairperson Tefft opened Public Comment period.
<https://youtu.be/uXKHfMLEvSI?t=2h14m42s>

Chris Parker, architect, answered questions from the Commission. Parker stated the house is already at the height limit. And part of the design was driven by the shape of the floor plan. He stated the reason for the excavation at the western end of the site was to get more usable yard space.

Betty Winholtz, resident, asked the Commission why the north side marking looks like the 25 foot setback is at the edge of the bluff stream.

Chairperson Tefft stated the ESH 25 foot setback starts at the stream bank, not at the top of the hill.

Chairperson Tefft closed Public Comment period.
<https://youtu.be/uXKHfMLEvSI?t=2h18m47s>

Chairperson Tefft opened Public Comment period.
<https://youtu.be/uXKHfMLEvSI?t=2h43m56s>

Rachel Kovesdi, agent, stated the applicants are not interested in modifying the home if it would require a variance. They would like to work with the Commission on moving forward with the project.

MOTION: Commissioner Luhr moved to continue Item B-1, CP0-419, UP0-383, to a date uncertain with the following directions. Commissioner Lucas seconded the motion. Motion passed (4-0).

<https://youtu.be/uXKHfMLEvSI?t=3h2m58s>

- Redesign the project to minimize the amount of excavation and removal of natural land form at the west end of the bluff.

- Explore a common driveway configuration through the undeveloped Too Lane right-of-way such that development on the adjacent lot to south (APN: 065-091-023) could share access. Please provide a conceptual plan of this shared access.
- Alter the architectural treatment to be more aesthetically distinctive and innovative and to relate more particularly to the project setting consistent with the City’s Design Guidelines, especially in terms of the northerly façade. Provide more fully rendered elevations of the house.
- Provide a conceptual plan showing the location of a re-routed public access trail through the site and the adjacent undeveloped Toro Lane right-of-way with a link to the trail from the residence. Note what erosion control, grading, and construction would be necessary to install the access. Provide cross section drawings every 20 feet, including two of the existing trail, one of which shows the transition from the existing trail to the new trail.

The Planning Commission also instructed staff to include conditions in a resolution for approval that address prohibition of shoreline protective devices and prohibition of trails through the ESH areas other than for public access and a link from the residence.

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

<https://youtu.be/uXKHfMLEvSI?t=3h3m56s>

Commissioner Lucas announced he was a speaker at the International Society for Environmental Ethics meeting. He noted they were fascinated with the applications Morro Bay was taking, specifically issues with the wastewater recycling plant.

Commissioner Lucas also announced he attended the California Climate Action Conference for Local Planners at Cal Poly. They discussed greenhouse gas emissions and climate action plans.

Commissioner Sadowski announced he attended the Special City Council Meeting which covered the Morro Bay Reclamation Facility. He stated his concerns on the limited technology which will be implemented at the facility. It would limit the City in obtaining funding and the City would be missing out on opportunities for new innovations and performance. He feels it would be a disservice to the community to limit ourselves with this type of technology.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

<https://youtu.be/uXKHfMLEvSI?t=3h10m16s>

Graham presented a report on the definition for building height. Graham requested that the Commissioners agendize an interpretation on the issue.

G. ADJOURNMENT

The meeting adjourned at 9:19 p.m. to the regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on September 1, 2015, at 6:00 p.m.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING –AUGUST 18, 2015

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: September 15, 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	Burger King	781 Quintana	8/13/15	A00-028	Amendment to CUP 28-84 and CDP 69-84 to allow building façade changes and dining room.					
2	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. Scheduled for PC on 9/15				jg
3	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. Scheduled for PC on 9/15				jg
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. hearing on August 18, 2015. Continued to October 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	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
6	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
7	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. Continued to 10-6-15 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

#	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
8	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
9	Schmidt	300 Shasta	7/30/15	UP0-428	Conditional Use Permit - Remodel 1st floor and add second floor addition (929 sf) to existing SFR.	Review complete. Scheduled for PC hearing 10/6				
30 -Day Review, Incomplete or Additional Submittal Review										
10	Garcia	500 Kings	8/20/15	CP0-487	New 2,434 sf SFR with 672 sf garage and 228 sf of decking	Under initial Review				
11	Strassel	976 Ridgeway	8/14/15	UP0-429	CUP for 735 sf addition to upper level of SFR, adding 126 sf of balcony to existing deck area	Under Initial Review		PN- Conditionally Approved - 9/1/2015		jg
12	Black Hill Villas	485 South Bay Blvd	8/7/15	A00-027	Precise Plan CUP modification to reflect Coastal Commission approved changes to CDP	Precise Plan requires modification for City approvals to be consistent with Coastal Commission approvals.. Under review.				
13	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. Incomplete letter sent. Resubmitted 9-10-15				cj
14	DeGarimore	1001 Front St.	7/14/15	A00-026	Amendment to CUP to modify project description to remove proposed new awning.	Letter sent to applicant 9-9-15 regarding public access requirements.				

#	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
15	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
16	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
17	Reddell	310 Trinidad	6/1/15	CP0-479 & UP0-431	Admin Coastal Development Permit & Minor Use Permit for new SFR on a vacant lot	JG - Under initial review. Sent back for corrections and need an MUP. MUP applied for on 9-8-15.		PN- Conditionally approved with comments - 6/12/15		jg
18	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.		PN-Plans Disapproved. Req. Stormwater determination form & plan update-8/25/15		wm
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
24	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
25	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

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26	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. Not compliant with view corridors requirements. Meeting with Applicant	BC- incomplete	RPS - Disapproved for plan corrections noted in memo of 10/14/14		cj
27	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
28	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. Reviewing initial study for pending route to State Clearinghouse. CJ	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
29	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		

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30	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. Received plans revisions and sent request for Coastal concurrence 9-2-15. 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										
31	Seashell Estates, LLC	361 Sea Shell Cove	1/26/15	CP0-459/ UPO-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
32	City of Morro Bay	End of Nutmeg	1/18/12	UPO-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										

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33	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
Grants										
34	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		
35	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		
36	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										
37	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		
38	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										

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39	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										
40	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.		
41	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										

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42	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
43	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										
44	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. Forwarded favorable recommendation to Council 9-1-15. Scheduled for Council hearing on 10-13-15.				cj

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45	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										
46	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		
47	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		
48	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		
49	Bernal	624 Bernardo	6/10/15	B-30520	SFR Addition of 732sf bed/bathroom			PN- Conditionally Approved, Req. Stormwater determination form - 8/26/15		
50	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		
51	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.		
52	Barton	983 Carmel	8/31/15	B-30626	Bathroom remodel			PN- Conditionally approved per memo dated 9/8/15		

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53	Diaz	365 Driftwood	8/14/15	B-30601	SFR Addition of 328sf upstairs to create Master bedroom and bathroom.			PN-Plans Disapproved, for plan corrections & sewer video-9/1/15		
54	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.		
55	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 or		
56	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		
57	Decker	430 Fresno	6/8/15	B-30491	Convert existing laundry room into bathroom.			PN- Disapproved, needs sewer video & bwv 6/12/15		
58	Funk	672 Fresno	7/10/15	B-30558	SFR Addition	Corrections sent 7-27-15. CJ				
59	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- Conditionally Approved. Req. new sewer.-8/25/2015		
60	Monie	2577 Greenwood	5/18/15	B-30471	2-story Addition to SFR: 935sf			PN-Disapproved, needs sewer video & EC-6/8/15		
61	Jackson, Addis	2860 Greenwood	9/2/15	B-30639	Detached 160sf Guest cottage			PN-Disapproved, needs sewer video & EC-9/8/15		
61	Barbis	165 Hatteras	8/27/15	B-30623	93sf Addition to front exterior of SFR			PN- Conditionally approved -9/2/15		
62	Hurless	2265 Hemlock	8/27/15	B-30477	SFR Garage converted to 492sf apartment with new bedroom and bathroom.			PN- Disapproved needs sewer lateral video-		
63	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		
64	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		
65	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			
66	Nisbet	570 Kings		B30600	New 2,317sf SFR w/ 583sf garage and separate detached 735sf 3-car garage.			PN-Disapproved for plan corrections per memo dated 8/31/15		
67	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		
68	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		
69	Banuelos	350 Las Vegas	8/19/15	B-30613	Demo 832sf SFR & 384sf non-conforming detached garage. Build new 1,600sf SRF & 484sf garage.			PN-Disapproved for plan corrections per memo dated 9/4/15		

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70	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		JSW 2015-08-12: Approved as submitted. No memo		
71	Candy Fish Sushi	898 Main	2/23/15	B-30380	Demise wall to add inside seating in restaurant	Approved 2/26/15 JG				
72	Dyson	117 Main	8/18/14	B-30248	Covered Patio	Corrections. 9-5-14. WM.	BC-Returned for corrections 9/8/14.	NRR		
73	Boisclair	900 Main	8/5/15	B-30587	Commerical Interior Remodel, with new restrooms, removing existing driveway & street trees			PN- Disapproved, . 8/11/15		
74	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		
75	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		
76	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.		
77	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		
78	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		
79	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		
80	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- Conditionally Approved. New sewer req.-8/19/2015		
80	Verizon	750 Radcliff	7/15/15	B-30562	Verizon Wireless fiber, trench and equipment			PN- Plans conditionally approved, Enrcoachment Permit req. -7/31/15		
81	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		
82	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		
83	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		
83	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		
84	Barbis	166 Vashon	8/27/15	B-30623	186sf Addition to front exterior of SFR			PN- Plans disapproved for plan corrections - 9/2/15		
85	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		

#	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
Projects & Permits with Final Action										
1	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. Approved 8-25-15. CJ		RPS provided comments for revision of Precise Plan on 2/11/15		cj
2	Boisclair	900 Main St.	4/24/15	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. PC meeting 9/1. Approved.		PN- Conditionally Approved -8/11/15		jg
3	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. Conditionally approved 9-1-15. CJ		JW/PN- Conditionally Approved per memo 8/27/15		cj



AGENDA NO: B-1

MEETING DATE: September 15th, 2015

Staff Report

TO: Planning Commissioners

DATE: September 15th, 2015

FROM: Joan Gargiulo, Contract Planner

SUBJECT: Time Extension Request for Use Permit (UP0-422) for small hotel project at 1170 Front Street

RECOMMENDATION:

Approve Time Extension Request for Use Permit No. UP0-422 by adopting Planning Commission Resolution 35-15 including the following action (s):

1. Approve the Class 1, Section 15301 Categorical Exemption in accordance with applicable provisions of the California Environmental Quality Act.
2. Adopt the findings and conditions of approval included in Planning Commission Resolution 35-15 (Exhibit A.)

APPLICANTS: Brett Whitaker

PROJECT MANAGER / AGENT: Jason Blankenship / Cathy Novak

LEGAL DESCRIPTION/APN: Portions of Lots 3, 4, and 5; Lands of March and McAllister, Town of Morro. APN: 066-031-021

ENVIRONMENTAL DETERMINATION:

An initial study and mitigated negative declaration were prepared for the project as described in Conditional Use Permit and adopted in December, 2006

PUBLIC NOTICE:

Notice of this item was posted at the site and published in the San Luis Obispo Telegram Tribune newspaper on September 4, 2015 and all property owners and occupants within 500 feet of the subject site were notified of this evening's public hearing and were invited to voice any concerns regarding this application.

Prepared By: ___ JG ___

Department Review: _____

PROJECT DISCUSSION:

The proposed 5,275 square-foot hotel at 1170 Front Street received Conditional Use Permit (UP0-120) and Variance (AD0-024) approvals from the City of Morro Bay in December of 2006, and subsequently applied to the California Coastal Commission (CCC) for Coastal Development Permit (CDP 3-07-003) approval. In December of 2007, the CCC approved the project, but placed conditions of approval on the project that significantly changed the design and layout of the hotel. On July 7, 2008 the former owners applied for and received approval for a modification to the previously approved hotel in order to achieve compliance with the CCC conditions of approval.

The modified approval (UP0-120 and Ado-024) was valid for two years or until July 7, 2010. The former owners applied for five subsequent extensions which have extended the approval to June 17, 2015. This new extension will be the first time extension request from the new owners of the property.

The Coastal Commission records indicate that one extension was granted for Coastal Development Permit (CDP-3-07-003) which extended the expiration date to December 13, 2010. At this time, the CDP-3-07-003 is expired.

RECOMMENDATION:

Staff recommends that the Planning Commission approve an extension allowing an additional two year time extension until June 16, 2017 for the new Applicant to apply for a Coastal Development Permit. If by June 16, 2017 the Applicant has not moved forward with the project, staff recommends terminating the project and directing the Applicant to reapply when the project is ready to move forward. Alternatively, the Planning Commission could deny the time extension request or allow for a different period of time extension than that recommended by staff.

EXHIBITS:

- Exhibit A – Planning Commission Resolution #35-15
- Exhibit B – Request for Time Extension; Jason Blankenship – Project Manager
- Exhibit C – Request for Time Extension; Cathy Novak – Agent
- Exhibit D – Approved Permit with Plans
- Exhibit E – Adopted Mitigated Negative Declaration

EXHIBIT A

RESOLUTION NO. PC 35-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION TO APPROVE A TWO-YEAR TIME EXTENSION (UP0-422) FOR A CONDITIONAL USE PERMIT AND VARIANCE (UP0-120 and AD0-024), FOR CONSTRUCTION OF A SIX-UNIT HOTEL AT 1170 FRONT STREET

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on September 15, 2015, for the purpose of considering an application for a time extension request (UP0-422) of Conditional Use Permit and Variance (UP0-120 and AD0-024) ; and

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

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

WHEREAS, Morro Bay Municipal Code Section 17.60.140 *Expiration of permits and time extensions* allows additional time extensions for a use permit or variance, beyond the two allowed one-year administrative time extensions, to be approved by the Planning Commission upon conducting a public hearing.

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

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

California Environmental Quality Act (CEQA)

1. An Mitigated Negative Declaration (SCH# 2006101109) was prepared for the project as described in Conditional Use Permit and adopted on December 13, 2006.
2. The requested time extension is consistent with the mitigation measures noted in the MND as included with the staff report dated September 15, 2015 and Planning Commission find these mitigation measures to still be valid.

Findings for Approval

1. An additional time extension of two years is reasonably necessary to enable the applicant to obtain a Coastal Development Permit from the Coastal Commission and submit a building permit application to the City of Morro Bay.

EXHIBIT A

PC Approval Resolution 35-15
Time Extension UP0-120, AD0-024
1170 Front Street
Page 2

Section 2: Action. The Planning Commission does hereby approve a two-year time extension for Conditional Use Permit #UP0-120 and Variance #AD0-024 for 1170 Front Street, which shall expire on June 16, 2017, subject to the following conditions:

Conditions of Approval

1. All conditions of approval for previously approved #UP0-120 and #AD0-024 shall remain in full force and effect.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 15th day of September, 2015 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson Tefft

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 15th day of September, 2015.

Exhibit B

August 12th 2015

Joan Gargiulo
City of Morro Bay
595 Harbor Street
Morro Bay Ca 93442

Re Project extension Front Street APN 066-034-021

As you are aware we recently purchased the subject property and have made application to extend our entitlements on the Front Street property. See attached title paperwork. As the new owners, we are excited to see this project finally built. We anticipate breaking ground early next year.

To give you a little background on us we have built several projects in Avila, Arroyo Grande, Pismo Beach and SLO. Some of our projects include the Courtyard at Avila, (behind the Custom House) and Spyglass ridge, a 40 unit condo project, in Pismo Beach. The Developer and principle Brett Whitaker is local to the area and is a Cal Poly Graduate. He has an outstanding resume as an owner/ developer and has buildout nearly every project he has purchased and/or entitled.

Since acquiring the property we have already hired an architect to draft Construction Drawings based on the approved project design and want to get going on construction as soon as plans are approved. We look forward to working with the City of Morro Bay and know that once this project is built, it will be a project the City can be proud of!

Thanks for your time and consideration regarding the above project.

Best,

Jason Blankenship
Project Manager
805-431-0906
jasonone@charter.net

June 12, 2015

Mr. Scot Graham
City of Morro Bay Public Services Department
955 Shasta Street
Morro Bay, CA 93442

RECEIVED

JUN 12 2015

City of Morro Bay
Community Development Dept.

RE: 1170 Front Street Conditional Use Permit time extension

Dear Scot,

The Conditional Use Permit, UPO-120/ADO-024, for the 1170 Front Street Hotel project is due to expire on July 7, 2015. This letter is to respectfully request a one year time extension for the project. I recognize that this request must be granted by the Planning Commission so therefore, I have attached a check for \$540 for the processing of this request.

At the Planning Commission meeting on June 17, 2014, the Commission discussed several options for the time extension request and ultimately decided to grant the applicants a one year request. I also recognize that the Commission made it clear that in order to potentially grant any further requests beyond the 2015 deadline, that the applicants would need to show progress towards the ultimate construction of this project. In order to show good faith effort towards this goal, I would like to provide you with the details that have happened to date.

First, the applicants Mr. George Leage and Mr. Giovanni DeGarimore instructed me to communicate with the CA Coastal Commission (CCC) regarding a modified project for this site approximately three months ago. Since the Coastal Development Permit (CDP) has expired we will need to submit a new application to the CCC. Before we begin that process, we felt that it was in the best interest of the applicants, City and CCC to discuss potential changes and try to address any issues that staff might have with a redesign. As always, the CCC staff has been extremely busy so we have had only periodic conversations until just a couple of days ago. Mr. Daniel Robinson has also taken some additional time for discussions with the staff who had worked on this project during the approval stage. In the end Mr. Robinson offered some good suggestions and possibilities that would allow us to move this project forward at the CCC.

GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

CELL 805.441.7581 • PHONE & FAX 805.772.9499

POST OFFICE BOX 296 • MORRO BAY, CA 93443

NOVAKCONSULTING@CHARTER.NET

Exhibit C

Additionally I believe you are aware that this property has been actively marketed for sale as another alternative. I am pleased to say that the property has now just closed escrow and the new owner is Mr. Brett Whitaker. Mr. Whitaker is a well-known contractor in the San Luis Obispo area and has built several quality homes as well as his work on the state water pipeline to Morro Bay among other infrastructure projects in and out of the area. Mr. Whitaker brings an engineering, home and commercial construction and a real estate background that will be very valuable for this proposed project.

Mr. Whitaker is eager to pick up this project and to start on an actual construction schedule as soon as he can finish the processing of any City permit amendments and secure a new CDP from the CCC. His desire is to review the project now for some modifications but, to stay within the same basic perimeters as to what has been approved.

Even though escrow closed only yesterday, he has hit the ground running by meeting with the project architect to discuss the modifications and to better understand the project components. He has also assembled a project team to assist him with the permitting and other necessary work that will need to be done.

While it is difficult at this time to give you an approximate timeline, Mr. Whitaker is trying to bring forward revised plans to the City as soon as possible. The architect has indicated that he is quite busy at this time but will be working on some preliminary plans that we can bring to the City to discuss with staff and after further refinement, the Planning Commission for their approvals.

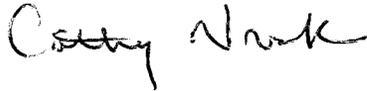
Once we have all the approvals from the City, Mr. Whitaker intends to apply for a CDP at the Coastal Commission immediately thereafter. I would also like to note that we plan to have an on-going dialogue with the CCC staff regarding any modifications as we moved forward. In the end this will hopefully minimize any major issues and design changes once we have concluded the process with the City.

In conclusion, Mr. Whitaker is asking for an extension in order to allow him a little bit of time to produce a new set of project plans, work with City staff and then schedule a hearing at the Planning Commission. He believes that an extension will reduce the work burden on staff by utilizing the existing permit, provide the Planning Commission the opportunity to review the project based upon current approvals and reduce time and effort which would be a savings for all.

Exhibit C

On behalf of Mr. Whitaker I certainly hope that staff can support this time extension because of all the benefits it would afford. Thank you for your time and consideration in this matter. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Cathy Novak".

Cathy Novak
Project Representative

cc: Mr. Brett Whitaker

CONDITIONAL USE PERMIT and VARIANCE
--

CASE NO: UP0-120/ADO-024

This Permit is Hereby Approved and Issued for:

Site Address: 1170 Front Street

Applicants: Robin Martella and George Leage

APN: 066-031-021

Legal: Portions of lots 3, 4 and 5; Lands of March and McAllister, Town of Morro

Date Approved: July 7, 2008

Approved By: Planning Commission

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

CEQA DETERMINATION:

A Mitigated Negative Declaration has been adopted in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et. Seq.)

DESCRIPTION OF APPROVAL: Construction of a six-unit hotel and associated multipurpose room on a 9,072 square foot vacant lot. The hotel would include 5,275 square feet of habitable floor area and 986 square feet of deck area.

THIS APPROVAL IS CONDITIONAL AND IS VALID ONLY IF CONDITIONS (ATTACHED) ARE MET AND ONLY AFTER THE APPLICABLE APPEAL PERIOD. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS PERMIT SHALL, AT THE DISCRETION OF THE DIRECTOR PURSUANT TO MUNICIPAL CODE SECTION 17.60.150, RENDER THIS ENTITLEMENT NULL AND VOID.

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

YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION ORIGINAL JURISDICTION: THE FOLLOWING COASTAL COMMISSION PROCEDURES APPLIES TO YOUR PROJECT: The California Coastal Commission pursuant to the California Public Resource Code, Section 30601, developments requiring coastal development permits from the coastal commission. Applications must be in writing and should be sent to: California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 415-427-4863. If you have any questions, please call the City of Morro Bay Public Services Department, 772-6261.

YOUR PERMIT WILL BE EFFECTIVE: July 18, 2008

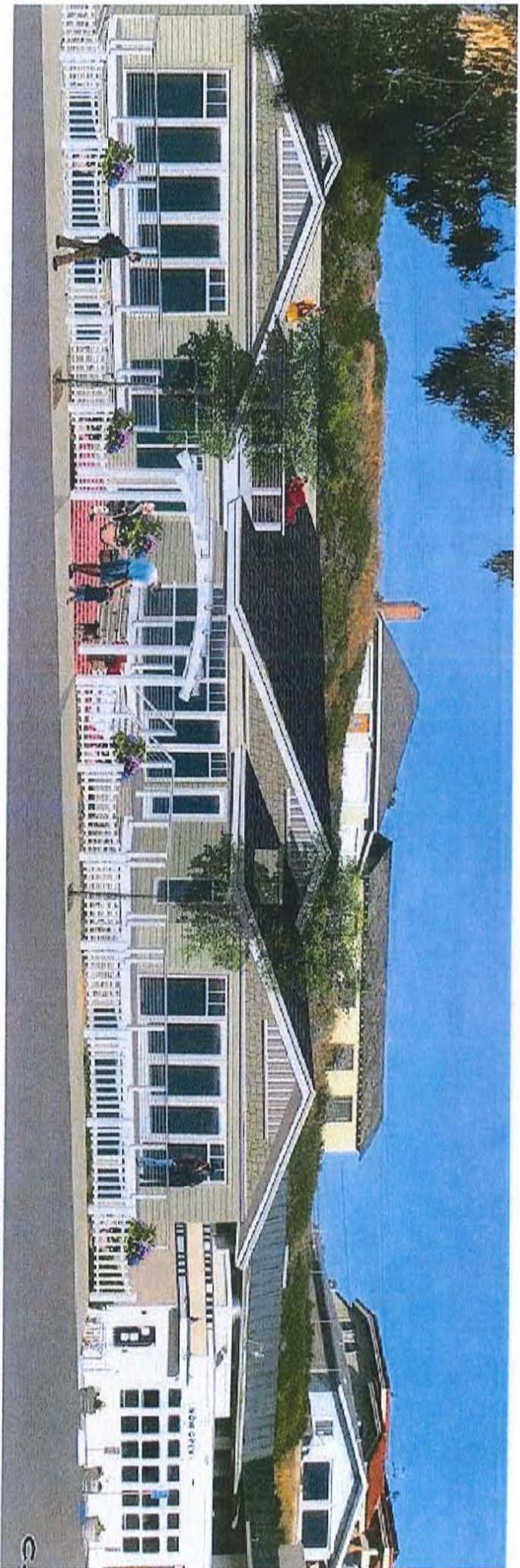
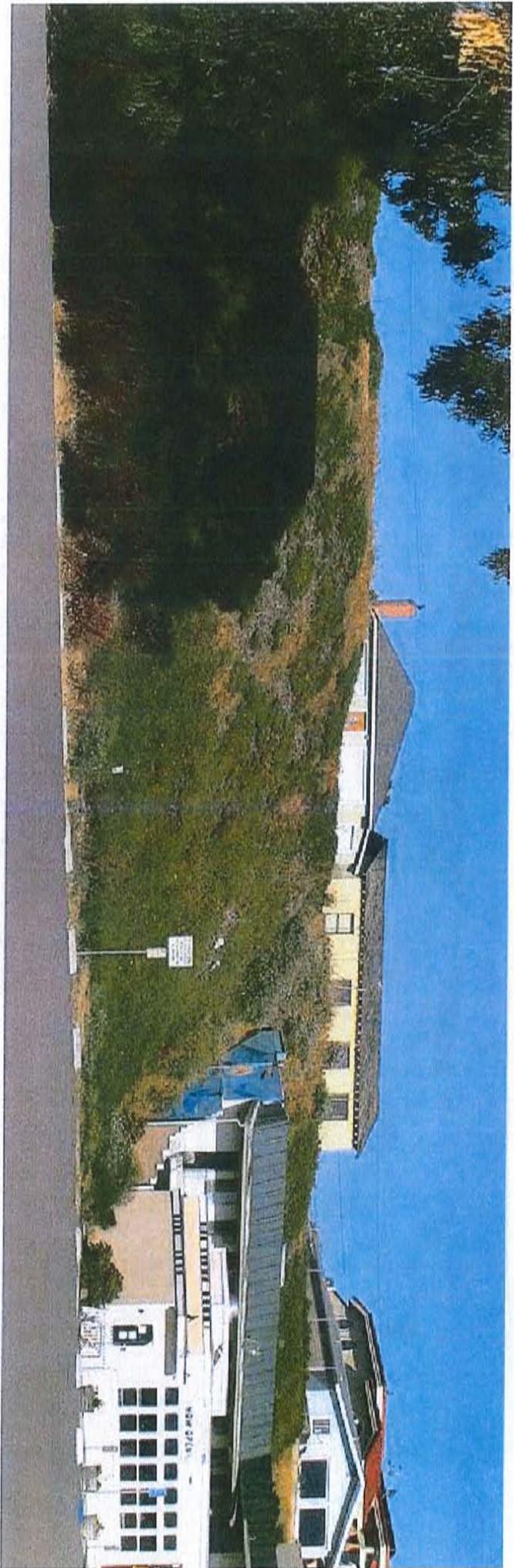
ATTEST:**DATE: July 8, 2008**

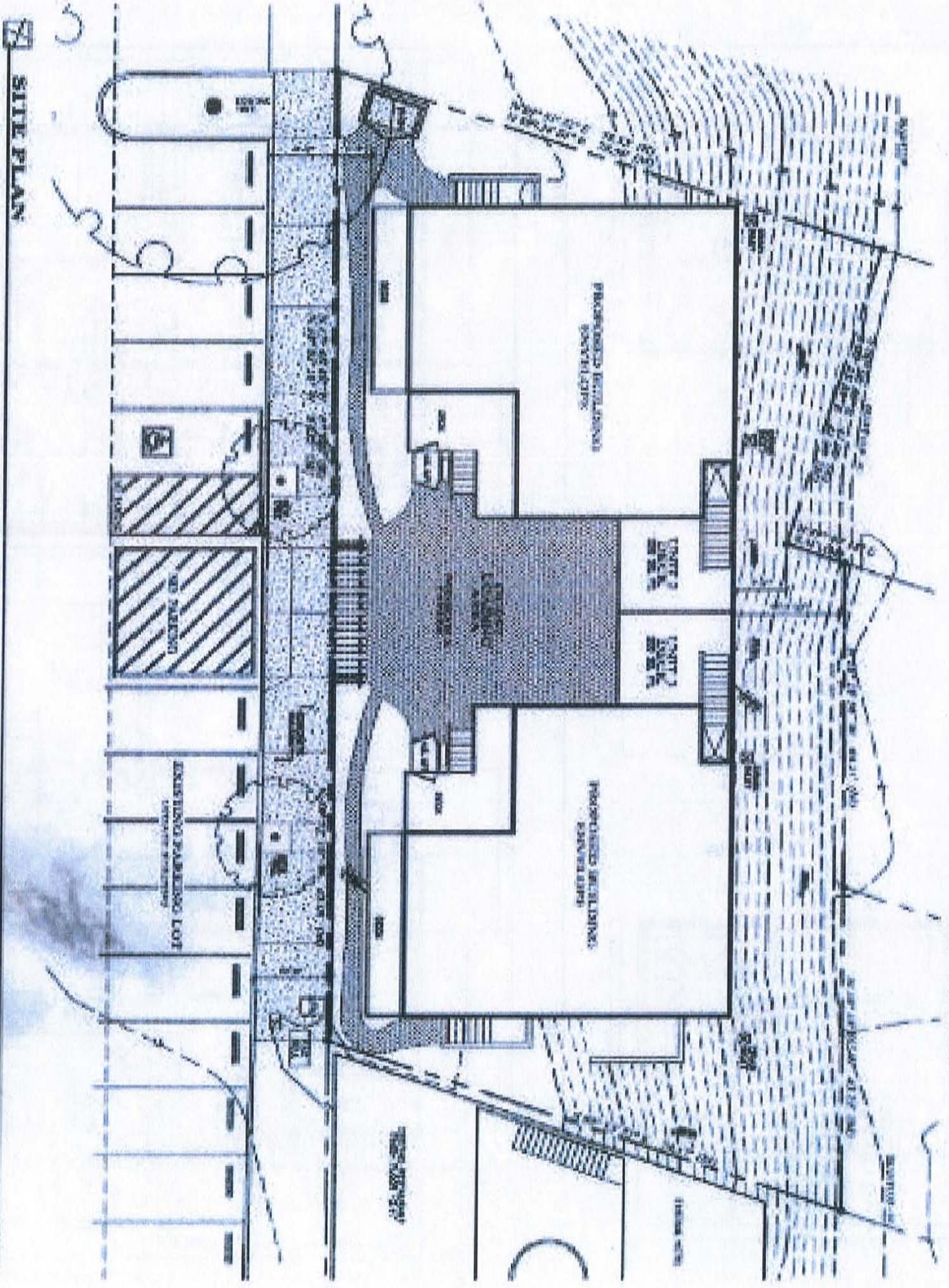
Rachel Grossman, Associate Planner

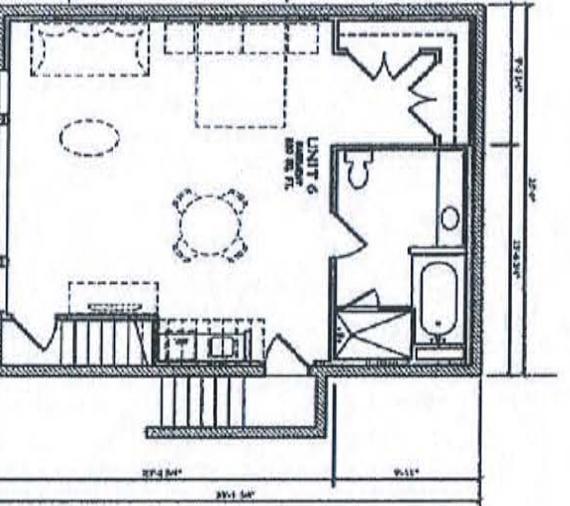
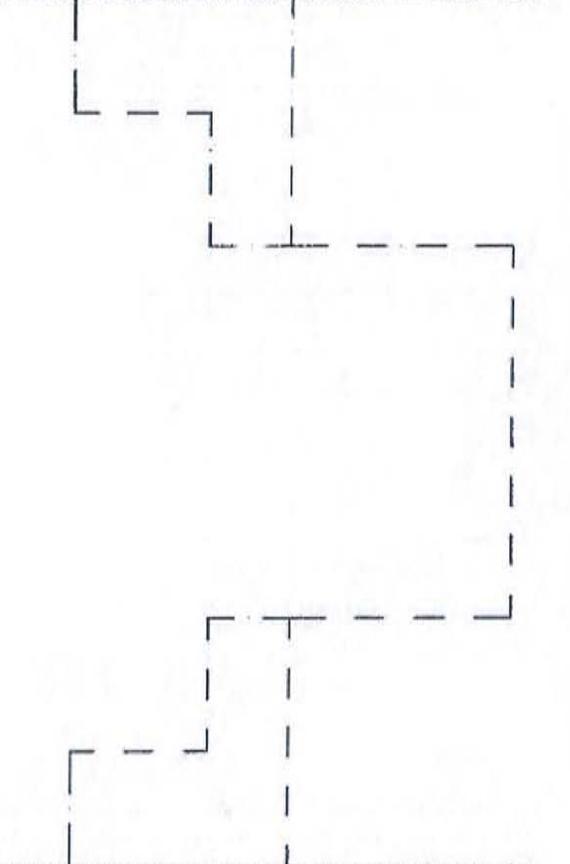
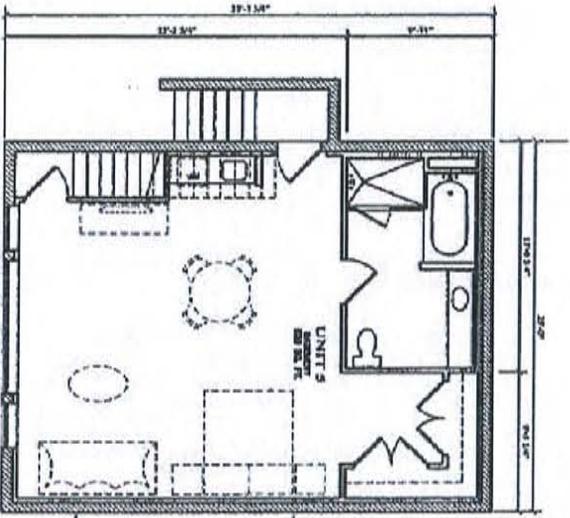
FOR: BRUCE AMBO, PUBLIC SERVICES DIRECTOR

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

EXHIBIT D







FLOOR PLAN

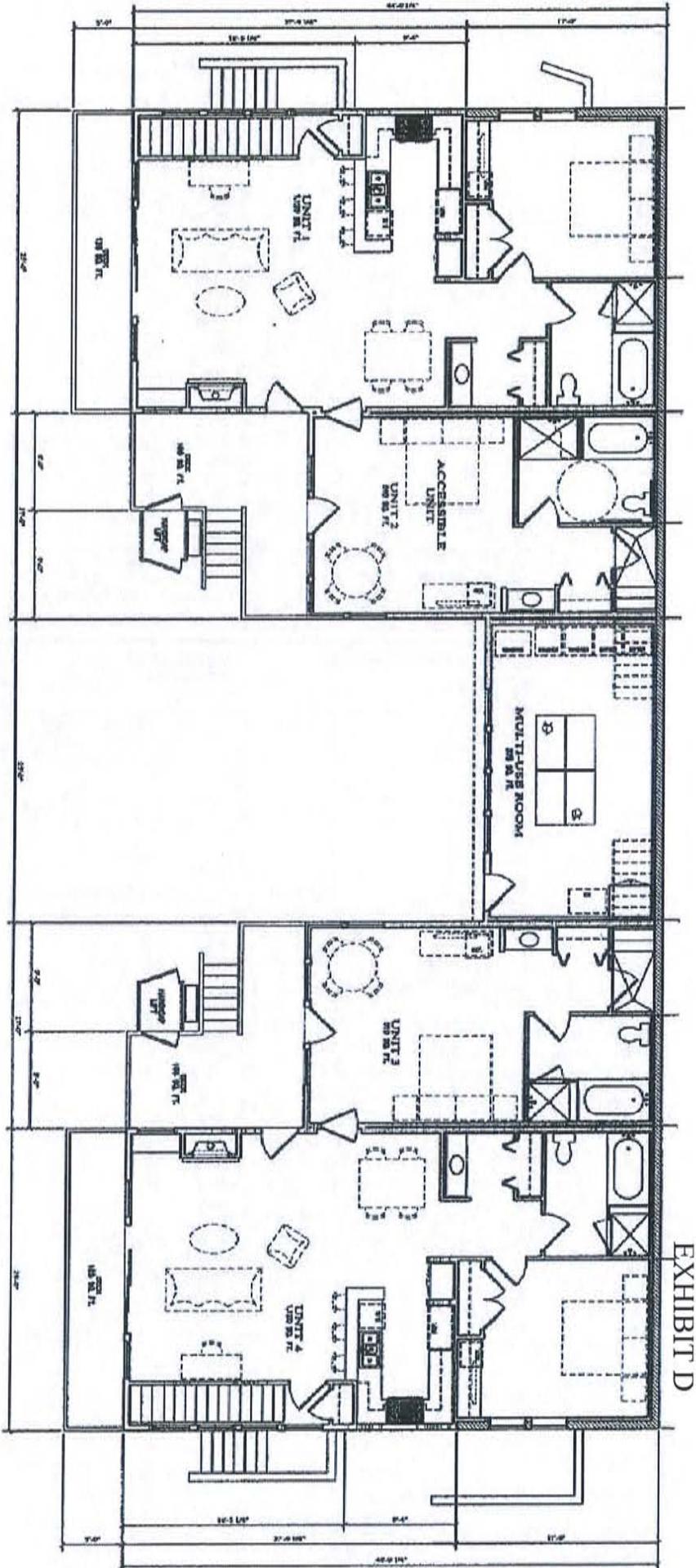


Exhibit E

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

P u b l i c N o t i c e o f A v a i l a b i l i t y
D o c u m e n t T y p e : M i t i g a t e d N e g a t i v e D e c l a r a t i o n

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY OF MORRO BAY

Date: October 16, 2006

The City has determined that the following proposal qualifies for a

Negative Declaration Mitigated Negative Declaration.

PROJECT TITLE: Front Street Hotel

PROJECT LOCATION: 1170 Front Street

CITY: Morro Bay **COUNTY:** San Luis Obispo

CASE NO.: UP0-120/AD0-024

PROJECT DESCRIPTION: The proposed project would construct a six-unit hotel, associated manager's unit and seven space subterranean parking lot on a vacant lot. The hotel would be approximately 10,790 square feet and the associated parking lot would be approximately 5,943 square feet.

APPLICANT / PROJECT SPONSOR: Robin Matella and George Leage; Cathy Novak, Agent

LEAD AGENCY: City of Morro Bay

CONTACT PERSON: Rachel Grossman, Assistant Planner

TELEPHONE: (805) 772-6261

ADDRESS WHERE DOCUMENT MAY BE OBTAINED:

Public Services Department
955 Shasta Avenue
Morro Bay, California 93442
(805) 772-6261

PUBLIC REVIEW PERIOD: *Begins:* October 16, 2006, *Ends:* November 22, 2006

SCHEDULED PUBLIC HEARING

Date: December 4, 2006

Time: 6:00 p.m.

Location: 209 Surf St., Morro Bay Veterans Hall

Anyone interested in this matter is invited to comment on the document by written response or by personal appearance at the hearing. Persons wishing to appear at the hearing should call:

Public Services Dept.

Phone: (805) 772-6261

Rachel M Grossman

Exhibit E

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

FINAL MITIGATED NEGATIVE DECLARATION

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

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

CASE NO.: UP0-120/ADO-024

PROJECT TITLE: Front Street Hotel

APPLICANT / PROJECT SPONSOR: Robin Matella and George Leage; Cathy Novak, Agent

PROJECT DESCRIPTION: The proposed project would construct a six-unit hotel, associated manager's unit and seven space subterranean parking lot on a vacant lot. The hotel would be approximately 10,790 square feet and the associated parking lot would be approximately 5,943 square feet.

PROJECT LOCATION: 1170 Front Street

FINDINGS OF THE:

Environmental Coordinator

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

Exhibit E

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

INITIAL STUDY AND CHECKLIST

I. PROJECT INFORMATION

Project Title:	<u>Front Street Hotel</u>		
Case Number:	<u>UP0-120/ADO-024</u>		
LEAD AGENCY:	<u>City of Morro Bay</u>	Phone:	<u>(805) 772-6261</u>
	<u>955 Shasta Avenue</u>	Fax:	<u>(805) 772-6268</u>
	<u>Morro Bay, CA 93442</u>		
Project Applicant:	<u>Robin Matella and George Leage</u>	Phone:	<u>(805) 235-1531</u>
	<u>1205 Embarcadero</u>	Fax:	
	<u>Morro Bay, CA 93442</u>		
Project Landowner:	<u>Same as Applicant</u>	Phone:	<u>()</u>
Project Designer	<u>Christopher Parker</u>	Phone:	<u>(805) 528-7480</u>
	<u>733 Manzanita</u>	Fax:	
	<u>Los Osos, CA 93402</u>		
Project Description:	The proposed project would construct a six-unit hotel, associated manager's unit and seven space subterranean parking lot on a vacant lot. The hotel would be approximately 10,790 square feet and the associated parking lot would be approximately 5,943 square feet.		
Project Location:	<u>1170 Front Street</u>		
Assessor Parcel Number(s)	<u>066-034-021</u>		
General Plan Designation:	<u>Visitor Serving Commercial</u>		
Zoning:	<u>CV-S/PD (SP) Commercial Visitor Serving (Beach Street Specific Plan)</u>		

Exhibit E

VICINITY/ZONING MAP

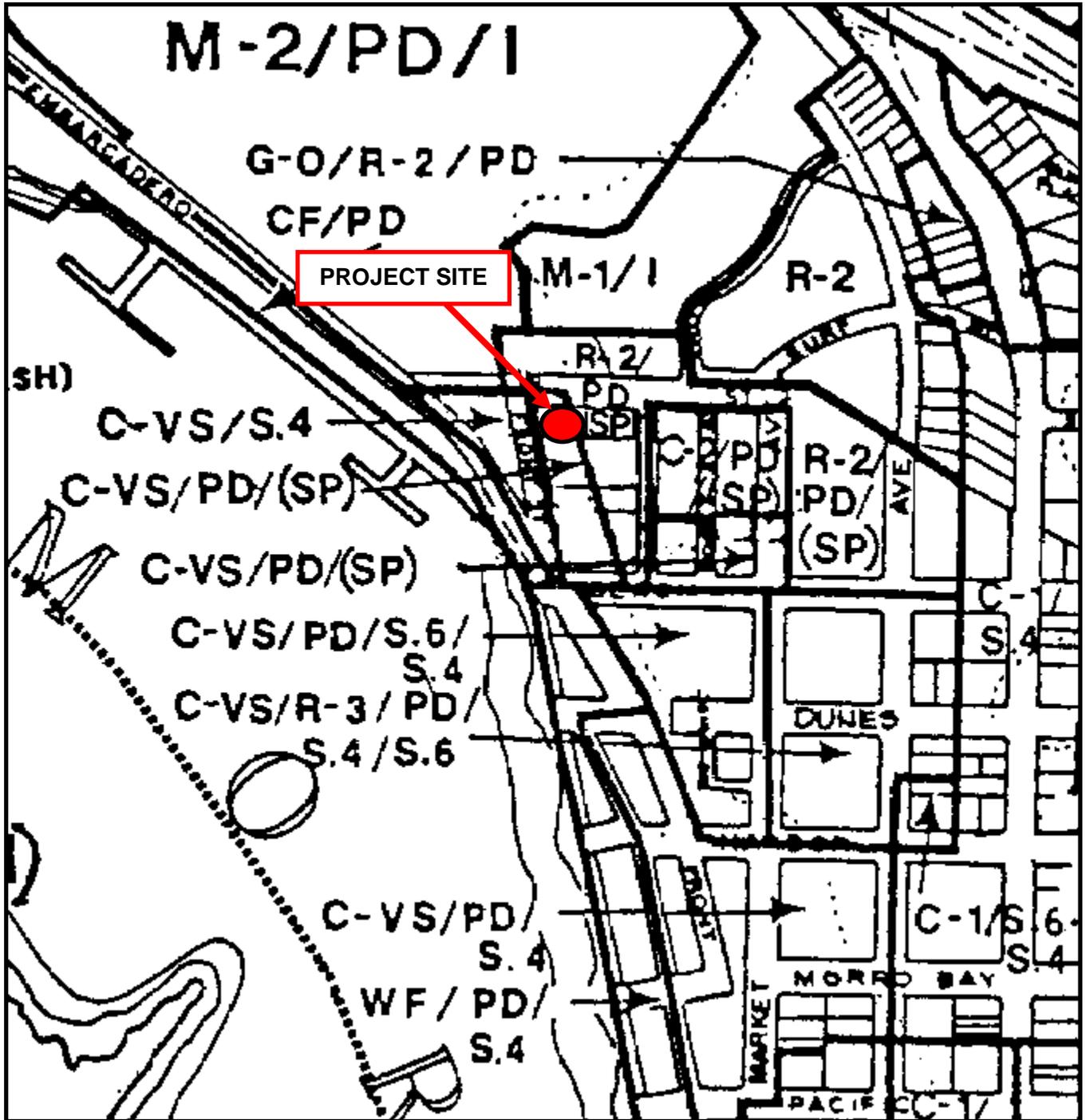


Exhibit E

SITE AND FLOOR PLANS

CONTRACT NO. 0303
 PROJECT NO. 0303
 SHEET NO. 1.1

C. P. PARKER ARCHITECT
 CHARLES P. PARKER
 224 S. W. 17th Ave.
 MIAMI, FL 33135

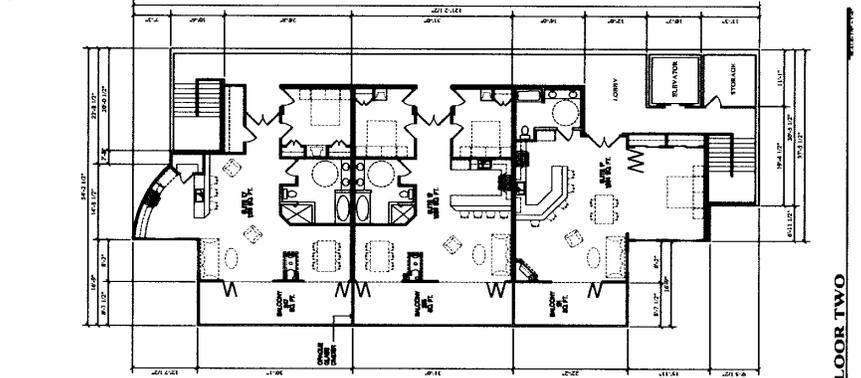


PROPOSED HOTEL FOR ROBIN MATELLA & GEORGE LEAGE

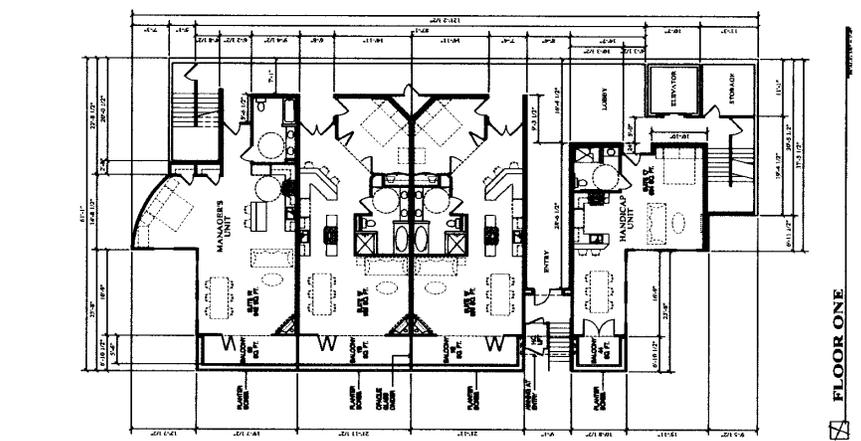
1175 FRONT STREET, MIAMI BEACH, FLORIDA 33512
 DRAWING TITLE: CONDITIONAL USE PERMIT

PROJECT NO.	0303
DRAWING NO.	0303-01
DATE	08/20/08
SCALE	AS NOTED
REVISIONS	

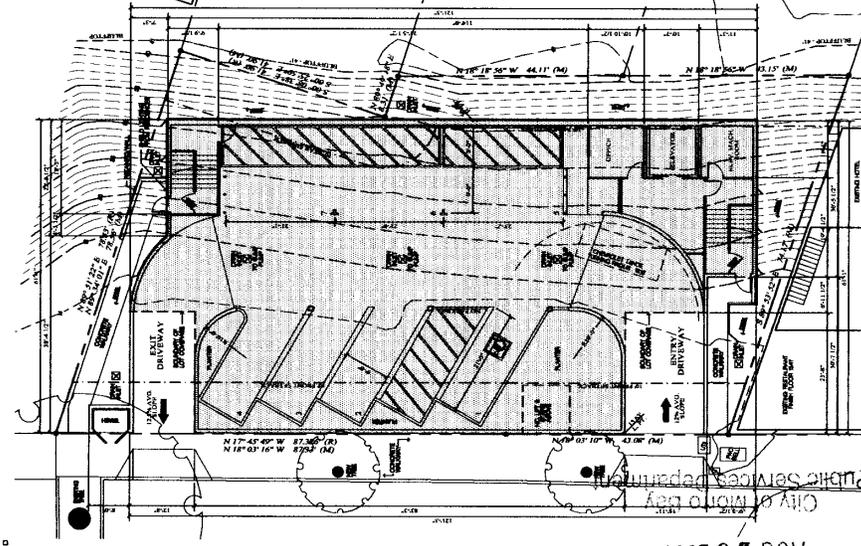
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PROPOSED HOTEL FOR ROBIN MATELLA & GEORGE LEAGE
FLOOR PLANS
 SHEET NO. **1.1**



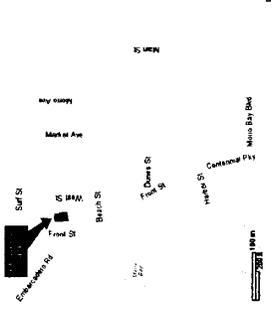
FLOOR ONE



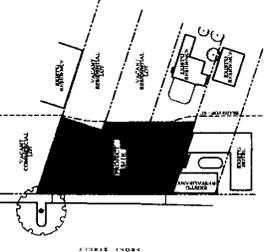
FLOOR TWO



VICINITY MAP



NEIGHBORING PARCELS



SITE PLAN / PARKING

PROJECT INFO	HOTEL UNITS	HEIGHTS
ADDRESS: 1175 FRONT STREET, MIAMI BEACH, FL 33512	MANAGER'S SUITE: 1 UNIT	HIGH RISE: 41 BILFUP TOP
OWNER: ROBIN MATELLA & GEORGE LEAGE	AREA: 807 SQ. FT.	ALLOWABLE MAX. HEIGHT: 41 BILFUP TOP
APN: 08-04-041	MAX ALLOWABLE COVERAGE: 80% (271 SQ. FT.)	PROPOSED BELOW GRADE FLOOR: 000 SQ. FT.
ZONING: INTERMEDIATE COMMERCIAL C-19	PROPOSED LOT COVERAGE: 80% (271 SQ. FT.)	PROPOSED ABOVE GRADE FLOOR 1: 000 SQ. FT.
FRONT SETBACK: 2 BROWN	BELOW GRADE CONDITIONED AREA: 800 SQ. FT.	PROPOSED ROOF DECK: 000 SQ. FT.
REAR SETBACK: 2 AT CLOSET & 4 BROWN	FLOOR ONE CONDITIONED AREA: 800 SQ. FT.	PARKING: 00 SPACES
ROOF HEIGHT: 20 ABOVE AND 0 TOP OF BLUFF	FLOOR ONE UNCONDITIONED AREA: 800 SQ. FT.	1 SPACE PER RENTAL UNIT: 00 SPACES
GRADE: 000	FLOOR TWO CONDITIONED AREA: 800 SQ. FT.	2 SPACES PER MANAGER'S SUITE: 00 SPACES
FLOOR ONE: 000	FLOOR TWO UNCONDITIONED AREA: 800 SQ. FT.	TOTAL SPACES PROVIDED: 00 SPACES
FLOOR TWO: 000	RESERVING BALCONY AREA: 000 SQ. FT.	
TOTAL UNITS: 000		

AUG 29 2008

Exhibit E

ROOF PLAN AND ELEVATIONS

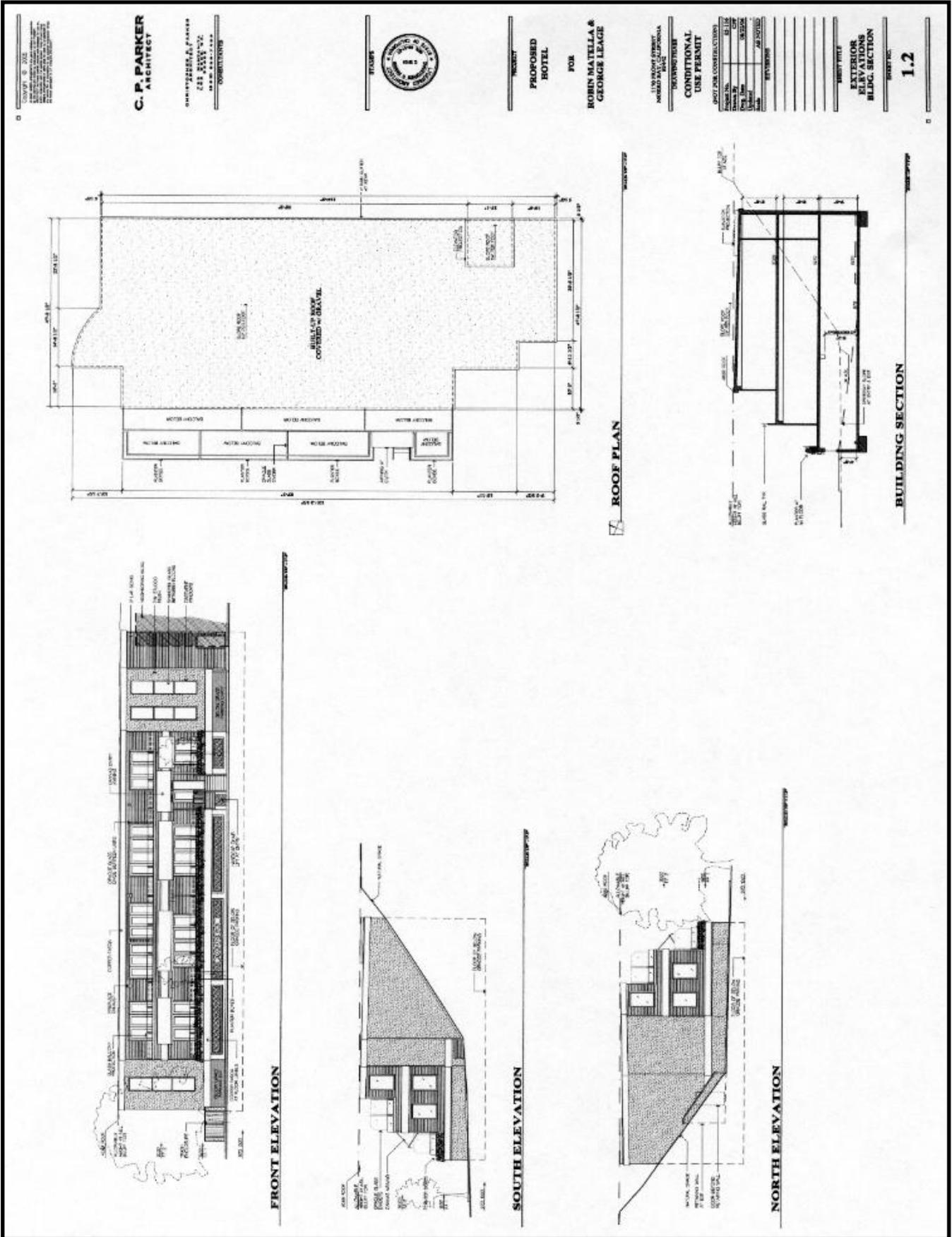


Exhibit E

BUILDING SECTION

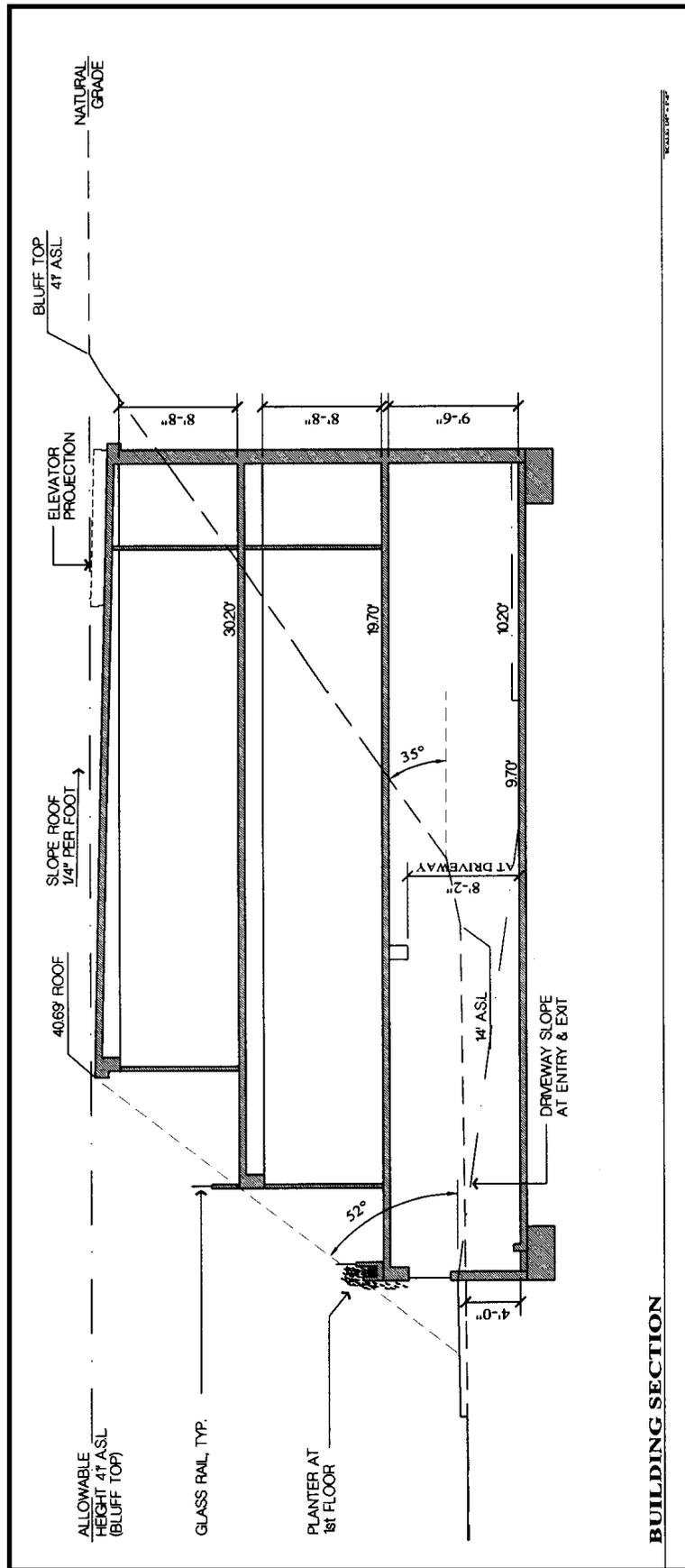
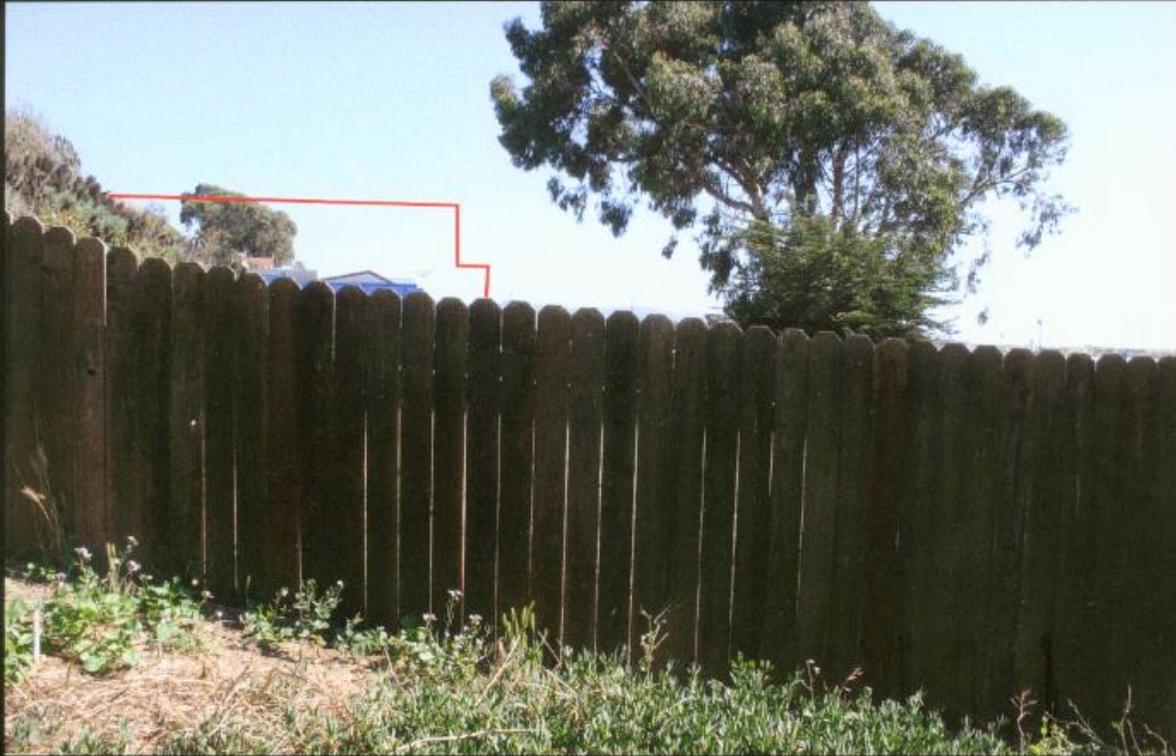
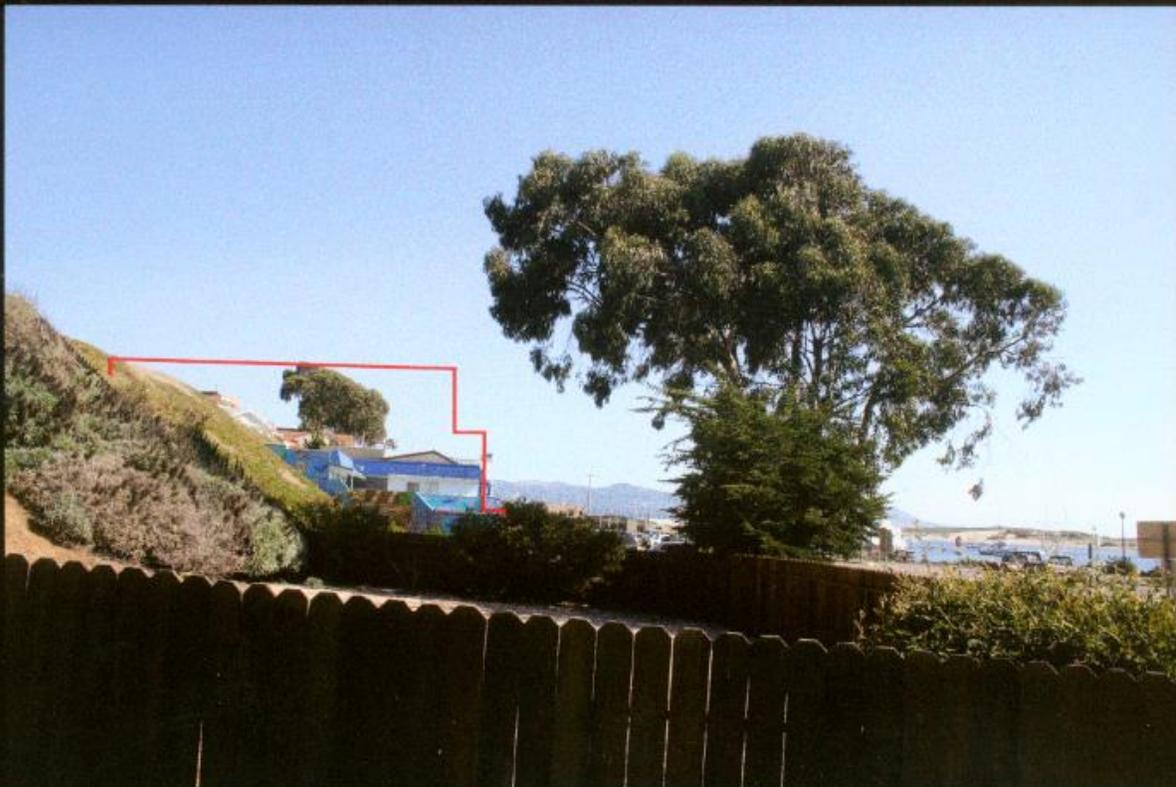


Exhibit E



VIEW FROM BOTTOM OF SURF STREET STAIRS (EXISTING)



**VIEW FROM BOTTOM OF SURF STREET STAIRS (EXISTING)
EIGHT FEET ABOVE GRADE**

Exhibit E
PHOTO SIMULATION

Exhibit E

PHOTO SIMULATION



Exhibit E

II. ENVIRONMENTAL SETTING AND IMPACTS

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

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

Surrounding Land Use

North:	C-VS/PD/SP – Vacant lot	East:	R-2/PD (SP) – Vacant lots and Single-family residences
South:	C-VS/PD/SP – Restaurant and Hotel	West:	C-VS/S.4 – Public Parking lot and Embarcadero Road

III. ENVIRONMENTAL CHECKLIST

The following checklist indicates the potential level of impact and is abbreviated as follows:

Known Significant: Known significant environmental impacts.

Unknown Potentially Significant: Unknown potentially significant impacts, which need further review to determine significance level.

Potentially Significant and Mitigable: Potentially significant impacts which can be mitigated to less than significant levels.

Not Significant: Impacts, which are not considered significant.

Impact Reviewed in Previous Document: Adequate previous analysis exists regarding the issue; further analysis is not required due to tiering process (Section 21094 of CEQA and Section 15162 of the State CEQA Guidelines). Discussion should include reference to the previous documents and identification of mitigation measures incorporated from those previous documents. Where applicable, this box should be checked in addition to one indicating significance of the potential environmental impact.

Environmental Setting: The proposed project site consists of a 9,072 square foot parcel located west of vacant lots and residential units, east of Embarcadero Road and a parking lot, south of the Morro Bay Power plant and a vacant lot, and north of existing commercial development. The site is zoned Visitor Serving Commercial (C-VS)/Planned Development (PD)/Beach Street Specific Plan (SP) and is governed by the Waterfront Master Plan. The project site is located within the original jurisdiction of the California Coastal Commission (CCC), therefore the applicant must obtain a Coastal Development Permit from the CCC. The project site is undeveloped and unimproved, and contains no public amenities. It is mostly void of vegetation on the level portion of the site, with the sloping portion of the site covered in non-native ice plant.

Exhibit E

1. AESTHETICS: Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a. Have a substantial adverse effect on a scenic vista?				X	
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within view of a state scenic highway?				X	
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			X		
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X	

Impact Discussion: Scenic vistas generally include areas of high scenic quality that are visible to a number of people, including recreational travelers. The proposed development would not block views of the coastline or the Morro Rock, which are considered scenic views within the vicinity of the proposed development. The project site consists of a bluff face, which is currently undeveloped. Though the proposed development would not exceed the height of the bluff face, it would completely obscure the view of the bluff. Although the bluff is not considered a scenic vista, it is an integral component of the visual character and quality of the site. Chapter 45 of the Morro Bay Zoning Ordinance discusses Bluff Development Standards (Chapter 17.45). Specifically, Chapter 17.45.070.A.1 states, “In the Embarcadero area between Surf Street and Anchor Street, new development is allowed within the bluff buffer area and may be stepped down the bluff face provided the development shall not require the construction of protective devices or retaining walls that would alter natural landforms or impede public access.” This has been interpreted to mean that development can occur on bluff faces, if said development is consistent with the existing slope of the hillside, and no large visible retaining walls result as a product of the development.

As evidenced in the photo simulations and building section submitted by the applicant, the proposed hotel does not follow the slope of the bluff face, and therefore, may substantially alter this important natural landform. The existing bluff faces slopes upward towards the east at an angle of approximately 35 degrees, while the proposed development slopes upwards toward the east at an angle of approximately 52 degrees. This discrepancy in the slope of the existing bluff face and the slope of the proposed development may result in the project being found noncompliant with chapter 17.45.070.A.1.

All lighting would be required to comply with zoning regulations that require shielding and prohibit light from being directed or allowed to spill off-site. The Planning Commission will review a lighting plan submitted by the applicant to ensure compliance with zoning regulations.

Mitigation and Residual Impact: The Planning Commission shall evaluate the proposed project at publicly noticed hearings, and determine if it is in compliance with the requirements of chapter 17.45.070.A.1 of the Zoning Ordinance, and if the proposed lighting plan is consistent with the zoning regulations relating to exterior lighting. If the project is not found to be in compliance with these requirements, the Planning Commission shall condition the project to be in compliance with said requirements.

Monitoring: During the course of Building Permit review and project construction, Planning Staff shall ensure project compliance with Planning Commission conditions of approval.

Exhibit E

2. AGRICULTURAL RESOURCES:	In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.				
Would the project:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a. Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	
c. Involve other changes in the existing environment, which, due to their location or nature could result in conversion of farmland, to non-agricultural use?				X	

Impact Discussion: The property and surrounding areas are not zoned for agricultural uses and are not suitable for agricultural use because the site slopes significantly and is surrounded by urban development. The site has not historically been used for farming nor has it been designated as prime or otherwise important farmland. The project does not impact any agricultural lands or uses.

Mitigation and Residual Impact: No mitigation measures are required.

3. AIR QUALITY	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?				X	
b. Exposure of sensitive receptors to substantial pollution concentrations (emissions from direct, indirect, mobile and stationary sources)?				X	
c. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X	
d. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X	
e. Create objectionable smoke, ash, dust or odors affecting a substantial number of people?				X	

Impact Discussion: Emissions from the proposed 6-room hotel and associated manager's unit could occur during the construction period. In addition, there would be some ongoing operational emissions as a result of day-to-day operations. Emissions during construction can be avoided or reduced to a level of insignificance through standard dust control practices routinely required of all new development. With respect to the operational impacts, the major source of emissions would be guest and employee vehicles that use internal combustion engines.

The San Luis Obispo County Air Pollution Control District's (APCD) April 2003 Guide for Assessing the Air Quality Impacts for Projects Subject to CEQA Review establishes thresholds of significance for air quality impacts. If the air quality impacts of a given project exceed the Tier I threshold, mitigation is required. If all feasible mitigation measures have been added to the project, and impacts would still exceed the Tier II threshold, an Environmental Impact Report (EIR) should be prepared. Projects that would generate less than 10 lbs. of ROG, NO_x, SO₂, or PM₁₀ per day and less than 50 lbs. of Carbon Monoxide per day would be considered as not having significant air quality impacts. On the other hand, if a project would generate more than 25 lbs. of ROG, NO_x, SO₂, or PM₁₀ per day or more than 550 lbs. of Carbon Monoxide per day, impacts would be considered potentially significant.

Exhibit E

Based on the APCD Guide, the project would not have significant air quality impacts. Impacts would reach the Tier I threshold of significance at 66 hotel rooms, and the Tier II threshold would be reached at 160 hotel rooms. As proposed the project would result in a six-unit hotel with a manager's unit; therefore, the proposed project would be well below the threshold established for air quality impacts. The project does not have the potential to have a significant impact related to air quality nor would the project's contribution to air pollution be cumulatively considerable.

Mitigation and Residual Impact: No mitigation is required because project impacts would not exceed District thresholds of significance. The project would nevertheless be subject to standard construction practices, include standard dust control measures (i.e., keeping the site watered) to address short-term air quality impacts related to construction.

4. BIOLOGICAL RESOURCES	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California department of Fish and Game or U.S. Fish and Wildlife Service?				X	
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of fish and Game or U.S. Fish and Wildlife service?				X	
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?				X	
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X	

Impact Discussion: The site is currently covered with nonnative vegetation, consisting of ice plant and grasses. It contains no known native or critical habitat, plant or wildlife resources. The adjacent properties are predominantly developed, and no native or critical habitat exists on said properties. The current and proposed uses should not result in adverse effects to the aquatic wildlife or habitat.

Mitigation and Residual Impact: No mitigation measures are required.

5. CULTURAL RESOURCES	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?				X	
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?			X		

Exhibit E

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		
d. Disturb any human remains, including those interred outside of formal cemeteries?			X		

Impact Discussion: There are over 30 surveyed archaeological sites in the corporate boundaries of the City and possibly as many, or more, unsurveyed sites. The project site is not known to have cultural resources, however, there is a site within 500 feet of the proposed development that contains identified cultural resource (Site CA-SLO-239).

Mitigation and Residual Impact: A qualified archaeologist and Native American representative from both the Chumash Tribe and the Salinan Tribe shall monitor all excavation activities. If recommended by the project archaeologist, work shall be halted until resources encountered are evaluated by a qualified archaeologist as outlined in the California Environmental Quality Act (CEQA). Prior to the final building inspection or occupancy, the project archaeologist shall submit a monitoring report confirming that all excavation activities have been monitored and otherwise performed in accordance with the archaeologist's recommendations. With this monitoring, the proposed project would not have a significant impact on cultural resources.

Monitoring: Planning Division staff shall ensure that the above mitigation measure is carried over to conditions attached to project permits and will not issue final occupancy until the archaeologist report is submitted to staff.

6. GEOLOGY /SOILS	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant or Not Applicable	Impact Reviewed in Previous Document
Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Publication 42)				X	
ii) Strong Seismic ground shaking?			X		
iii) Seismic-related ground failure, including liquefaction?				X	
iv) Landslides?				X	
b. Result in substantial erosion or the loss of topsoil?				X	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X		
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X	

Impact Discussion: As identified in the Safety Element of the General Plan, the project site is not located in an area of potential earthquake fault rupture, liquefaction, or landslides. However, the area is identified as being located in an area of strong seismic ground shaking.

A Geotechnical investigation was performed for the proposed hotel by GSI Soils Incorporated on August 4, of 2006. The report includes a discussion of the soil conditions, seismic analyses, and recommendations for project design and construction. The report concludes that the site is suitable for the proposed development, provided that the recommendations contained within the report are incorporated into the project plans and specifications.

Mitigation and Residual Impact: The project shall be consistent with all requirements of the Uniform Building Code and standard practices of the Structural Engineer Association of California. Project design and construction shall be consistent with recommendations contained within the geotechnical investigation prepared by GSI Soils Incorporated.

Exhibit E

Monitoring: Public Services staff shall ensure that plans are consistent with the soils and geology reports prior to the issuance of a building permit and during subsequent site inspections.

7. HAZARDS/HAZARDOUS MATERIALS	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	
d. Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X	
e. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	
f. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	

Impact Discussion: The proposed project is not expected to generate any significant hazards or risk of upset impacts. The project does not involve any interference with emergency response plans, creation of any potential public health or safety hazard; or exposure to hazards from oil or gas wells and pipeline facilities. The project does not include any activities, which could result in contamination of a public water supply. No hazardous materials or other such hazardous conditions exist on-site nor are any proposed.

Mitigation and Residual Impact: No mitigation measures are required

8. HYDROLOGY/WATER QUALITY	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Violate any water quality standards or waste discharge requirements?				X	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	
c. Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?			X		
d. Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X		
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	
f. Otherwise substantially degrade water quality?				X	

Exhibit E

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

Impact Discussion: The sewage generated by this project will be collected and disposed of in the City’s sewage system and runoff will be conveyed via storm drains to the ocean. Prior to building permit issuance, the applicant shall be required to provide an Erosion and Sedimentation Control Plan for the City’s review and approval. Said plan shall show control measure 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.

The City of Morro Bay has sufficient water resources to serve the hotel and associated manager’s unit. City’s predominant source of water to serve residences is obtained from the State Water Project. Therefore, substantial depletion of ground water would not occur as a result of the proposed project.

The proposed project will require 2,523 cubic yards of cut and no fill. As is evident in the project plans, development of this site involves substantial reconstruction of the face of the bluff. The current drainage on the site will be significantly altered with the addition of the proposed hotel. Submitted plans identify new drainage flows along the north and south sides of the property to drain inlets. The geotechnical report submitted by the applicant contains general surface drainage recommendations, which are consistent with the drainage flows indicated on the site plan.

The proposed subdivision and resulting development potential on the site would result in a minimal increase in runoff. Since the project site is less than one acre, a Construction Activities Storm Water General Permit is not required, per the Federal Clean Water Act. However, the city routinely requires erosion control plans. This is a component of the permit process that can be relied upon to ensure that water quality issues associated with erosion will be suitably addressed. In addition, an oil-water-siltation separator/isolator would be required for proximate storm drains to improve the water quality of runoff that would be channeled to the ocean.

The project site is not located within the 100-year flood hazard area as defined by FEMA. However, since the project site is located along the coast at an elevation below 50 feet above mean sea level, a potential hazard from tsunamis exists. There is not enough evidence, however, to predict recurrence intervals of tsunamis. Although the sand dunes offer some protection from tsunamis, past history suggests that the project site is still vulnerable to large tsunamis. Therefore, the hazard presented by tsunamis is a potentially significant impact.

Mitigation and Residual Impact: The following mitigation measures will be required to insure that impacts to hydrology and water quality are less than significant.

1. Prior to the issuance of building or grading permits, the applicant shall submit an erosion 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. Such control also serves as an aid in meeting the National Pollutant Discharge Elimination System (NPDES) Permit Program as Authorized by the Clean Water Act and administered by the State of California.
2. To reduce pollution to creek, bay and ocean waters, the Applicant/Developer shall install an oil-water-siltation separator/isolator on site between all drainage water inlets and the street gutter. Inlet and/or outlet structure design shall address silt and hydrocarbon containment and be approved by the City.
3. The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible.
4. Grading and drainage plans shall be submitted from a licensed engineer prior to issuance of a building permit. The recommendations regarding surface drainage presented in the report prepared by GSI Soils, Incorporated in August of 2006 shall be incorporated into the project plans and specifications prior to issuance of a building permit.
5. The proposed project shall be incorporated into the City of Morro Bay’s existing tsunami warning and evacuation system. Local authorities should be able to evacuate people safely from the proposed project site in the event of a tsunami.

Monitoring: Public Services Department staff shall monitor compliance with conditions 1-4 in the normal course of reviewing improvement plan and building plans. The Fire Department will insure that the project site is incorporated into the City of Morro Bay’s tsunami warning and evacuation system.

Exhibit E

9. LAND USE AND PLANNING	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Physically divide an established community?				X	
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	

Impact Discussion: The project is not large enough to physically divide the community and does not conflict with any conservation plan or natural community conservation plan as this area is not identified as being significant under any such plan.

The project site is zoned C-VS/PD(SP). Per the Zoning Ordinance, the PD overlay “is intended to allow for modification of or exemption from the development standards of the primary zone that would otherwise apply if such action would result in better design or public benefit.” Utilizing the PD overlay, the applicant is requesting a zero foot front yard setback to create a pedestrian friendly design consistent with adjacent properties. The applicant has also applied for a variance in order to allow for a reduced setback in the rear of the property, necessitated by a jagged rear property line. A ten-foot rear yard setback is required, and the submitted variance requests approval for a rear yard setback that would be a minimum of eight inches from the rear property line, with an average distance from the rear property line of eight feet six inches.

Finally, as indicated in the “Aesthetics” section of this document, the proposed hotel does not follow the slope of the bluff face, and therefore, may substantially alter this important natural landform. This discrepancy in the slope of the existing bluff face and the slope of the proposed development may result in the project being found noncompliant with chapter 17.45.070.A.1 of the zoning ordinance.

Mitigation and Residual Impact: At a noticed public hearing, the Planning Commission shall consider details of the proposed project with respect to setbacks, and building design and shall require any changes deemed necessary or appropriate to ensure consistency with the Local Coastal Program. The residual impacts must be less than significant; otherwise, it would not be possible to make findings for approval due to General/Coastal Plan inconsistencies.

Monitoring: Public Services Department staff shall ensure that setbacks, building design, and other land use and planning considerations are specifically discussed in the staff report and at the public hearing, and that such issues are “locked-in” as part of the approval process. Public Services Department staff shall enforce and monitor compliance prior to the approval of an encroachment permit for required public improvements, prior to the acceptance of those public improvements, or prior to the issuance of a business license, as appropriate.

10 NOISE	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?				X	
b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?				X	
c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	
d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		

Impact Discussion: The project will not increase noise levels to the extent that they would be inconsistent with the surrounding uses or in conflict with standards in the general plan, local coastal plan or zoning ordinance. The project and project-generated traffic are not expected to generate noise that would substantially change existing ambient noise levels nor generate excessive ground vibration in the immediate area.

Exhibit E

Construction noise represents a short-term impact related to the use of construction equipment including trucks, loaders, bulldozers, and backhoes. The peak noise level for most of the equipment that will be used during construction is estimated to reach 80 to 95 dBA at a distance of 50 feet (without mitigation). At 250 feet, the peak construction noise (without mitigations) is estimated to reach approximately 67 to 82 dBA (without mitigation). These noise levels are based upon “worst case” conditions. These potential noise levels are dependent on the location of the equipment on the site as well as the actual number and type of equipment used during construction.

Mitigation and Residual Impact: Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Sunday and all large construction equipment will be equipped with “critical” grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up “beepers” will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 75 dBA.

Monitoring: During the construction process, Planning & Building staff will make periodic site visits to ensure construction hours are adhered too and noise levels are within the allowable limits during construction.

11. POPULATION AND HOUSING	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	
c. Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?				X	

Impact Discussion: The site is currently vacant and is not zoned to provide residential units. Therefore, no individuals will be displaced, and no residential units will be destroyed as a result of the proposed project. The fact that the project site is in an urbanized area and the small size of the proposed hotel indicate that the project will not result in substantial growth inducement.

Mitigation and Residual Impact: No mitigation measures are required.

12. PUBLIC SERVICES					
Would the project result in a substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
a. Fire protection?				X	
b. Police protection?				X	
c. Schools?				X	
d. Parks or other recreational facilities?				X	
e. Other governmental services?				X	

Impact Discussion: The project is not expected to cause any change in governmental service levels or trigger the need for new facilities or equipment to maintain existing service levels. The project is consistent with uses allowed on the site and planned for in the General Plan and Local Coastal Plan, and all existing services are considered adequate to serve the project.

Mitigation and Residual Impact: No mitigation measures are required.

Exhibit E

13. RECREATION	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X	

Impact Discussion: The project is not growth inducing and would not impact existing recreational facilities or opportunities. The project does not include the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. Consequently, the project would not result in any significant impacts to recreation.

Mitigation and Residual Impact: No mitigation measures are required.

14 TRANSPORTATION/ CIRCULATION	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections)?				X	
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	
d. Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X	
e. Result in inadequate emergency access?				X	
f. Result in inadequate parking capacity?			X		
g. Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?				X	

Impact Discussion: Per the Institute of Transportation Engineers Trip Generation handbook, the proposed project will result in an additional 70 average daily trips (ADT) and approximately 7 peak hour trips daily. This level of traffic generation would not noticeably impact the existing or future road system operation. Considering this relatively low trip generation rate, the project's traffic impacts would be less than significant. It should be noted that the City has identified projects to improve congestion at the intersections of Highway 41/Main Street, Radcliff/Main Street and Quintana/Morro Bay Boulevard, which have an identified cost of \$980,000, \$1,000,000, and \$1,200,000 respectively. The project's cumulative impacts are mitigated by the payment of traffic impact fees to help fund these projects, which in this case have been preliminarily calculated at \$5,358.

Per the Morro Bay Municipal Code, the proposed project requires nine parking spaces, seven to serve the hotel guests and two to serve the manager's unit. The project includes a subterranean parking lot, which includes seven parking spaces. Zoning

Exhibit E

Ordinance Section 17.44.020 (A)(7) states that “where it can be demonstrated that the reasonable and practical development of commercially zoned property precludes the provision of required off-street parking on a property located within a parking management plan area, the Planning Commission may permit the applicant to satisfy parking requirements by payment of an in-lieu fee.” The project site is located within the parking management plan area; therefore, the applicant could pay in-lieu fees for the remaining two required parking spaces.

Mitigation and Residual Impact: Prior to occupancy of the building permit, in-lieu parking fees shall be paid or a payment schedule started. The amount of the fee shall be based on the fee schedule in place at the time of building permit issuance.

Monitoring: The Finance Department will inform the Public Services Department when the applicant has paid the correct in-lieu-payment or commenced a payment plan. Said payment shall be made prior to occupancy of the hotel.

15. UTILITIES & SERVICE SYSTEMS	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X	
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?				X	
f. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?				X	
g. Comply with federal, state, and local statutes and regulations related to solid waste?				X	

Impact Discussion: A minimal increase in the amount of wastewater generated at the site would result from the construction of the proposed project. Said increase will not exceed Regional Water Quality Control Board wastewater treatment requirements. The small size of the project will not necessitate the construction of new water, stormwater or wastewater treatment facilities, or the expansion of existing facilities. The City has sufficient water resources to serve the new hotel, however, it should be noted that the applicant will be required to pay development fees for the increase in water use at the site. The project would generate solid waste, but sufficient capacity exists at local landfills to serve the project.

Mitigation and Residual Impact: No mitigation measures are required.

Exhibit E

IV. INFORMATION SOURCES:

A. County/City/Federal Departments Consulted:

City of Morro Bay Public Works Division, Fire Department, Police Department, Building Division, City Engineer, Parks and Recreation Department.

B. General Plan

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

C. Other Sources of Information

x Field work/Site Visit	Ag. Preserve Maps
x Calculations	x Flood Control Maps
x Project Plans	Other studies, reports
Traffic Study	x Zoning Maps
x Records	x Soils Maps/Reports
Grading Plans	Plant maps
x Elevations/architectural renderings	x Archaeological maps and reports
Published geological maps	(Others)
Topographic maps	

V. MANDATORY FINDINGS OF SIGNIFICANCE (Section 15065)

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

	Significant	Unknown Potential Significant	Potential Significant And Mitigated	Not Significant	Impact Reviewed in Previous Document
<p>Potential to degrade: Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>				X	

Exhibit E

Cumulative: Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	
Substantial adverse: Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X	

Impact Discussion: The project would be consistent with the Local Coastal Program (which includes the General Plan, Local Coastal Plan and zoning regulations) given the offsetting public benefits and would not have the potential to substantially degrade the quality of the environment, as evidenced in the preceding discussions.

VI. DETERMINATION

On the basis of this initial evaluation:

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

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

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

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

With Public Hearing

Without Public Hearing

Previous Document : N/A

Project Evaluator : Rachel Grossman, Assistant Planner

Signature

10/16/06
Initial Study Date

Rachel Grossman, Assistant Planner
Printed Name

City of Morro Bay
Lead Agency

VII. ATTACHMENTS

- A – Summary of Mitigation Measures and Applicant’s Consent to Incorporate Mitigation into the Project Description.
- B- Comments Received
- C – Response to Comments

Exhibit E

D – Geotechnical Investigation

Exhibit E

Attachment A

SUMMARY OF REQUIRED MITIGATION MEASURES

AESTHETICS

1. The Planning Commission shall evaluate the proposed project at publicly noticed hearings, and determine if it is in compliance with the requirements of section 17.45.070.A.1 of the Zoning Ordinance, and if the proposed lighting plan is consistent with the zoning regulations relating to exterior lighting. If the project is not found to be in compliance with these requirements, the Planning Commission shall condition the project to be in compliance with said requirements.

CULTURAL RESOURCES

1. A qualified archaeologist and Native American representative from both the Chumash Tribe and the Salinan Tribe shall monitor all excavation activities. If recommended by the project archaeologist, work shall be halted until resources encountered are evaluated by a qualified archaeologist as outlined in the California Environmental Quality Act (CEQA). Prior to the final building inspection or occupancy, the project archaeologist shall submit a monitoring report confirming that all excavation activities have been monitored and otherwise performed in accordance with the archaeologist's recommendations. With this monitoring, the proposed project would not have a significant impact on cultural resources.

GEOLOGY/SOILS

1. The project shall be consistent with all requirements of the Uniform Building Code and standard practices of the Structural Engineer Association of California.
2. Project design and construction shall be consistent with recommendations contained within the geotechnical investigation prepared by GSI Soils Incorporated.

HYDROLOGY/WATER QUALITY

1. Prior to the issuance of building or grading permits, the applicant shall submit an erosion 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. Such control also serves as an aid in meeting the National Pollutant Discharge Elimination System (NPDES) Permit Program as Authorized by the Clean Water Act and administered by the State of California.
2. To reduce pollution to creek, bay and ocean waters, the Applicant/Developer shall install an oil-water-siltation separator/isolator on site between all drainage water inlets and the street gutter. Inlet and/or outlet structure design shall address silt and hydrocarbon containment and be approved by the City.
3. The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible.
4. Grading and drainage plans shall be submitted from a licensed engineer prior to issuance of a building permit. The recommendations regarding surface drainage presented in the report prepared by GSI Soils, Incorporated in August of 2006, shall be incorporated into the project plans and specifications prior to issuance of a building permit.
5. The proposed project shall be incorporated into the City of Morro Bay's existing tsunami warning and evacuation system. Local authorities should be able to evacuate people safely from the proposed project site in the event of a tsunami.

LAND USE/PLANNING

1. At a noticed public hearing, the Planning Commission shall consider details of the proposed project with respect to setbacks, and building design and shall require any changes deemed necessary or appropriate to ensure consistency with the Local Coastal Program. The residual impacts must be less than significant; otherwise, it would not be possible to make findings for approval due to General/Coastal Plan inconsistencies.

NOISE

1. Project construction shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Sunday and all large construction equipment will be equipped with "critical" grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up "beepers" will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 75 dBA.

TRANSPORTATION/CIRCULATION

1. Prior to occupancy of the building permit, in-lieu parking fees shall be paid or a payment schedule started. The

Exhibit E

amount of the fee shall be based on the fee schedule in place at the time of building permit issuance.

Acceptance of Mitigation Measures by Project Applicant:

Applicant

Date

Exhibit E

Attachment B Comments Received

Comments from the agencies and individuals listed below were received on the Draft Negative Declaration. Responses to these comments are included following each letter of comment.

Non-Profit Organizations:

Northern Chumash Tribal Council, November 20, 2006

Attachment C Response to Comments

Letters of comments, and responses to those comments that are within the scope of environmental impact as defined in the CEQA Guidelines are included in the following pages. Letters of comments are reproduced in total, and numerical annotation has been added as appropriate to delineate and reference the response to those comments.

A. Northern Chumash Tribal Council
Letter dated November 18, 2006
Fred Collins

1. The proposed project site is not known to have cultural resources, however, it is located within 500 feet of an identified cultural resources site (CA-SLO-239). As a result of the proposed project's proximity to this sensitive site, the project will be required to have an archaeologist, Salinan Tribal representative and Chumash Tribal representative present during all excavation activities. If recommended by the project archaeologist, work shall be halted until resources encountered are evaluated by a qualified archaeologist as outlined in the California Environmental Quality Act (CEQA). Prior to the final building inspection or occupancy, the project archaeologist shall submit a monitoring report confirming that all excavation activities have been monitored and otherwise performed in accordance with the archaeologist's recommendations.
2. See response number 1.
3. A site plan was included in the Draft Mitigated Negative Declaration for public review, and full size plans are available for public review at the Morro Bay Public Services Department office.
4. Comment noted, thank you.

Exhibit E

Attachment D Geotechnical Investigation



AGENDA NO: B-2

MEETING DATE: September 15, 2015

Staff Report

TO: Planning Commissioners **DATE:** September 15, 2015

FROM: Joan Gargiulo, Contract Planner

SUBJECT: Conditional Use Permit (#UP0-426) and Parking Exception (#AD0-103) request to allow for an addition of more than 25% to an existing single-family residence with nonconforming front and side-yard setbacks and to allow for a tandem parking space in the driveway to provide for the required second space at 340 Tulare Avenue.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by approving Planning Commission **Resolution 36-15** which includes the Findings and Conditions of Approval for the project depicted on site development plans date stamp received July 10, 2015.

APPLICANTS: Ron and Carol Jordan

AGENT: Gerald Luhr, Luhr Design and Construction

LEGAL DESCRIPTION/APN: 066-244-020

PROJECT DESCRIPTION:

The Applicant is requesting Conditional Use Permit and Parking Exception approval for a second-story addition totaling 650 square feet to an existing 1,272 square-foot nonconforming residence with an existing 235 square-foot garage. The residence is considered nonconforming because it has a one car garage where two covered spaces are required, the existing garage has an inadequate depth, and the existing dwelling has inadequate front and side-yard setbacks, as discussed below in the 'Project Analysis' section.

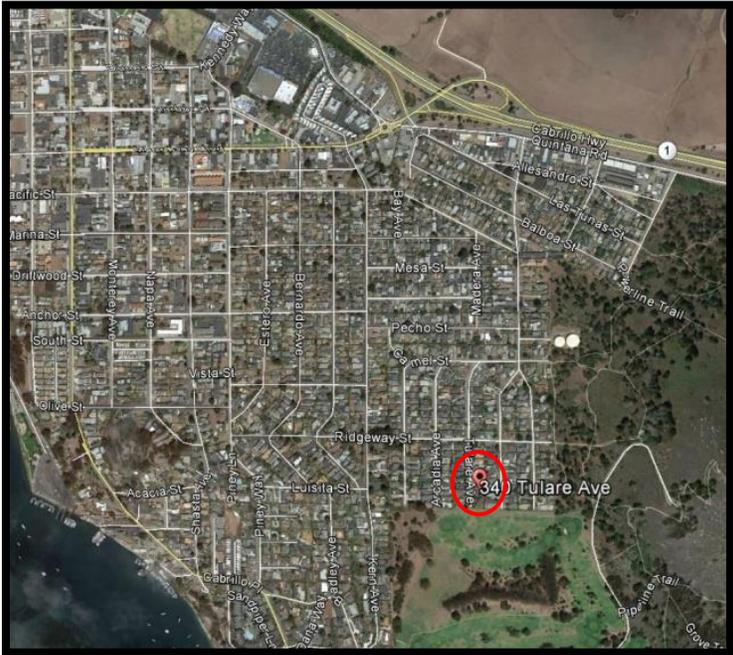
PROJECT SETTING:

The project is located in a residential neighborhood in central Morro Bay, south of Ridgeway Street, east of Kern Avenue, west of the State Park, and north of the golf course. The mostly level, rectangular-shaped 5,061 square-foot lot is in the R-1 Single-Family Residential Zoning District. Housing in the surrounding area includes a mix of

Prepared By: JG

Department Review: _____

one and two-story single-family dwelling units. The site is located outside of the Coastal Commission Appeals Jurisdiction.



Vicinity Map

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

Site Characteristics	
Site Area	Approximately 5,0641 square feet
Existing Use	Single-Family residential
Terrain	Virtually level and developed
Vegetation/Wildlife	Ornamental landscaping
Archaeological Resources	n/a
Access	Tulare Avenue

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Low-Medium Density Residential
Base Zone District	R-1
Zoning Overlay District	n/a
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Located outside the Coastal Appeals Jurisdiction

PROJECT ANALYSIS:

Background

County Assessor records indicate the existing house was built in 1947 with a one-car garage, similar to other homes in the neighborhood. The residential use is consistent with the General Plan designation of Low-Medium Density Residential and with the Single-Family Residential (R-1) Zoning designation.



Existing Street Views

Zoning Ordinance Consistency

Current requirements of the Morro Bay City Zoning Ordinance (the “Zoning Ordinance”) for setbacks and parking render the existing structure and the parking arrangement nonconforming. However, additions to nonconforming structures may be permitted with approval of a conditional use permit, subject to certain findings (Morro Bay Municipal Code (MBMC) section 17.56.160). Similarly, the Zoning Ordinance allows for exceptions to parking standards, subject to certain findings (section 17.44.050).

Zoning Ordinance Standards			
	Standards	Existing	Proposed
Front Setback	20 feet	13.5 feet	13.5feet
Side-Yard Setback	5 feet	4.27 feet	4.27 feet
Rear Setback	5 feet	39.25 feet	39.25 feet
Height	25 Feet	24 feet	24 feet
Lot Coverage	Max 45%	28.6%	30%
Parking	2 Car Garage	1 Car Garage	1 Car Garage
Garage Depth	20 feet	17.5 feet	20 feet

Setbacks

The existing residence does not conform to the 20-foot front-yard setback requirement noted in Section 17.24.050 of the Zoning Ordinance. The existing front setback of 13.5 feet is therefore nonconforming. The existing south side-yard setback is also nonconforming as noted in Section 17.24.050. The existing side setback is 4.27 feet where 5 feet is the requirement.

Parking

The existing home and garage were built in an era when it was typical to provide covered parking for only one car. While the existing garage does not comply with the minimum required depth of 20 feet, the Applicant proposes to lengthen the garage to comply with this requirement. The Zoning Ordinance also requires two covered and enclosed parking spaces for single-family dwellings. The applicant is proposing to provide one covered space in the garage and one space in tandem in the driveway. The driveway is adequate in length to accommodate a parked car. For individual residences one tandem parking space may be allowed subject to approval of a parking exception (MBMC section 17.44.050). Exceptions to parking standards require the following findings to be made:

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

Single-family dwellings are required to provide two parking spaces. If tandem parking is approved, then the project would meet that requirement. The length of the driveway is more than adequate to accommodate a parked car. Many dwellings within the City have one-car garages.

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

Tandem parking will not result in traffic safety problems at this location because the parking area will be outside the right-of-way; sight distance is adequate for vehicles maneuvering into and out of the driveway.

3. The exception is reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property.

The applicant's parking proposal is reasonable given similar parking arrangements in the project vicinity and given the footprint and construction of the existing building.

Conditional Use Permit Requirement

The Zoning Ordinance, subsection 17.56.160B, requires approval of a conditional use permit for projects proposing additions in excess of 25% of the existing floor area to a nonconforming structure. The project proposes to add a 650 square-foot second story to an existing 1,272 square-foot single-story structure. As noted above, the structure is nonconforming with regard to the front and side-yard setbacks and the garage does not meet the minimum depth as well as the requirement for two covered and enclosed parking spaces. Approval of a Conditional Use Permit requires the following findings to be made:

1. The enlargement, expansion, or alteration is in conformance with all applicable provisions of the Zoning Ordinance.

The proposed remodel and additions are consistent with Zoning Ordinance requirements.

2. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use.

The applicant is required to submit a complete building permit application and obtain the required building permit prior to construction.

3. The project is suitable for conforming uses and will not impair the character of the zone in which it exists.

The project proposes additions to a single-family dwelling, which is an allowed use in the R-1 zone. The surrounding neighborhood is developed with modest one- and two-story homes.

4. It is not feasible to make the structure conforming without major reconstruction of the existing structure.

Major reconstruction would be necessary to meet required front and side-yard setbacks along the property lines and to accommodate a two-car garage.

ENVIRONMENTAL DETERMINATION:

Staff determined that the project meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15301 Class 1. The exemption applies to additions to existing structures of less than 50% of existing floor area and will have no potentially significant environmental impacts. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Tribune newspaper on September 4, 2015, and all property owners and occupants of record within 500 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

The project is consistent with the General Plan and Local Coastal Plan which established five residential land use categories to provide for a wide range of densities and to ensure residential land is developed to a density suitable to its location and physical characteristics. The project is consistent with the Zoning Ordinance because housing is a principally allowed use in the Low/Medium Density land use designation and because the Zoning Ordinance allows additions to nonconforming structures and tandem parking upon approval of a conditional use permit (MBMC section 17.56.160) and a parking exception (MBMC section 17.44.050).

RECOMMENDATION:

Staff recommends the Planning Commission approve the requested Conditional Use Permit #UPO-426 for the proposed addition to a nonconforming structure and approve Parking Exception #ADO-103 for the project at 340 Tulare Avenue, as shown on plans date stamped received July 10, 2015, by adopting Planning Commission **Resolution 36-15** which includes the Findings and Conditions of Approval for the project.

EXHIBITS:

Exhibit A – Planning Commission Resolution 36-15

Exhibit B – Graphics/Plan Reductions date stamped July 10, 2015

RESOLUTION NO. PC 36-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION ADOPTING A CLASS 1 CATEGORICAL EXEMPTION, AND APPROVING CONDITIONAL USE PERMIT (UP0-426) TO ALLOW AN ADDITION EXCEEDING 25% OF THE EXISTING FLOOR AREA TO A NONCONFORMING RESIDENTIAL STRUCTURE AND APPROVING A PARKING EXCEPTION (AD0-103) TO ALLOW A TANDEM PARKING SPACE IN THE DRIVEWAY TO PROVIDE THE SECOND REQUIRED PARKING SPACE AT 340 TULARE AVENUE

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 September 15, 2015, for the purpose of considering Conditional Use Permit UP0-426 and Parking Exception AD0-103 for a proposed addition to a nonconforming single-family home and tandem parking at 340 Tulare Avenue; 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) Findings

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15301, Class 1 for additions to existing structures of less than 50% of existing floor area and will have no potentially significant environmental impacts. Furthermore, the Director has determined that none of the exceptions to this Categorical Exemption set forth in CEQA Guidelines, section 15300.2 apply to this project.

Conditional Use Permit Findings

1. The project is consistent with the General Plan and Local Coastal Plan which establish five residential land use categories to provide for a wide range of densities and to ensure that residential land is developed to a density suitable to its location and physical characteristics.

Exhibit A

Planning Commission Resolution #36-15

UPO-426 and ADO-103

340 Tulare Avenue

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2. The proposed additions are in conformance with all applicable provisions of the Morro Bay City Zoning Ordinance (the “Zoning Ordinance”), including building height, setbacks, and lot coverage.
3. The project meets applicable Title 14 (Building and Construction Code) requirements for a conforming use since the applicant is required to submit a complete building permit application and obtain the required building permit prior to construction.
4. The project is suitable for conforming uses and will not impair the character of the zone in which it exists because it proposes additions to a single-family dwelling, which is an allowed use in the R-1 zone and the surrounding neighborhood is developed with single-family residential dwellings.
5. It is not feasible to make the structure conforming without major reconstruction of the existing structure. Major reconstruction would be necessary to meet required front yard setback and to accommodate a two-car garage.

Parking Exception Findings

1. The exceptions will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the reduced parking or alternative design to the parking design standards of this chapter will be adequate to accommodate on the site all parking needs generated by the use. With approval of the exception, two required parking places will be provided on site consistent with the Zoning Ordinance requirements.
2. The exception to allow tandem parking will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity and no traffic safety problems will result from the proposed modification of the parking standard because the parking area will not conflict with existing traffic patterns in the right-of-way and driveway construction will be subject to Building Code requirements and the City’s Engineering standards.
3. The exception is reasonably necessary for the applicant’s full enjoyment of uses similar to those upon the adjoining real property, given the footprint and construction of the existing building on a small residential lot.

Section 2. Action. The Planning Commission does hereby approve Conditional Use Permit UP0-426 and Parking Exception AD0-103 for property located at 340 Tulare Avenue subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated September 15, 2015, for the project at 340 Tulare Avenue depicted on plans date stamped

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340 Tulare Avenue

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- July 10, 2015, 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 "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
 3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Manager. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
 4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
 5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
 6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Director or as authorized by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion

of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

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

PLANNING CONDITIONS

1. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.
2. 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.
3. 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.
4. Conditions of Approval: 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.
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 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

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Planning Commission Resolution #36-15

UPO-426 and ADO-103

340 Tulare Avenue

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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 and complies with the maximum height requirements of 14 for flat roofs or 17 feet (for 4 in 12 or greater pitch), maximum above the average natural grade of the building footprint.

7. Future Additions: Any future additions to the residence shall require review and approval by the Planning Commission, with specific emphasis placed on review of providing compliant parking.

BUILDING CONDITIONS

1. Prior to construction, the applicant shall submit a complete Building Permit Application and obtain the required Building Permit.
2. Due to the recent drought declaration by the governor, the City of Morro Bay has moved to a heightened level of water conservation. Non-potable water is to be used for compaction or dust control purposes. The applicant will be responsible to have a water truck on-site, if applicable.

FIRE CONDITIONS

1. Automatic fire sprinklers. An automatic fire sprinkler system, in accordance with NFPA 13-D, California Fire Code (Section 903), California Residential Code (Section R313), and Morro Bay Municipal Code (Section 14.08.090).

We strongly recommend installation of an automatic fire sprinkler system for the fire protection and life safety of the residence.

2. Carbon monoxide alarms in new dwellings and sleeping units. An approved carbon monoxide alarm shall be installed in dwellings having a fossil fuel-burning heater or appliance, fireplace or an attached garage. Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. (CRC R315.2)

Applicant shall install Carbon Monoxide Detection Alarms in required locations.

3. Fire Safety During Construction and Demolition shall be in accordance with 2013 California Fire Code, Chapter 33. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations.

Applicant shall comply with and include above language on Building Plan submittal.

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340 Tulare Avenue

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PUBLIC WORKS CONDITIONS

1. Sewer Lateral: Perform a video inspection of the lateral and submit to Public Works via flash drive or DVD. Lateral shall be repaired if necessary. A sewer backwater valve and downstream cleanout, extended to grade, shall be installed on the sewer lateral.
2. 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 14.24.070). Indicate and label on plan.

Add the following Notes to the Plans:

1. Any damage, as a result of construction operations for this project, 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.
2. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Department located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 15th day of September, 2015 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Tefft, Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 15th day of September, 2015.

Exhibit B

GENERAL NOTES

1. Specific notes and details shall take precedence over general notes and typical details.
2. All materials and workmanship shall conform to the minimum standards of the 2010 edition of the California Building Code (C.B.C.), the latest version of the standards and ordinances of the Governing Jurisdiction, and such other regulating agencies exercising authority over any portion of the work. The contractor shall have a copy of the C. B. C. on the job site.
3. The contractor shall examine the drawings and specifications and notify the designer or engineer of any discrepancies he/she may find before proceeding with the work.
4. All information on existing conditions shown on the drawings are based on the best present knowledge available, but without guarantee of accuracy. The contractor shall verify and be responsible for all dimensions and conditions at the site and shall notify the designer or engineer of any discrepancies between actual site conditions and information shown on drawings or in the specifications before proceeding with work.
5. The contractor shall immediately notify the designer or engineer of any condition in which in his/her opinion might endanger the stability of the structure or cause distress of the structure.
6. All work shall conform to the best practice prevailing in the various trades. The contractor shall be responsible for coordinating the work of all the trades.
7. The contractor shall provide temporary bracing and shoring for all structural members as required for structural stability of the structure during all phases of construction.
8. Where any conflict occurs between the requirements of federal, state and local laws, codes, ordinances, rules and regulations, the most stringent will govern.
9. Any discrepancy between these drawings shall be referred to the designer or engineer for clarification before the start of construction.
10. Written dimensions shall have precedence over scaled dimensions.
11. Drawings (notes, schedules, details, and plans) shall have precedence over structural calculations.
12. In the event that certain features of the construction are not fully shown on the drawings or called for in the general notes or specifications, then their construction shall be of the same character as for similar conditions that are shown or called for.
13. If a Soils Report is required, then the Contractor shall have a copy of the project soils report on the job site.
14. ASTM designation and all standards refer to the latest amendments.
15. Modification of these notes, details, plans, or specifications shall not be permitted without prior written approval of the designer or engineer.
16. Only "approved" contract documents shall be permitted on the job site for use in the construction of this project. All other copies are obsolete.
17. Contractor shall be responsible for all items on all sheets of the plans.
18. No construction shall be started without plans approved by the building department. The Building Department shall be notified at least 24 hours prior to starting construction. Any construction done without approved plans or prior notification to the Building Department will be rejected and will be done at the contractors and/or owners risk.
19. All utilities shown are correct and accurate to the extent of available records and knowledge. Contractor shall assume sole and complete responsibility for locating all underground utilities and other facilities and for protecting same during the course of construction. If existing utilities are damaged as a result of the contractors work, he/she shall replace or repair said damage at his/her cost. All utilities shall be located and marked by the appropriate utilities a minimum of 48 hours prior to the start of construction. Any work done without the appropriate utilities being notified shall be done at the contractors risk.
20. The contractor shall follow all applicable industrial safety regulations. The Governing Entity, its officials, the engineer, the designer and the owner shall not be responsible for enforcing safety regulations.

APPLICABLE CODES

- 2013 California Energy Code
- 2013 California Building Code - Vols 1 & 2 (2009 IBC)
- 2013 California Electrical Code (2008 NEC)
- 2013 California Fire Code (2009 IFC)
- 2013 California Green Building Code (new)
- 2013 California Mechanical Code (2009 UMC)
- 2013 California Plumbing Code (2009 UPC)
- 2013 California Reference Standards Code
- 2013 California Residential Code (new) (2009 IRC)

ELECTRICAL NOTES

1. 50% of the kitchen lighting shall be more efficient than 25 Lumens per watt. The bath lighting shall be more efficient than 25 Lumens per watt or be controlled by a motion sensor switch.
2. All duplex receptacles at the kitchen and bath countertops or within 6' of a plumbing fixture shall be GFI's.
3. A minimum of 2 separate circuits shall serve the kitchen counter areas.

GLAZING NOTES

1. All glazing within 24" of the shower or tub area shall be safety glass.
2. All glazing in doors, within 24" of a door, or lower than 24" above finish floor shall be safety glass.

REQUIREMENTS FOR MANAGING PROJECT WASTE

All waste from this project shall be deposited in a WMA-certified waste recycling facility at either:

- Cold Canyon Landfill
- Chicago Grade Landfill
- North SLO County Recycling
- API
- RAR

All receipts shall be submitted to the Public Works Department 1 week prior to Final Inspection

PLUMBING NOTES

1. Provide a minimum 12"X 12" access panel or utility space for all plumbing fixtures having concealed slip-joint connections.
2. Toilets shall have a maximum of 1.5 gallons per flush. Showerhead flow shall not exceed 2.75 gallons per minute at 40psi.
3. Hose bibs shall be protected by an approved non-removable type of back flow prevention device.
4. All shower compartments shall have smooth, impervious surfaces to a height of 72" above the level of the drain. The shower pan shall be sloped a minimum of 1/4" per 12" to the drain and shall be inspected prior to the installation of the tile. The shower valve shall be either temperature or pressure balanced.

PROPOSED ADDITION FOR:

Ron & Carol Jordan
340 Tulare Ave
Morro Bay, Ca. 93442



GENERAL NOTES

A

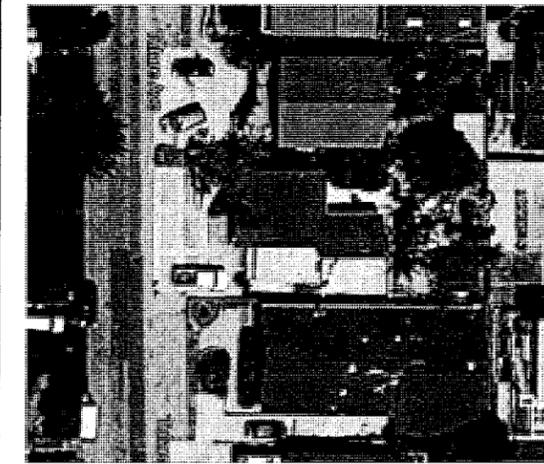
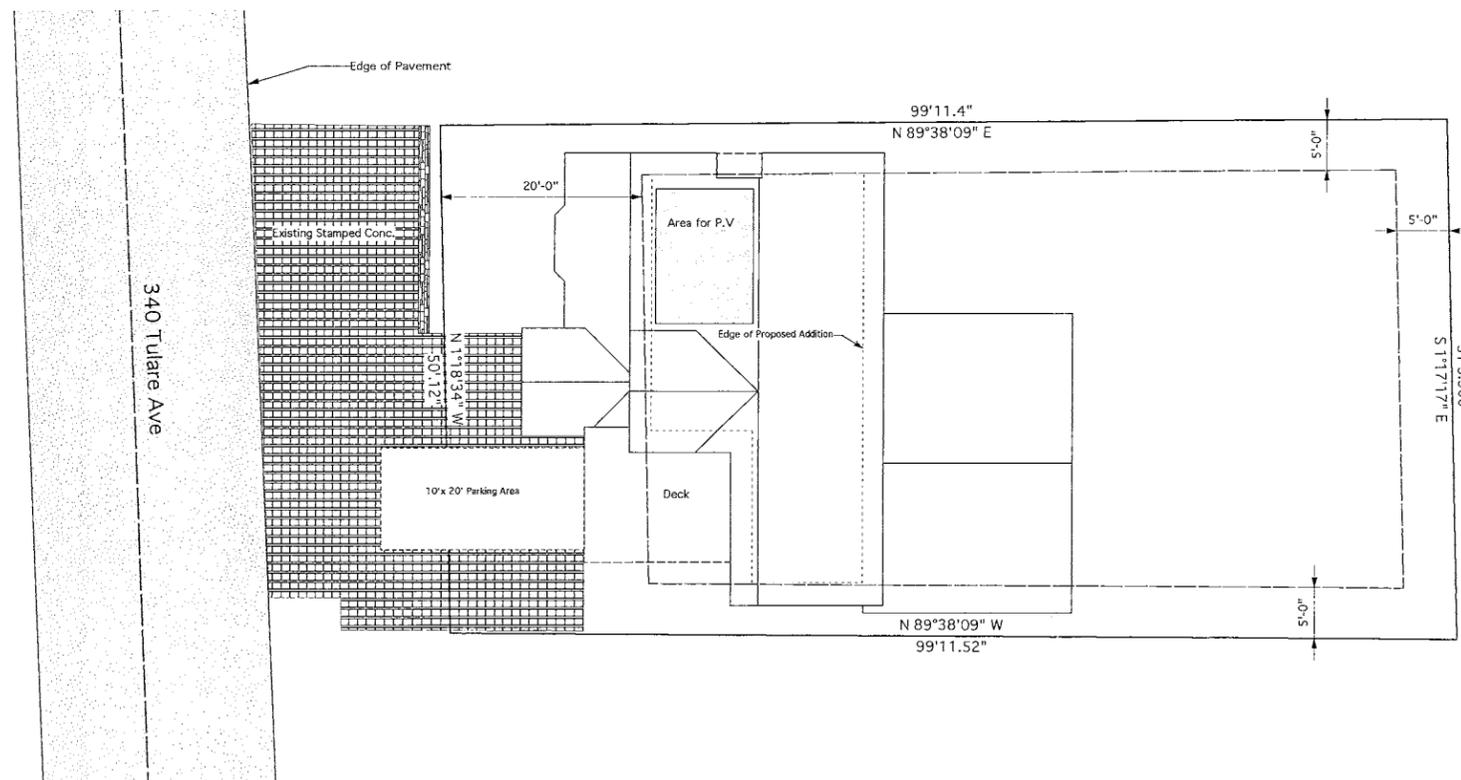
TITLE

B



VICINITY MAP

D



PROJECT DATA

PROJECT ADDRESS	340 Tulare Ave Morro Bay, Ca. 93442
A.P.N. #	066-244-020
ZONE	R1
LIVING AREA	
Existing 1st Floor	1272 sf
Existing Converted to Garage	57 sf
Additional Proposed 2nd Floor	650 sf
Total Proposed	1,865 sf
Proposed Deck	217 sf
GARAGE	
Existing	235 sf
Additional Proposed	18 sf
Total Proposed Garage Area	310 sf
LOT COVERAGE	
Existing	1447 sf
Additional Proposed	74 sf
Lot Area	5,061 sf
Existing Coverage	28.6%
Proposed Coverage	30.0%

RECEIVED
JUL 10 2015
 City of Morro Bay
 Community Development Dept.

PROPOSED SITE PLAN SCALE 1/8" = 1'- 0"

C

SITE PLAN NO SCALE

E

DESIGNED BY: GERALD LUHR
 DRAWN BY: GERALD LUHR
 DATE: 07-01-2015
 REVISIONS: 0

PROJECT NAME:
 JORDAN ADDITION

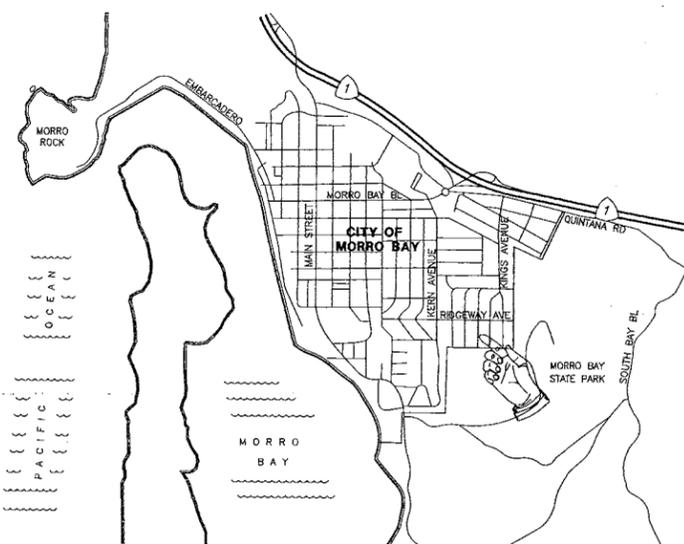
TITLE SHEET

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Ron & Carol Jordan
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Morro Bay, Ca. 93442

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T-1

Exhibit B



VICINITY MAP
NOT TO SCALE

SYMBOL LEGEND:

X	FENCE LINE	[Symbol]	RETAINING WALL
SS	SEWER MAIN	[Symbol]	PG&E BOX
W	WATER MAIN	[Symbol]	GAS METER
G	GAS MAIN	[Symbol]	TELEPHONE BOX
ETC	ELIC/TELEPHONE/CABLE	[Symbol]	SIGNAL BOX
OHE	OVERHEAD ELECTRIC	[Symbol]	CABLE T.V. BOX
[Symbol]	DROP INLET AT CURB	[Symbol]	ELECTRIC BOX
[Symbol]	DROP INLET	[Symbol]	TELEPHONE MANHOLE
[Symbol]	STORM DRAIN MANHOLE	[Symbol]	STREET LIGHT
[Symbol]	FIRE HYDRANT	[Symbol]	JOINT POLE
[Symbol]	WATER WELL	[Symbol]	POWER POLE
[Symbol]	WATER VALVE	[Symbol]	GUY WIRE
[Symbol]	WATER METER		
[Symbol]	SEWER MANHOLE		
[Symbol]	SEWER CLEANOUT		

ABBREVIATIONS

AC	ASPHALT CONCRETE	IP	IRON PIPE
AP	ANGLE POINT	GB	GRADE BREAK
BM	BENCH MARK	GM	GAS METER
BLDG	BUILDING	HP	HIGH POINT
BOW	BACK OF WALK	LT	LIGHT
CB	CATCH BASIN	MH	MANHOLE
CF	CURB FACE	PP	POWER POLE
CO	CLEAN OUT	PVC	POLYVINYL PIPE
COL	COLUMN	RB	REBAR
COR	CORNER	RCP	REINFORCED CONCRETE PIPE
CONC	CONCRETE	R10	CANDY RADIUS
CMP	CORRUGATED METAL PIPE	SD	STORM DRAIN
CMU	CONCRETE MASONRY UNITS	SL	POINT ON SLOPE
CRN	CROWN OF STREET	SS	SEWER
DI	DROP INLET	STP	STEP
EG	EXISTING GRADE	STR	STAIRS
EP	EDGE OF PAVEMENT	TOP	TOP OF SLOPE
FD	FOUND	TOE	TOE OF SLOPE
FL	FLOW LINE	TW	TOP OF WALL
FF	FINISH FLOOR	W	WATER
FW	FACE OF WALL	WL	WALL
HSE	HOUSE COR	WM	WATER METER
GR	GRASS	WV	WATER VALVE
GM	GAS METER		
IP	IRON PIPE		

DI-1.5FL TOP OF GRATE -1.5' FLOW LINE

SURVEYOR'S STATEMENT:

THIS MAP REPRESENTS A FIELD SURVEY OF SURFACE FEATURES AND ELEVATIONS PERFORMED ON NOVEMBER 20, 2014.

[Signature]
MICHAEL B. STANTON, PLS 5702 DATE

[Seal]
MICHAEL B. STANTON
PLS 5702
STATE OF CALIFORNIA

SURVEYOR'S NOTES:

- NO TITLE SEARCH (TITLE REPORT) WAS PROVIDED TO THE SURVEYOR. EASEMENTS WHICH MAY AFFECT THE SUBJECT PROPERTY HAVE NOT BEEN PLOTTED.
- ONLY THE SURFACE EVIDENCE OF UNDERGROUND UTILITIES HAVE BEEN MEASURED IN THE FIELD ON THIS SURVEY. IF APPROXIMATE UNDERGROUND ALIGNMENTS ARE SHOWN, I MAKE NO WARRANTY AS TO THE ACTUAL LOCATION, TYPE OR DEPTH OF THOSE UNDERGROUND UTILITIES. CALL UNDERGROUND SERVICE ALERT (USA) AT 1-800-642-2444 TO VERIFY THE ACTUAL LOCATION OF UTILITIES. PRIOR TO ANY EXCAVATION, THE SURVEYOR ALSO HAS MADE NO INVESTIGATION AS TO SUBSURFACE ENVIRONMENTAL CONDITIONS THAT WOULD AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- IT WILL BE THE ARCHITECT'S RESPONSIBILITY TO VERIFY SETBACK AND HEIGHT RESTRICTIONS WITH THE LOCAL GOVERNING AGENCY.
- THE SIGNED AND SEALED ORIGINAL DRAWING OF THIS MAP CONSTITUTES THE FINAL WORK PRODUCT. MBS LAND SURVEYS WILL NOT BE LIABLE FOR ELECTRONIC VERSIONS OF THIS MAP PROVIDED TO OTHER PARTIES.
- THE BOUNDARY LINES SHOWN HEREON WERE COMPILED FROM RECORD INFORMATION (I.E. RECORDED MAPS OR DEEDS) AND ARE NOT INTENDED TO REPRESENT THE TRUE OR ACTUAL BOUNDARY LINES OF THE SUBJECT PROPERTY. TO DETERMINE THE ACTUAL BOUNDARIES OF THE PARCEL WILL REQUIRE A COMPLETE BOUNDARY SURVEY, THE SETTING OF PROPERTY MONUMENTS AND THE FILING OF A CORNER RECORD OR RECORD OF SURVEY IN CONFORMANCE WITH STATE LAW (LS ACT SEC. 8762). APPROXIMATE DIMENSIONAL TIES FROM THE BOUNDARY LINES SHOWN TO PHYSICAL FEATURES (E.G. BUILDINGS, FENCES, WALLS OR TREES, ETC.) SHOWN ON THIS MAP CAN BE DERIVED BY SCALING THE FINISHED WORK PRODUCT WHICH IS PLOTTED AT THE SCALE INDICATED. HOWEVER, DIMENSIONAL TIES DERIVED DIRECTLY FROM THE DIGITAL PRODUCT (AUTOCAD DRAWING) ARE NOT ACCURATE AND CANNOT BE RELIED UPON FOR DETERMINING BUILDING SETBACKS OR THE PLACEMENT OF ANY PROPOSED NEW CONSTRUCTION. THE LOCATION OF NEW CONSTRUCTION CAN ONLY BE PROPERLY DETERMINED WHEN IT IS BASED ON AN ACTUAL BOUNDARY SURVEY OF THE PARCEL. OTHERWISE, MODIFICATIONS TO THE STRUCTURE MAY BE NECESSARY DURING CONSTRUCTION TO COMPLY WITH AGENCY SETBACK REQUIREMENTS.

BENCH MARK:
THE BENCH MARK FOR THIS PROJECT IS 2" BC IN MONUMENT WELL AT THE INTERSECTION OF KERN AVE AND RIDGEWAY AVE. ELEVATION = 248.23 (NAVD 88)

BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS PROJECT IS BASED ON FOUND MONUMENTS ALONG THE EASTERLY RIGHT OF WAY OF TULARE AVE BEARING N 0° 15' 00" W.

SITE DATA:
ADDRESS: 340 TULARE AVENUE
ASSESSOR'S PARCEL NO. APN 066-244-020

TOPOGRAPHIC MAP

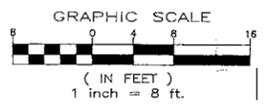
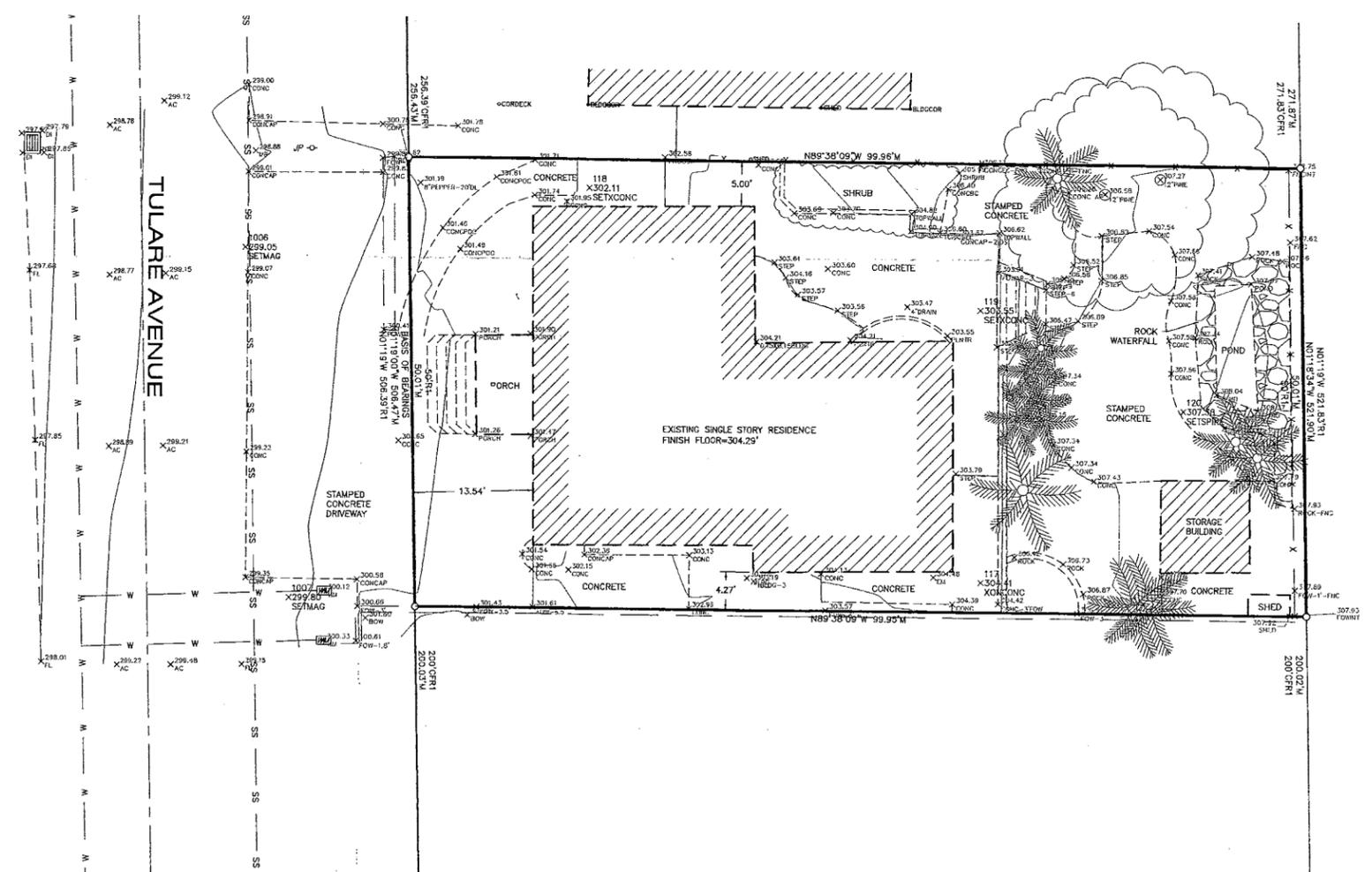
LOT 5 OF BLOCK 11 OF THE MAP OF MORRO BAY VISTA AS SHOWN ON MAP FILED IN BOOK 3 AT PAGE 58, IN THE CITY OF MORRO BAY, COUNTY OF SAN LUIS OBISPO, CALIFORNIA

AT THE REQUEST OF GERRY LUHR

DECEMBER 2014 SCALE: 1"=8'

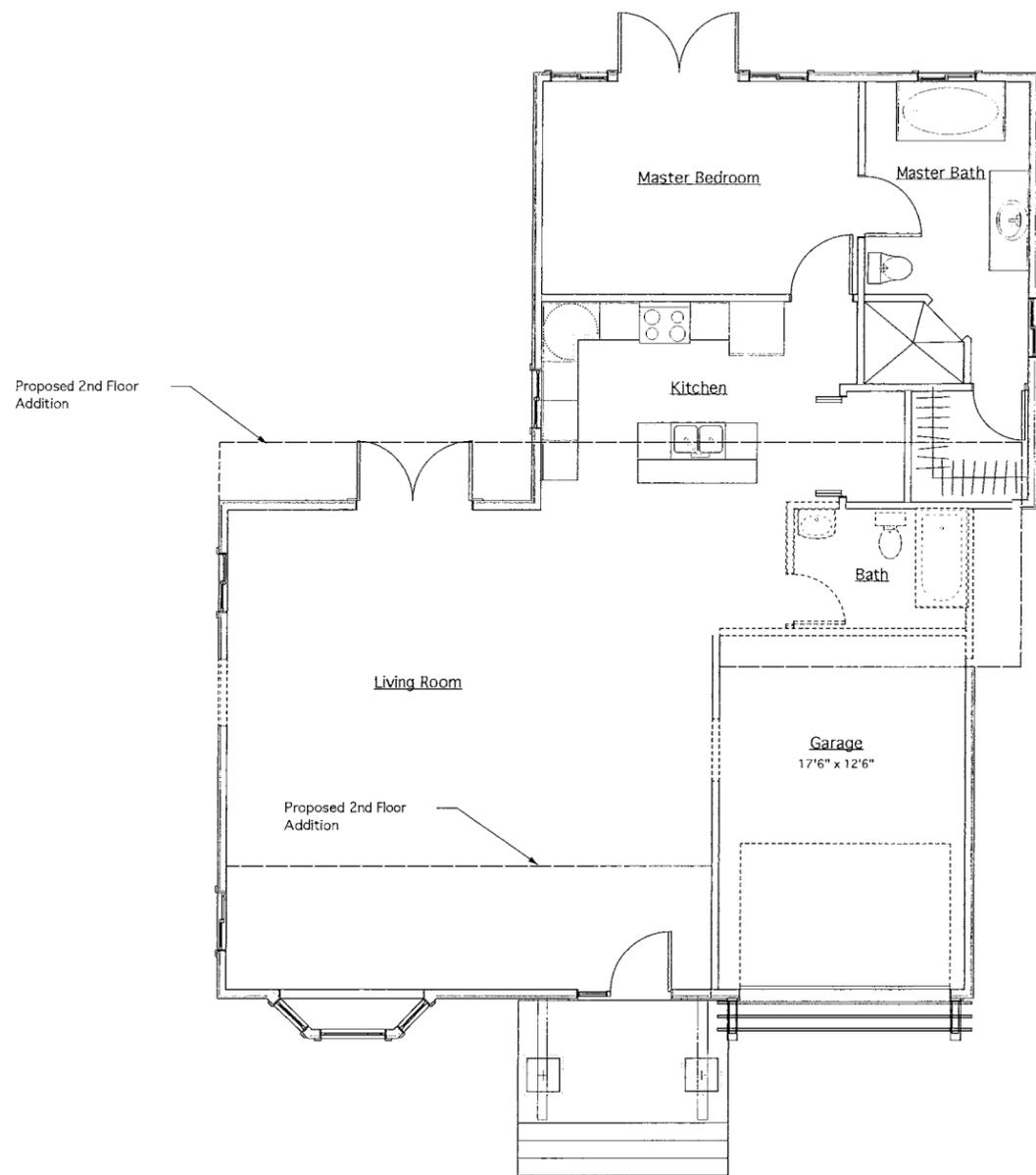
MBS LAND SURVEYS
MICHAEL B. STANTON, PLS 5702
3563 SUELDO ST. UNIT Q
SAN LUIS OBISPO, CA 93401
805-534-1190

December 2, 2014 JOB #14-265



M:\14-266 340 Tulare Ave - Morro Bay\CS0-2013\40 TULARE-TOPO.dwg, 24X35, Dec 02, 2014 10:29am, Kluhr

Legend
 - - - - - Demo Wall
 = = = = = New Wall

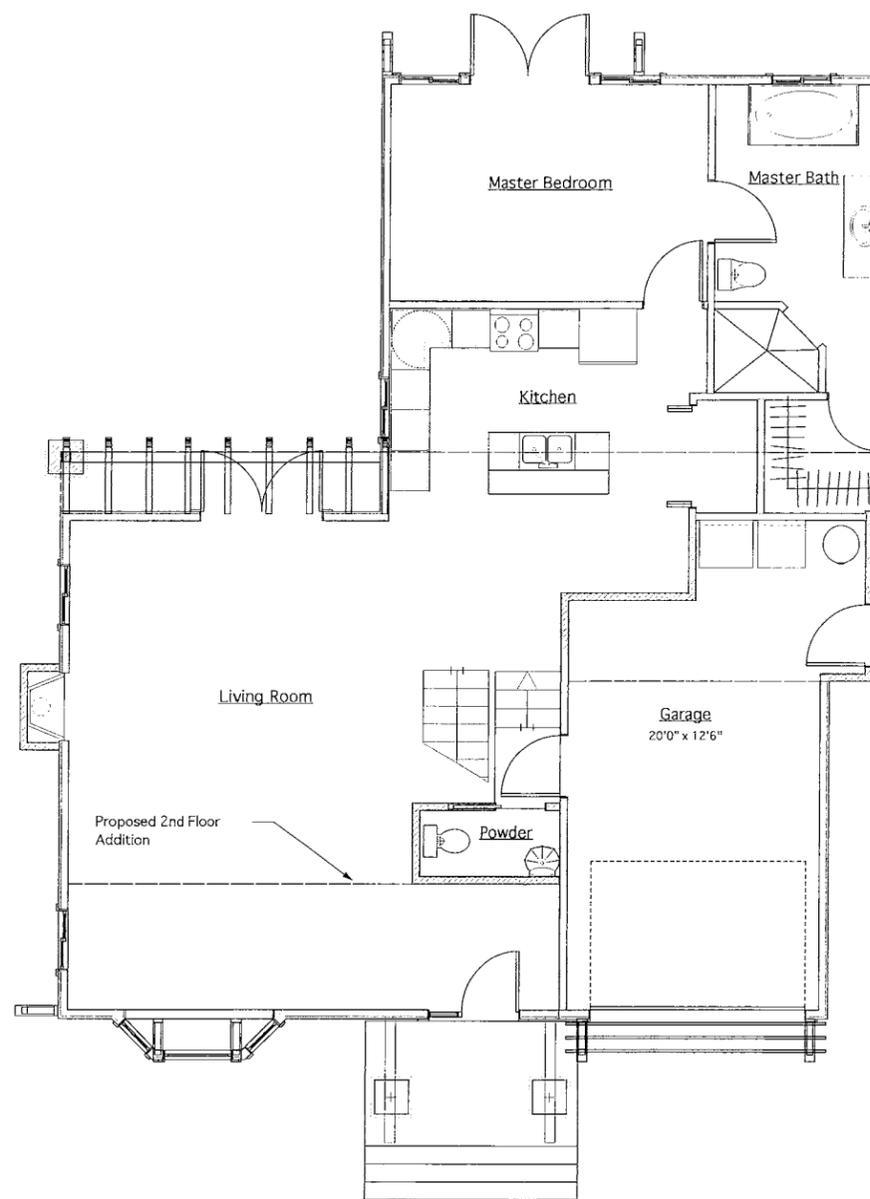


EXISTING FLOOR & DEMOLITION PLAN

SCALE 1/4" = 1'-0"

A

Legend
 - - - - - Demo Wall
 = = = = = New Wall



PROPOSED 1st FLOOR PLAN

SCALE 1/4" = 1'-0"

B



Gerald Luhr
 2335 Nutmeg Ave.
 Morro Bay, CA 93442
 Phone/Fax: (805) 772-1700
 Cellular: (805) 440-9537
 License # 430491

DESIGNED BY:
 GERALD LUHR
 DRAWN BY:
 GERALD LUHR
 DATE: 07-07-2015
 REVISIONS:
 1)
 2)

PROJECT NAME:
 JORDAN ADDITION

1st FLOOR PLAN

PROPOSED REMODEL FOR:
 Ron & Carol Jordan
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 Morro Bay, Ca. 93442

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A-1

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 DESIGN AND
 CONSTRUCTION
 Gerald Luhr
 2335 Nutmeg Ave
 Morro Bay, CA 93442
 Phone/Fax: (805) 772-1190
 Cellular: (805) 440-9337
 License # 458491

DESIGNED BY:
 GERALD LUHR
 DRAWN BY:
 GERALD LUHR
 DATE:
 REVISIONS:
 1)
 2)

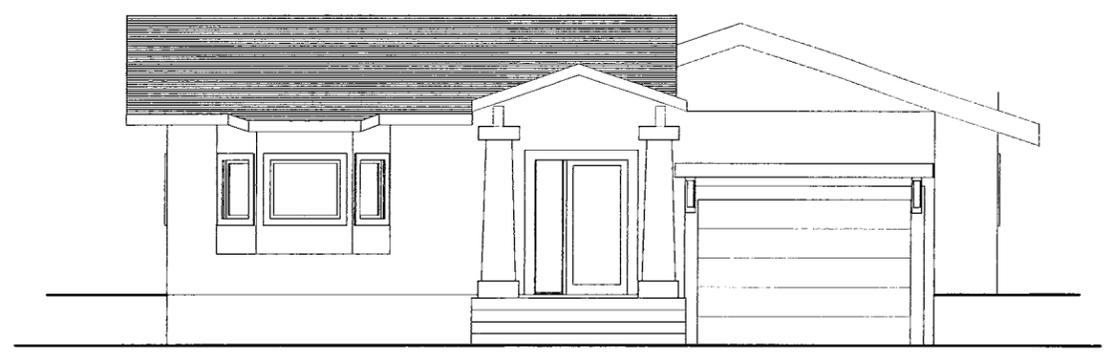
PROJECT NAME:
 JORDAN ADDITION

2nd FLOOR PLAN
 ELEVATIONS

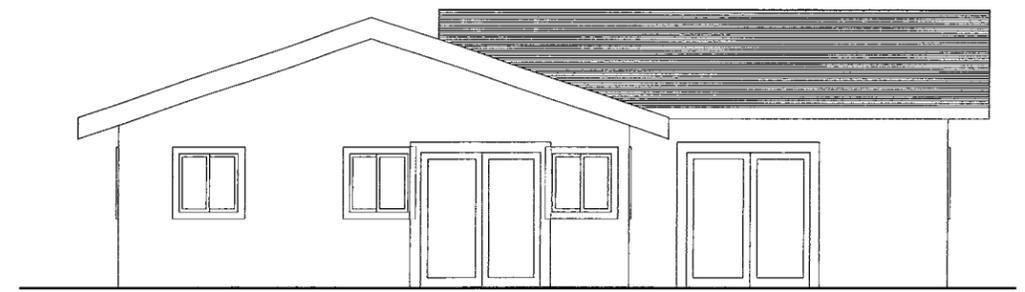
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A-2



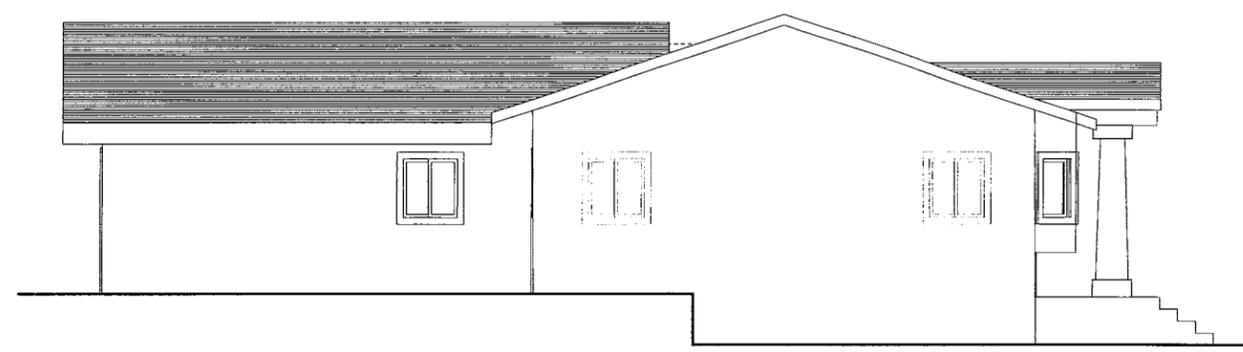
EXISTING WEST ELEVATION SCALE 1/4" = 1' - 0" A



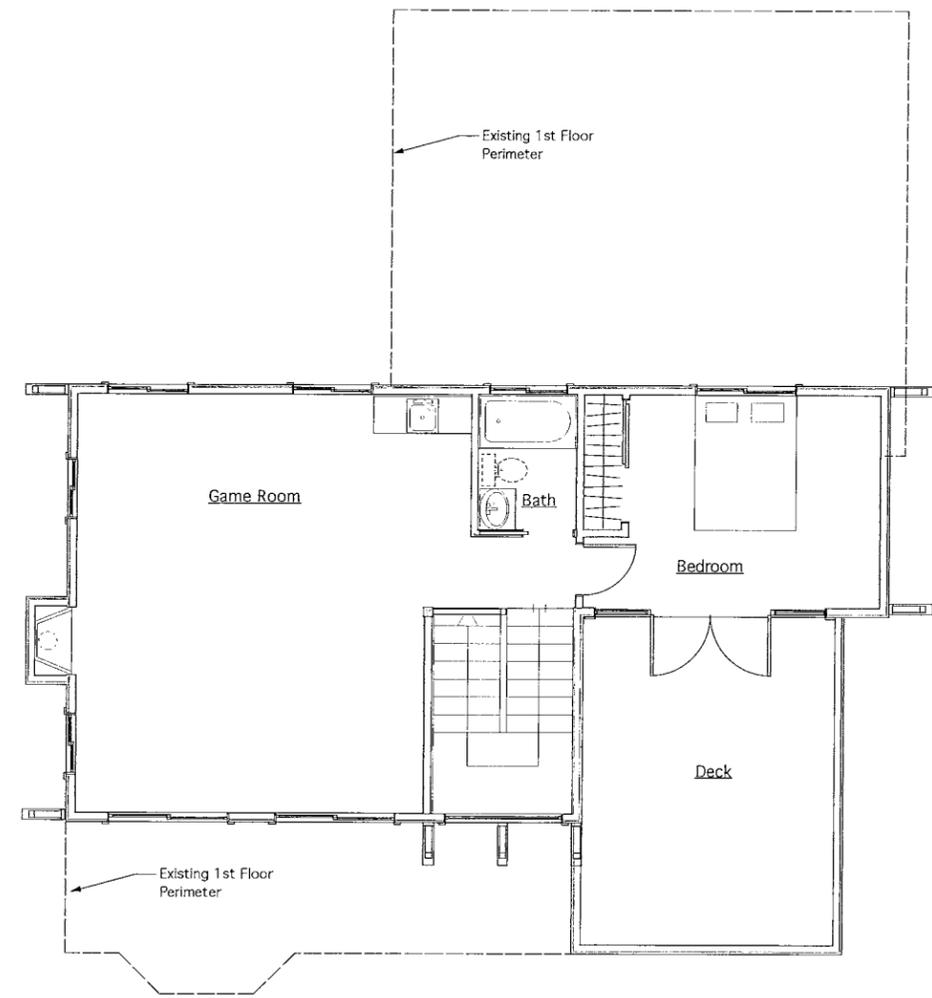
EXISTING EAST ELEVATION SCALE 1/4" = 1' - 0" B



EXISTING SOUTH ELEVATION SCALE 1/4" = 1' - 0" C



EXISTING NORTH ELEVATION SCALE 1/4" = 1' - 0" D



PROPOSED 2nd FLOOR PLAN SCALE 1/4" = 1' - 0" E

Exhibit B



Gerald Luhr
 2335 Nutmeg Ave.
 Morro Bay, CA 93442
 Phone/Fax: (805) 772-1900
 Cellular: (805) 440-9537
 License # 438491

DESIGNED BY:
 GERALD LUHR
 DRAWN BY:
 GERALD LUHR
 DATE: 07/01/2015
 REVISIONS:
 1)
 2)

PROJECT NAME:
 JORDAN ADDITION

ELEVATIONS

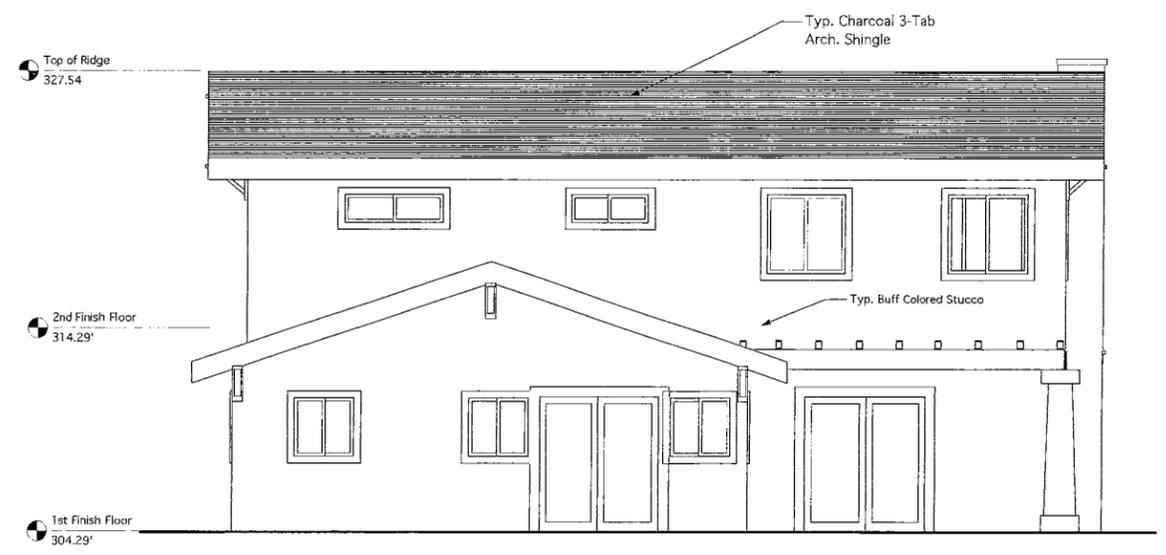
PROPOSED, DEMOLISHED:
 Ron & Carol Jordan
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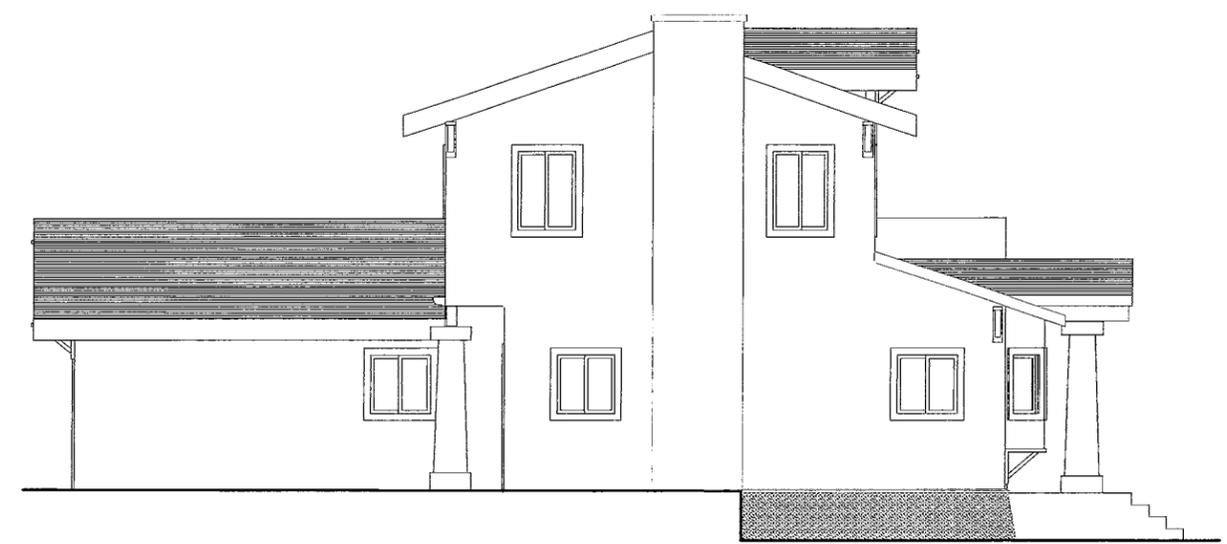
A-3



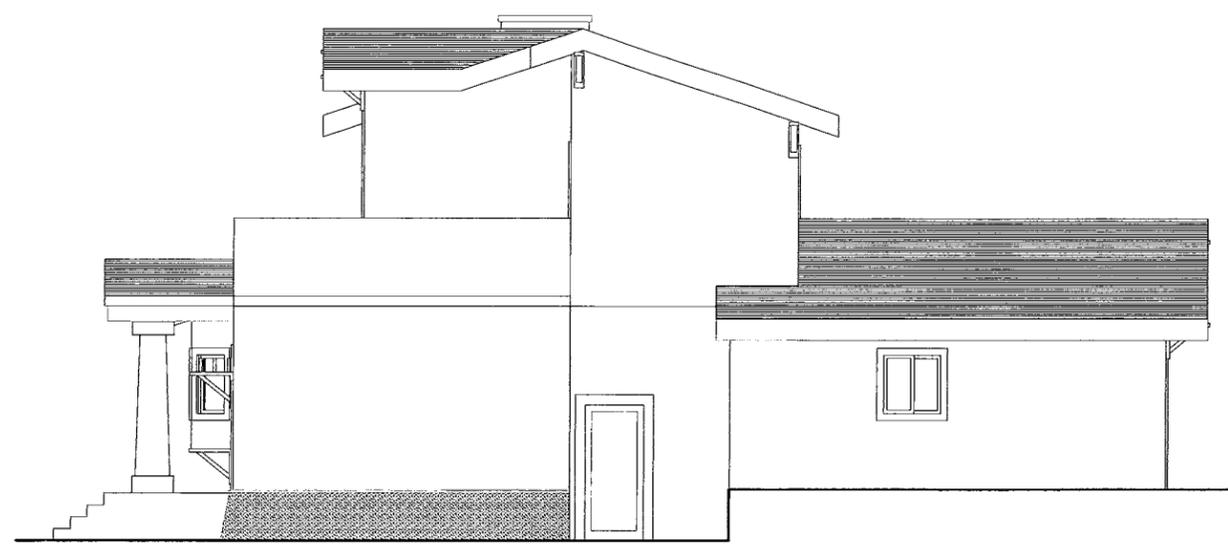
PROPOSED WEST ELEVATION SCALE 1/4" = 1'-0" A



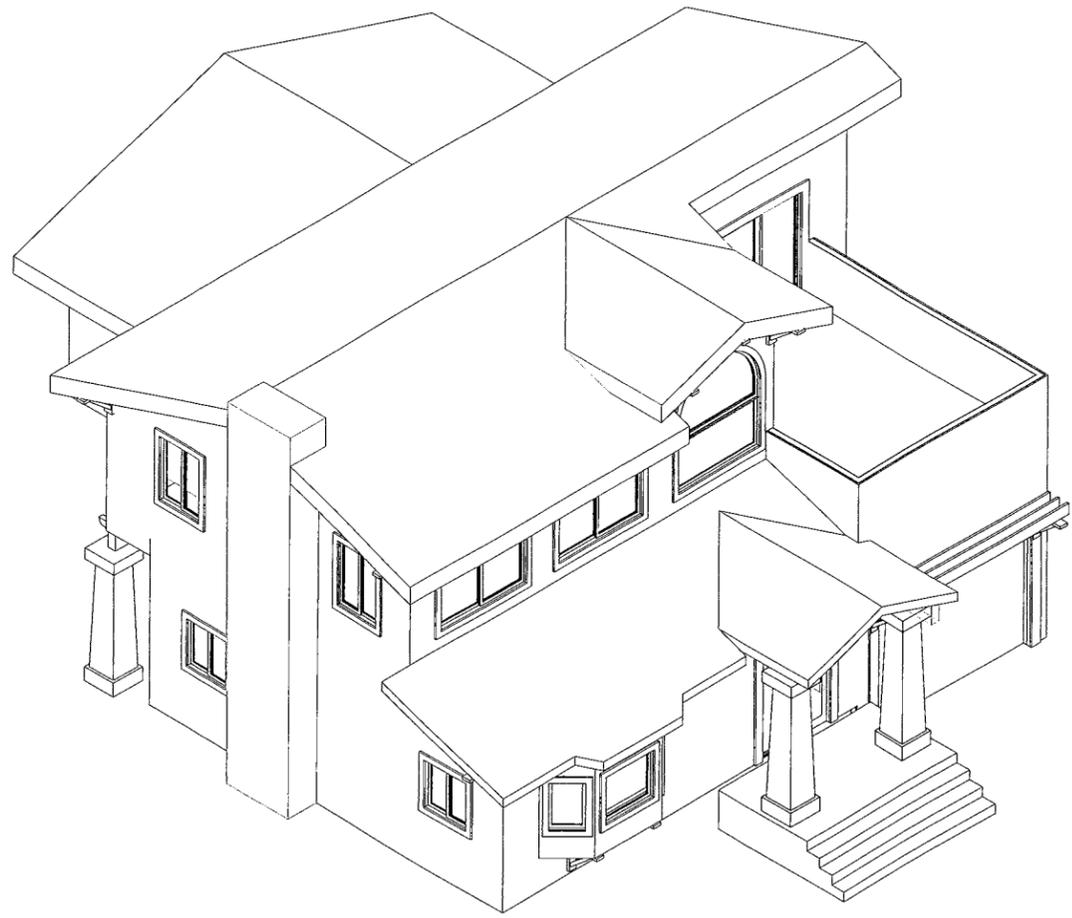
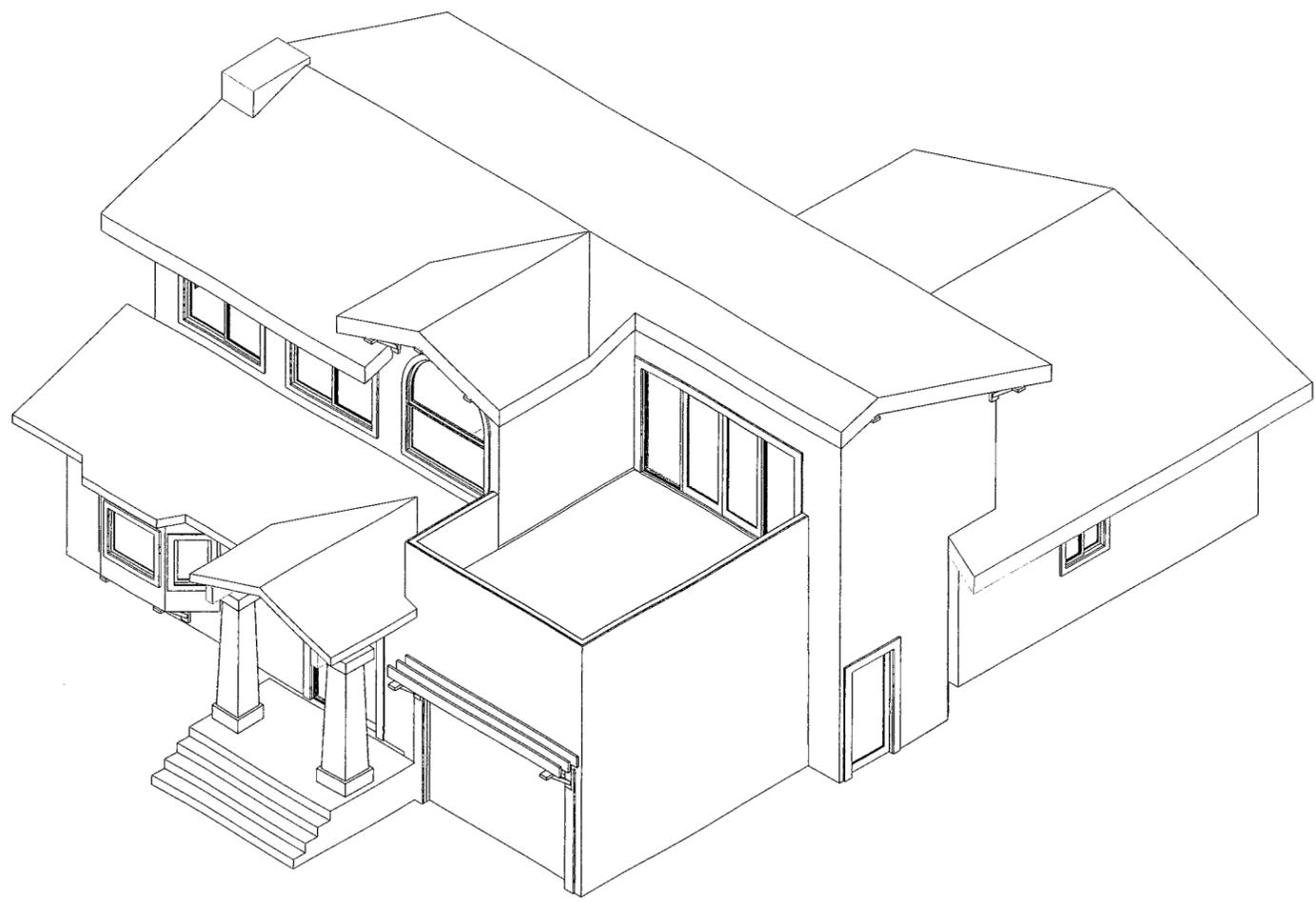
PROPOSED EAST ELEVATION SCALE 1/4" = 1'-0" B



PROPOSED NORTH ELEVATION SCALE 1/4" = 1'-0" C



PROPOSED SOUTH ELEVATION SCALE 1/4" = 1'-0" D



Gerald Luhr
 2335 Nutmeg Ave.
 Morro Bay, CA 93442
 Phone/Fax: (805) 772-1900
 Cellular: (805) 440-9537
 License # 478191

DESIGNED BY:
 GERALD LUHR
 DRAWN BY:
 GERALD LUHR
 DATE: 07/01/2015
 REVISIONS:
 1)
 2)

PROJECT NAME:
 JORDAN ADDITION

PERSECTIVES

PROPOSED, REDEVELOPER:
 Ron & Carol Jordan
 340 Tulare Ave
 Morro Bay, Ca. 93442

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PROPOSED SOUTHWEST PERSPECTIVE

SCALE 1/4" = 1'- 0"

A

PROPOSED NORTHWEST PERSPECTIVE

SCALE 1/4" = 1'- 0"

B

A-4



AGENDA NO: B-3

MEETING DATE: September 15, 2015

Staff Report

TO: Planning Commissioners

DATE: September 15, 2015

FROM: Joan Gargiulo, Contract Planner

SUBJECT: Amendment (A00-028) to Conditional Use Permit (CUP 28-84) and Coastal Development Permit (CDP 69-84) to allow exterior remodeling at Burger King Restaurant located at 781 Quintana

RECOMMENDATION:

Approve Amendment (A00-028) to Conditional Use Permit (CUP 28-84) and Coastal Development Permit (CDP 69-84) by adopting Planning Commission Resolution 34-15 including the following action (s):

1. Approve the Class 1, Section 15301 Categorical Exemption in accordance with applicable provisions of the California Environmental Quality Act.
2. Adopt the findings and conditions of approval included in Planning Commission Resolution 34-15 (Exhibit A).

APPLICANT: Burger King Restaurant, Shirley Humarian

AGENT: John Mack

LEGAL DESCRIPTION/APN: Cy Mb Pm 33/45 Par 1. APN: 066-280-007

ENVIRONMENTAL DETERMINATION:

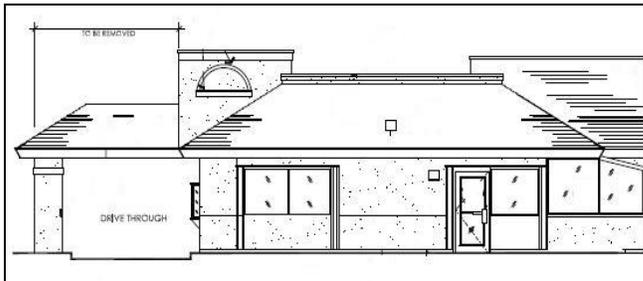
Environmental review was performed for this project and staff has determined that it meets the requirements for a Categorical Exemption under CEQA Guidelines Class 1 Section 15301. The exemption applies to the minor alteration of existing private structures and facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

Prepared By: ___ JG ___

Department Review: _____



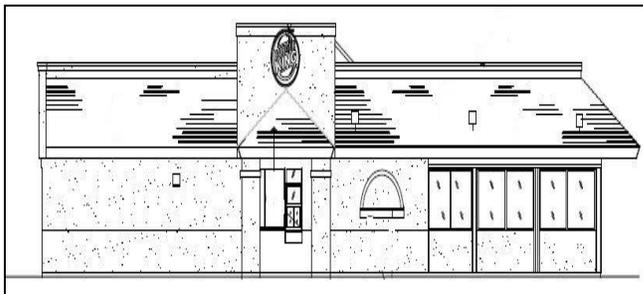
Existing Façade



Existing South Elevation



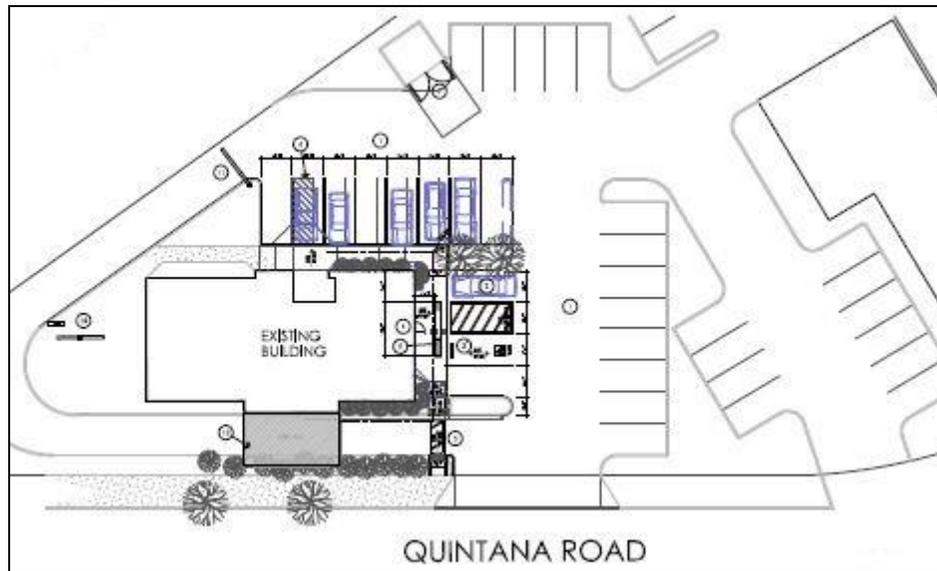
Proposed South Elevation



Existing West Elevation



Proposed West Elevation



Site Plan

PROJECT ANALYSIS:

The applicant requests a modification of the existing Coastal Development Permit (CDP 69-84) and Conditional Use Permit (CUP 28-84) for the Burger King Restaurant located at 781 Quintana Road. The project proposal includes interior remodeling, an update to the exterior building façade, and the removal of the canopy that currently covers the drive thru window.

Background

Records show the Burger King restaurant was approved and built in 1984. Since this time, there have been no exterior alterations to the restaurant. As part of a corporate re-branding, the Applicant is proposing a façade “re-fresh” and parking lot improvements. No addition in square footage is being proposed.

It is important to note that the canopy covering the drive through window was a condition of approval in the original Conditional Use Permit issued in 1984. See condition #9 in Exhibit D.

Included in the proposal is the replacement of the existing tile roof with a metal roof, refinishing the existing stucco with a smoother stucco finish, and the demolition of the existing drive-through canopy. The Applicant also proposes to redefine the building entry to the south parking lot to include one (1) updated van accessible parking place, one (1) accessible parking place, and an updated accessible entry way.

Color and Materials Board

The Applicant has provided a color and materials board which is attached as Exhibit C. The information submitted shows the following façade improvements: The existing stucco exterior finish shall be smoothed out and repainted in “Camel Tan,” the existing tile roof shall be replaced with blue aluminum, red accents shall be located around the exit ways and rood line, and dark green wood shall be hung horizontally as architectural enhancements on the south and east exterior walls.

<u>Adjacent Zoning/Land Use</u>			
North:	C-2/ESH: General Commercial / Environmentally Sensitive Habitat	South:	C-1: Central Business District
East:	C-1: Central Business District	West:	C-1: Central Business District

<u>Site Characteristics</u>	
Site Area	10,300 sq. ft.
Existing Use	Burger King Restaurant
Terrain	Graded, flat site
Vegetation/Wildlife	Vegetation in parking lot
Archaeological Resources	N/A
Access	Quintana Road

<u>General Plan, Zoning Ordinance & Local Coastal Plan Designations</u>	
General Plan/Coastal Plan Land Use Designation	Central Commercial
Base Zone District	Central Commercial (C-1)
Zoning Overlay District	N/A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Yes, not located in the original or appeals jurisdiction.

PUBLIC NOTICE:

Notice of this item was posted at the site and published in the San Luis Obispo Telegram Tribune newspaper on September 4, 2015 and all property owners and occupants within 500 feet of the subject site were notified of this evening's public hearing and were invited to voice any concerns regarding this application.

CONCLUSION:

The project as proposed meets all development standards of the Zoning Ordinance and is consistent with General Plan and Local Coastal Plan. The applicant's request to make exterior changes along with interior improvements and parking lot improvements will provide a re-fresh to an existing commercial restaurant that has had no previous improvements.

Staff recommends that the Planning Commission approve the modification to existing permits CDP 69-84 and CUP 28-84 by adopting the CEQA Class 1 Categorical Exemption and approve the permit amendment (A00-028) subject to the findings and conditions of approval as specified in Planning Commission Resolution #34-15 attached below as Exhibit A.

EXHIBITS:

Exhibit A – Planning Commission Resolution #34-15

Exhibit B – Project Plans Date Stamped August 18, 2015

Exhibit C – Color and Materials Board

Exhibit D – Adopted Resolutions Approving CDP 69-84 and CUP 28-84

EXHIBIT A

RESOLUTION NO. PC 34-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVING MODIFICATION (A00-028) TO EXISTING COASTAL DEVELOPMENT PERMIT (CDP 69-84) AND CONDITIONAL USE PERMIT (CUP 28-84) FOR MODIFICATIONS TO AN EXISTING RESTAURANT TO INCLUDE DEMOLITION OF THE DRIVE-THROUGH CANOPY, FAÇADE CHANGES, AND PARKING LOT IMPROVEMENTS AT 781 QUINTANA ROAD

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on September 15, 2015, for the purpose of considering Permit Modification #A00-028 and;

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

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

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

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

California Environmental Quality Act (CEQA)

1. That for purposes of the California Environmental Quality Act, Permit No. A00-028 qualifies for a categorical exemption per Section 15301, Class 1 for the minor alteration of existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
2. None of the Categorical Exemption exceptions, noted under 15300.2, apply to the project.

Coastal Development Permit Findings:

3. As required in Morro Bay Municipal Code Section 17.58.120, the project as proposed is found to be consistent with the requirements as set forth in the Certified Local Coastal Program.
4. The project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay.

Conditional Use Permit Findings:

5. The establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use in that the project will be consistent with all applicable zoning requirements.
6. The use will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City since the project is consistent with all applicable City regulations.

EXHIBIT A

Architectural Consideration Findings:

7. The Planning Commission finds that the architectural treatment and general appearance of all proposed buildings, structures and open areas are in keeping with the character of the surrounding area, are compatible with any design themes adopted by the city, and are not detrimental to the orderly and harmonious development of the city or to the desirability of investment or occupation in the neighborhood.

Section 2. Action. The Planning Commission does hereby approve Permit Modification (A00-028) to Coastal Development Permit (CDP 69-84) and Conditional Use Permit (CUP 28-84) subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated September 15, 2015, for the project depicted on plans dated August 18, 2015 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 approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Community Development Manager, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Manager. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges that City is under no obligation to defend any legal

EXHIBIT A

actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Community Development Manager and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.
8. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

BUILDING CONDITIONS

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

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 15TH day of SEPTEMBER, 2015 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson Tefft

ATTEST

Scot Graham, Planning Secretary

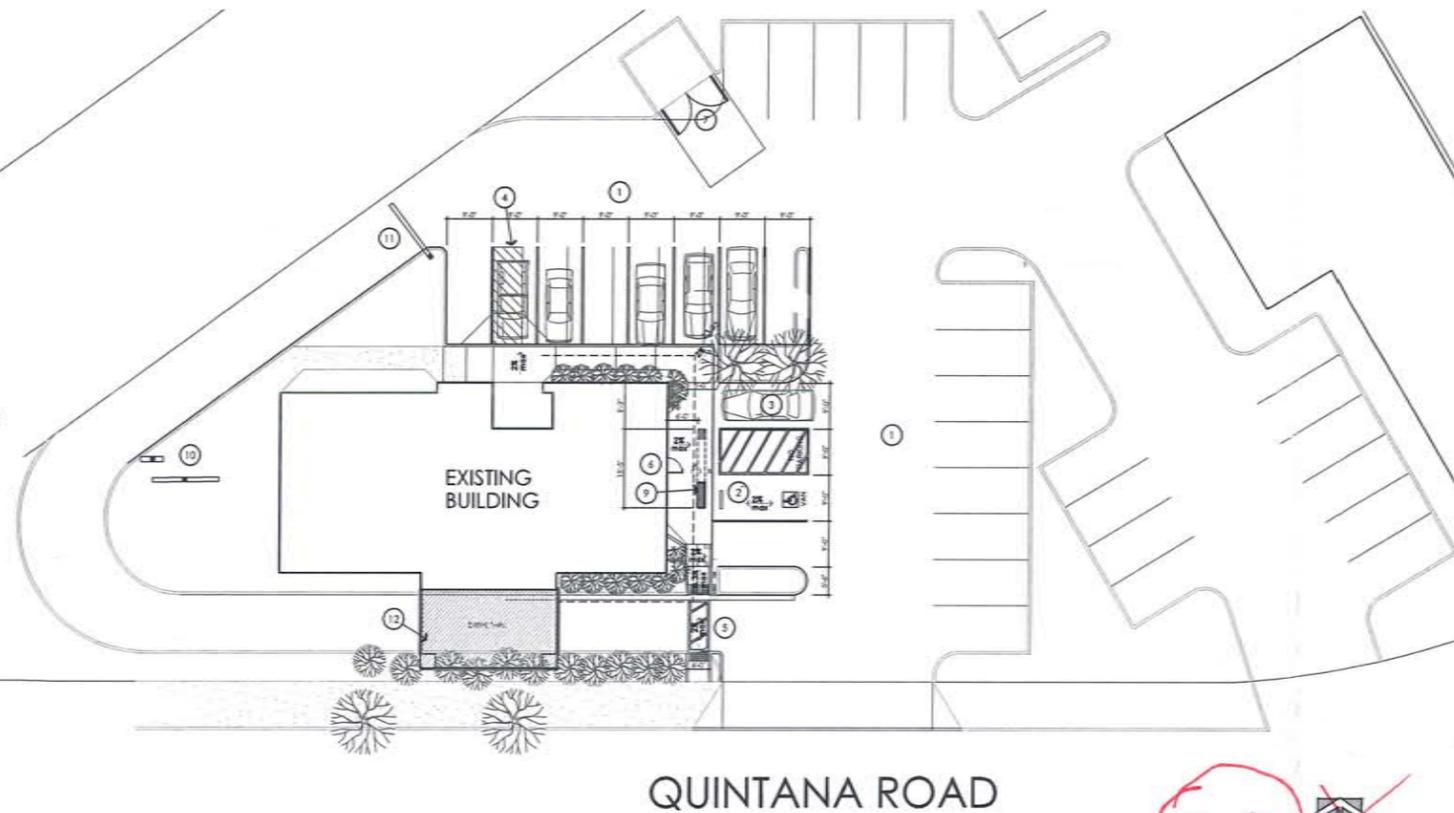
The foregoing resolution was passed and adopted this 15TH day of SEPTEMBER, 2015.



BURGER KING

781 Quintana Rd, Morro Bay, CA

EXHIBIT B



Site Plan

SCALE: 1/16" = 1'-0"

REFERENCE NOTES

- EXISTING AC PARKING AREA TO BE RE-SURFACED AND RE-STRIPPED.
- NEW DISABLED ACCESS PARKING VAN STALL.
- NEW DISABLED ACCESS PARKING STALL.
- EXISTING HC PARKING TO BE REMOVED AND REPLACED WITH STANDARD PARKING.
- NEW ACCESSIBLE ROUTE TO PUBLIC WAY.
- EXISTING STOREFRONT DOOR TO BE NEW DISABLED POINT OF ACCESS AND ENTRY TO THE BUILDING FROM DISABLED PARKING STALLS.
- BLOCK TRASH CONTAINER - REPLACE EXISTING GATES WITH NEW GATES AND ACCESSIBLE HARDWARE.
- NEW WALL ELEMENT. SEE BUILDING ELEVATIONS FOR ADDITIONAL INFORMATION.
- MENU BOARD.
- OVERHEAD CROSS BAR TO BE REMOVED.
- EXISTING DRIVE THROUGH COVERING TO BE REMOVED, ROOF AND COLUMNS.

General Notes

(THESE NOTES APPLY TO ALL PORTIONS, PHASES & SUBCONTRACTS OF THIS PROJECT)

- USE OF PLANS: THESE PLANS ARE THE PROPERTY OF AAC AND MAY NOT BE USED WITHOUT EXPRESS, WRITTEN CONSENT OF AAC.
- DIMENSIONS: DO NOT SCALE DRAWINGS. ALL DIMENSIONS ARE ROUGH AND TO FACE OF STUD. ALL DIMENSIONS SHALL BE FIELD VERIFIED BEFORE COMMENCING WORK. IF ANY VARIATION, DISCREPANCY OR OMISSION IS FOUND, THE CONTRACTOR OR SUB-CONTRACTOR SHALL NOTIFY THE ARCHITECT IN WRITING AND OBTAIN WRITTEN RESOLUTION FROM AAC PRIOR TO PROCEEDING WITH ANY RELATED WORK.
- SITE CONDITIONS: ALL CONTRACTORS AND SUB-CONTRACTORS SHALL VERIFY DIMENSIONS AND CONDITIONS AT THE SITE PRIOR TO COMMENCEMENT OF THEIR WORK. FAILURE TO DO SO SHALL NOT RELEASE THEM FROM THE RESPONSIBILITY OF ESTIMATING THE WORK. IF ANY VARIATION, DISCREPANCY OR OMISSION BETWEEN THE INTENT OF THESE CONTRACT DOCUMENTS & THE EXISTING CONDITIONS ARE FOUND, THE CONTRACTOR OR SUB-CONTRACTOR SHALL NOTIFY THE ARCHITECT IN WRITING AND OBTAIN WRITTEN RESOLUTION FROM AAC PRIOR TO PROCEEDING WITH ANY RELATED WORK.
- TEMPORARY FACILITIES: CONTRACTOR SHALL PAY FOR, PROVIDE AND MAINTAIN TEMPORARY FACILITIES FOR PROJECT PROTECTION AND CONSTRUCTION, AND AS REQUIRED BY LOCAL REGULATION AND THESE DOCUMENTS. SUCH FACILITIES INCLUDE, BUT ARE NOT LIMITED TO: TOILET LIGHTS, HEATERS, POWER, GAS, FANS, WATER, PHONES, FENCES, SIGNS, SHEDS, ETC... REMOVE FROM SITE UPON COMPLETION OF WORK. OBTAIN BUILDING OFFICIAL OR FIRE MARSHAL APPROVAL PRIOR TO USE OF ANY TEMPORARY HEATING DEVICE.
- CHANGES: CHANGES TO APPROVED PLANS AND SPECIFICATIONS SHALL BE MADE ONLY IN WRITING AND SHALL BE APPROVED BY THE ARCHITECT. CONTRACTOR SHALL ASSUME RESPONSIBILITY AND COSTS FOR ALL CHANGES LATER IN THE PROJECT CAUSED BY THE ORIGINAL CHANGE.
- ALL MATERIALS SHALL COMPLY WITH MATERIAL POLLUTION CONTROL OF THE GREEN BUILDING STANDARDS CODE, [§ 4.504.2 CG9C].

Project Description

THE WORKSCOPE ASSOCIATED WITH THIS PERMIT IS AS FOLLOWS:

- UPDATE THE EXTERIOR OF THE EXISTING RESTAURANT. NO NEW SQUARE FOOTAGE IS BEING ADDED. REPLACE EXISTING TILE ROOF WITH METAL ROOF AND REFINISH MISSION STUCCO TO BE SMOOTH.
- DEMOLITION AND REMOVAL OF THE DRIVE THROUGH CANOPY.
- RE DEFINE THE BUILDING ENTRY TO THE EAST PARKING LOT AND INSTALL NEW DISABLED ACCESS / PARKING TO ENTRANCE. PROVIDE DISABLED PATH OF TRAVEL TO PUBLIC WAY. CONSTRUCT NEW FREE STANDING ENTRY WALL ELEMENT TO DEFINE NEW ENTRY.

NOTE: NO NEW PLUMBING OR ELECTRICAL WORK IS BEING PROPOSED.

Code References

- 2013 CALIFORNIA BUILDING CODE (CBC).
- 2013 (CRC), CALIFORNIA RESIDENTIAL CODE: T-24
- 2013 CALIFORNIA ELECTRICAL CODE (CEC).
- 2013 CALIFORNIA MECHANICAL CODE (CMC)
- 2013 CALIFORNIA PLUMBING CODE (CPC).
- 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE (CG9C).
- 2013 CALIFORNIA ENERGY CODE, STATE CODES

Construction Requirements

- ALL CONSTRUCTION SHALL CONFORM TO CODES LISTED UNDER CODE REFERENCES
- ALL INTERIOR FINISHES, CHOSEN BY THE OWNER, MUST CONFORM TO THE REQUIREMENTS OF CHAPTER 8 OF THE 2010 CBC AND THE MAXIMUM FLAME-SPREAD CLASSIFICATIONS CONTAINED IN TABLE 8-B.
- THIS SET OF PLANS SHALL BE ON THE JOB SITE AT ALL TIMES DURING CONSTRUCTION. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE APPROVED PLANS. NO CHANGES OR REVISIONS TO THE APPROVED PLANS SHALL BE PERMITTED UNLESS SUBMITTED TO AND APPROVED BY THE BUILDING OFFICIAL. THE ISSUANCE OF A PERMIT SHALL NOT PREVENT THE BUILDING OFFICIAL FROM REQUIRING THE CORRECTION OF ERRORS OR OMISSIONS FROM THE APPROVED PLANS. (CBC 108)
- ALL CONTRACTORS AND SUB-CONTRACTORS MUST HAVE ON FILE A CURRENT BUSINESS LICENSE WITH THE CITY.
- EACH SUB-CONTRACTOR SHALL THOROUGHLY EXAMINE AND BE FAMILIAR WITH THE DRAWINGS AND RELATED SPECIFICATIONS. AT COMMENCEMENT OF WORK, THE SUBCONTRACTOR ACCEPTS RESPONSIBILITY FOR ALL EXISTING CONDITIONS.
- APPLICATIONS FOR WHICH NO PERMIT IS ISSUED WITHIN 180 DAYS FOLLOWING THE DATE OF APPLICATION SHALL AUTOMATICALLY EXPIRE. (105.3.2 CBC)
- EVERY PERMIT ISSUED SHALL BECOME INVALID UNLESS WORK AUTHORIZED IS COMMENCED WITHIN 180 DAYS AFTER ISSUANCE OR IF THE WORK AUTHORIZED IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 . A SUCCESSFUL INSPECTION MUST BE OBTAINED WITHIN 180 DAYS. A PERMIT MAY BE EXTENDED IF A WRITTEN REQUEST STATING JUSTIFICATION FOR EXTENSION AND A \$250 APPLICATION FEE IS RECEIVED PRIOR TO EXPIRATION OF THE PERMIT AND GRANTED BY THE BUILDING OFFICIAL. NO MORE THAN (2) TWO EXTENSIONS MAY BE GRANTED. PERMITS WHICH HAVE BECOME INVALID SHALL PAY A RENEWAL FEE OF 50% OF THE ORIGINAL PERMIT FEE AMOUNT WHEN THE PERMIT HAS BEEN EXPIRED FOR UP TO (1) ONE YEAR, THE RENEWAL FEE SHALL BE 100% OF THE ORIGINAL PERMIT FEE (105.3.2 CBC)
- WATER CLOSETS SHALL HAVE AN AVERAGE WATER CONSUMPTION OF NOT MORE THAN 1.28 GALLONS PER FLUSH (403.2 CPC)
- URINALS SHALL HAVE AN AVERAGE WATER CONSUMPTION OF NOT MORE THAN 0.50 GALLONS PER FLUSH (403.3 CPC)
- FAUCETS IN KITCHENS, ET BARS, LAVATORIES, LAUNDRY SINKS, ETC. SHALL HAVE A WATER FLOW AVERAGE WATER NOT TO EXCEED 1.8 GALLONS PER MINUTE (403.6 CPC)

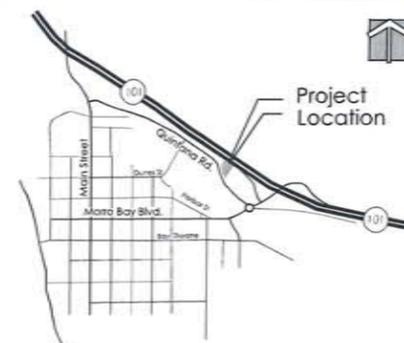
Sheet Index

TITLE SHEET / PROJECT DATA	T1
EXISTING ELEVATIONS & EXTERIOR DEMO PLAN	D1
EXISTING ROOF / DEMOLITION PLAN	D2
FLOOR PLAN	A1
FURNISHING PLAN	A1.2
NEW ROOF PLAN	A2
EXTERIOR ELEVATIONS	A3
MATERIAL KEY	A4
ACCESSIBILITY DETAILS	AD1
ACCESSIBILITY DETAILS	AD2
FRAMING PLAN AND STRUCTURAL NOTES	S1
STRUCTURAL FRAMING SECTIONS	S2
SHEET TOTAL THIS SUBMITAL 12	

Project Statistics

PROPERTY OWNER:	BARRY BRANIN F TRE ETAL
A.P.N.:	066-280-007
LEGAL DESCRIPTION:	Cy Mb Pm 33/45 Par 1
ZONING OF THE PROPERTY:	C-1 - Fast Food Franchise
CONSTRUCTION TYPE:	□ B
OCCUPANCY GROUP:	A2
FIRE SPRINKLERS:	No
SITE AREA:	.2365 AC or 10,300 SF
BUILDING HEIGHT:	SINGLE STORY (e) 18'
BUILDING AREA:	2,823 SF
OUTDOOR PATIO AREA:	689 SF
OCCUPANT LOAD:	48 SEE SITE PLAN
(BASED ON THE CBC TABLE 1004.1.1 FOR EXISTING REQUIREMENTS)	

Vicinity Map



RECEIVED

AUG 18 2015

City of Morro Bay
Community Development Dept.

NO.	DATE	CHECKED BY:	REVISION



AAC
781 Quintana Rd
Morro Bay, CA 93442
PH: (805) 460-8412
FAX: (805) 460-8413



DATE: 7/16/2015
781 Quintana Rd
Morro Bay, CA 93442
20/20 REMODEL GUIDES
APRIL 2014 DESIGN RELEASE

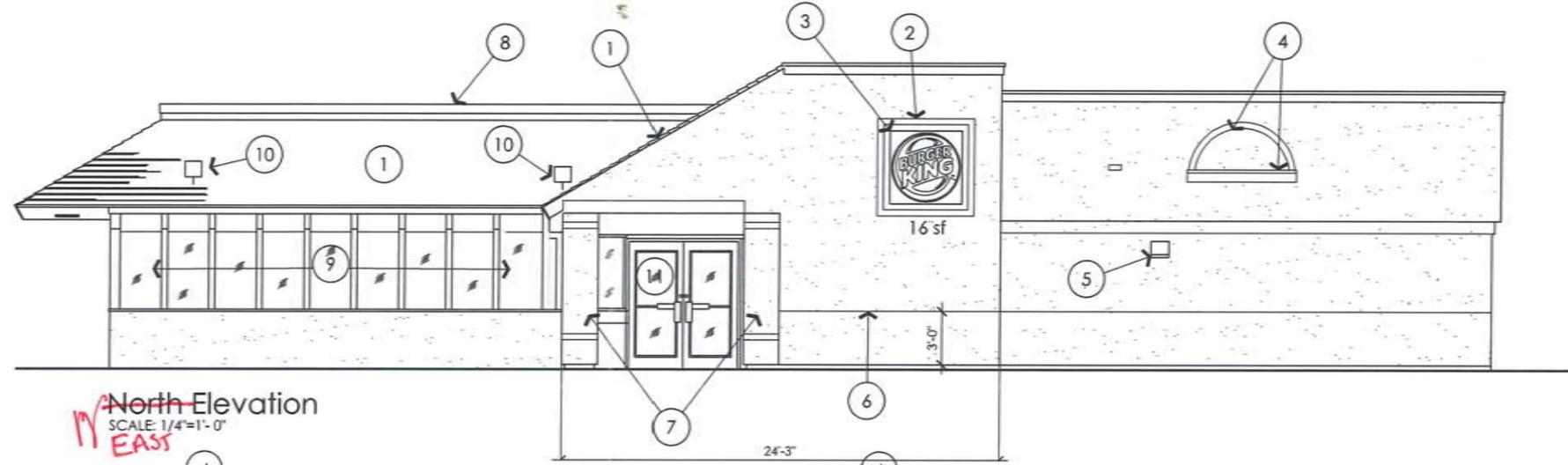
TITLE SHEET
SITE PLAN

T1

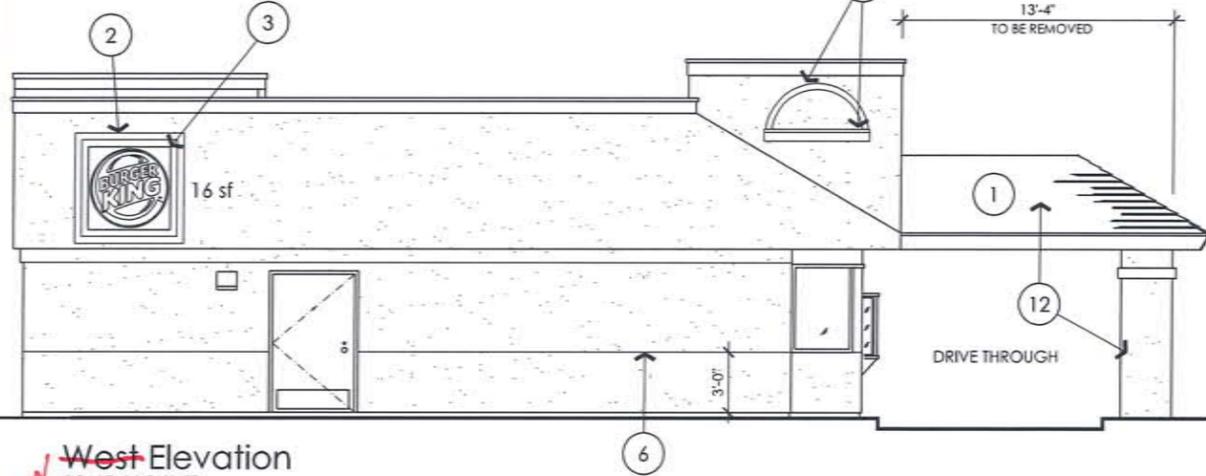
ALL INFORMATION ON THESE PLANS AND SPECIFICATIONS SHALL BECOME THE SOLE AND EXCLUSIVE PROPERTY OF BURGER KING CORPORATION. THESE PLANS ARE BEING DELIVERED TO YOU FOR USE TO OBTAIN A PERMIT TO CONSTRUCT A BURGER KING RESTAURANT. THE PLANS MAY NOT BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BURGER KING CORPORATION. THESE PLANS MAY NOT COMPLY WITH ALL FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS AND LOCAL LAWS AND CODE, INCLUDING, BUT NOT LIMITED TO, THE AMERICANS WITH DISABILITIES ACT.

REFERENCE NOTES

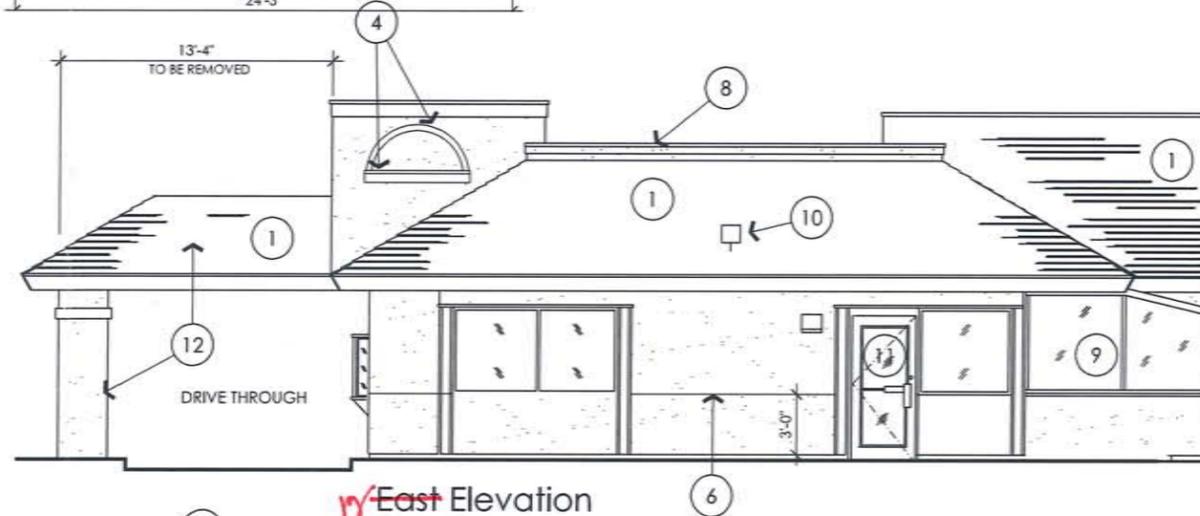
1. REMOVE EXISTING BLUE S' TILE ROOFING
2. REMOVE EXISTING 6" TRIM BANDS
3. EXISTING 4' x 4' ILLUMINATED SIGN TO BE REMOVED
4. REMOVE EXISTING DECORATIVE STUCCO ARCH AND SILL BANDS
5. EXISTING WALL MOUNT LIGHT TO REMAIN
6. EXISTING CONTRASTING STUCCO BAND
7. (E) STUCCO COLUMNS
8. (E) STUCCO PARAPET TO REMAIN
9. (E) ATRIUM STOREFRONT SYSTEM TO REMAIN
10. (E) ROOF LIGHT TO BE REMOVED
11. STOREFRONT ENTRY TO REMAIN
12. REMOVE ENTIRE DRIVE THROUGH CANOPY & COLLING.
13. EXISTING ILLUMINATED SIGN 4' dia. (12.3 sf) TO BE RELOCATED TO WEST ELEVATION.



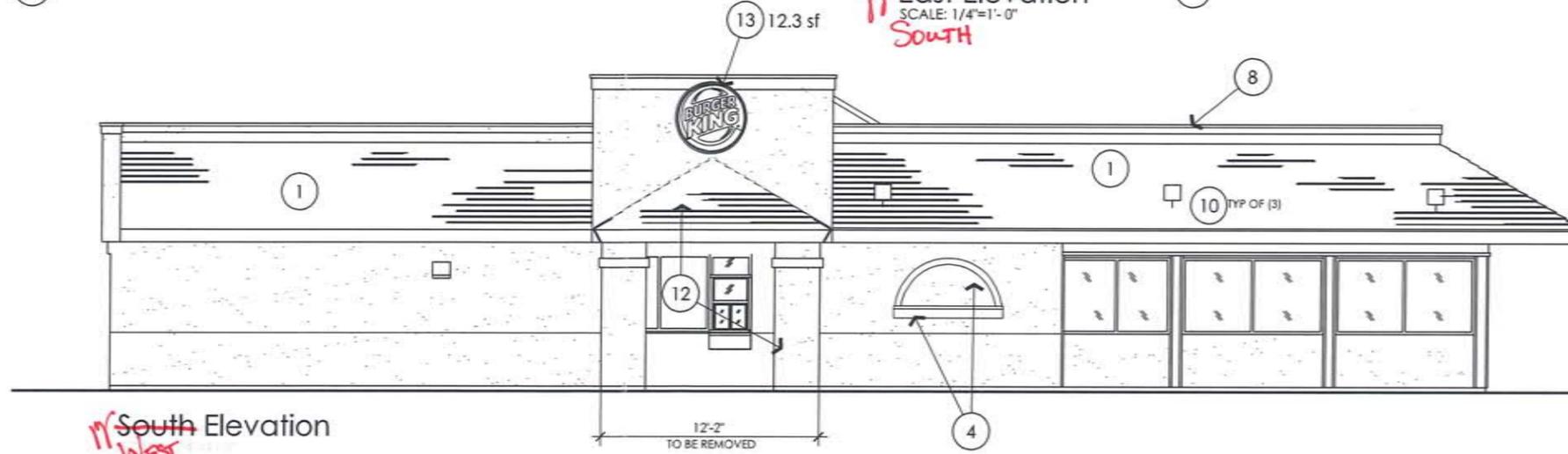
North Elevation
SCALE: 1/4"=1'-0"
N EAST



West Elevation
SCALE: 1/4"=1'-0"
N NORTH



East Elevation
SCALE: 1/4"=1'-0"
N SOUTH



South Elevation
N WEST

DRAWN BY:	CHECKED BY:	DATE:
NOI DATE:	REVISION:	

BURGER KING



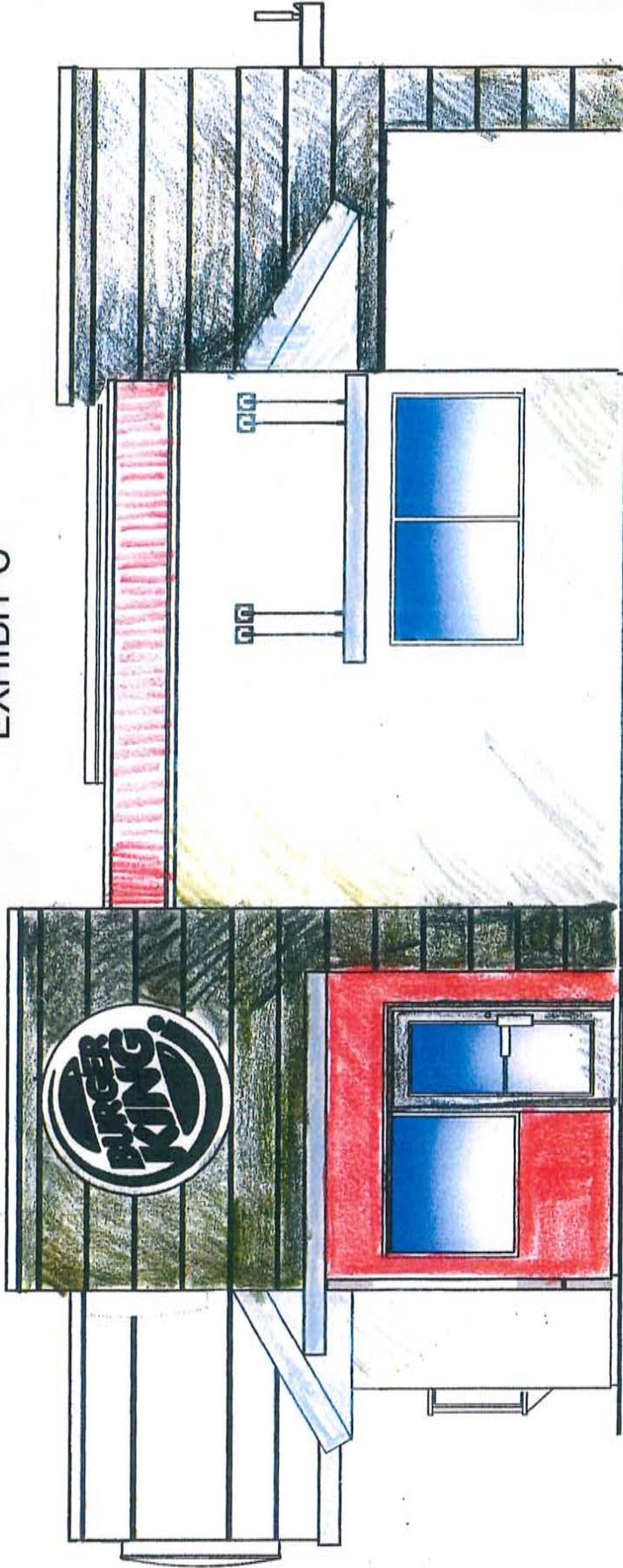
THESE PLANS AND SPECIFICATIONS SHALL BECOME THE SOLE AND EXCLUSIVE PROPERTY OF BURGER KING CORPORATION. NO PART OF THESE PLANS OR SPECIFICATIONS SHALL BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BURGER KING CORPORATION. ANY VIOLATION OF THESE TERMS SHALL BE CONSIDERED A BREACH OF CONTRACT AND SHALL BE SUBJECT TO LEGAL ACTION. BURGER KING CORPORATION IS NOT RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THESE PLANS. AUTHORIZED LICENSEES AND THEIR ARCHITECTS AND ADVISORS ARE RESPONSIBLE TO CONFORM THESE PLANS TO ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND CODES, INCLUDING, BUT NOT LIMITED TO, THE AMERICANS WITH DISABILITIES ACT.

AAC
PO BOX 29
CROVER BEACH, CA 93438
TEL: (805) 440-8817



DATE: 7/16/2015
781 Quintana Rd
Marina Bay, CA 93442
20/20 REMODEL GUIDES
APRIL 2014 DESIGN RELEASE
BK-50 FLOOR PLAN
AS-BUILT ELEVATIONS

EXHIBIT C



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AUG 13 2015

City of Morro Bay
Community Development Dept.

Grand Avenue Elevation

SCALE: 1/4"=1'-0"

COLOR BOARD

PAINT MANUFACTURER: GLIDDEN

AMAZING : 04YR 11/537

CAMEL TAN : 20YY41/165

MONTEREY CLIFFS : 10YY 14/080

DEEP ONYX : 00NN 07/000

METAL ROOFING

PURE ALUMINUM : 4308-9020

BURGER KING

1773 W Grand Ave

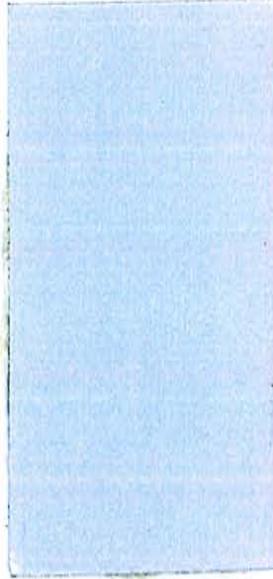
Grover Beach, Ca

DATE: 10/24/2014



Monterey Cliffs
10YY 14/080

WN26



Deep Onyx
00NN 07/000

CN65

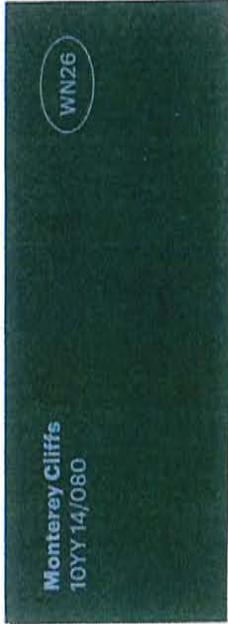
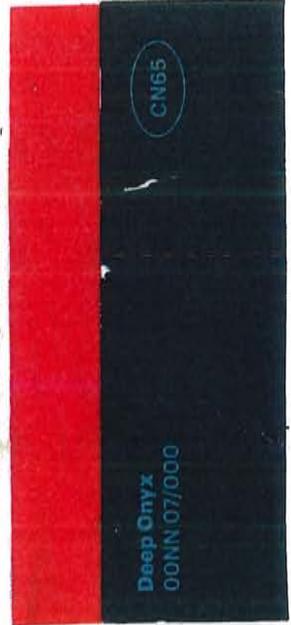


Exhibit D

PLANNING COMMISSION RESOLUTION NO. 88-84.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORRO BAY, CALIFORNIA, ANNOUNCING FINDINGS AND APPROVING A CONDITIONAL USE PERMIT FOR A FAST FOOD RESTAURANT

CASE NO. CUP 28-84

WHEREAS, the Planning Commission of the City of Morro Bay, California, did on the 4th day of September, 1984, hold a duly noticed PUBLIC HEARING to consider the request of BURGER KING CORPORATION for a Conditional Use Permit to allow a fast food restaurant for property located in the CZ (C-1) district, for property located at 781 Quintana Road; more particularly described as:

APN 66-281-26 and 27
Portion Lot 10 Tract 353,
Rancho San Bernardo

WHEREAS, said project has complied with the City of Morro Bay objectives, criteria and procedures for implementation of the California Environmental Quality Act, in that a Negative Declaration has been approved by the Planning Commission.

WHEREAS, at said PUBLIC HEARING, after considering the staff report and the arguments of all persons, if any, wishing to testify, the Planning Commission did find the following facts and reasons to justify granting approval of said Conditional Use Permit:

1. The use requested is properly one for the CZ (C-1) zone, and is consistent with the policies and objectives of the Morro Bay General Plan and Coastal Land Use Plan; and
2. The establishment, maintenance or operation of the requested use will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of this proposed use; and
3. The use requested will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

Exhibit D

PLANNING COMMISSION RESOLUTION NO. 88-84
Page Two

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

1. That the above recitations are true and correct and constitute the findings of the Commission on this matter; and
2. That the Commission does hereby approve Conditional Use Permit No. CUP 28-84, subject to the conditions attached hereto.

PASSED, APPROVED AND ADOPTED, on the 4th day of September, 1984, by the following vote to wit:

AYES: Commissioners , Reddell, Sheetz and Chairman Kolb.
NOES: Commissioner Opperman
ABSENT: Commissioner Hofstead

ALICE KOLB, Chairman

ATTEST:

MICHAEL MULTARI, Secretary

Exhibit D

PLANNING COMMISSION RESOLUTION NO. 89-84
Page Three

CONDITIONS OF APPROVAL CASE NO. CUP 28-84

STANDARD CONDITIONS

1. The Conditional Use Permit is granted for the project described in the application and any attachments thereto, and as shown on the site plan, plot plan, elevations, floor plan and sign program, labeled Exhibits "A" through "E", respectively.
2. Any minor change may be approved by the Planning and Community Development Director. Any substantial change will require the filing of an application for an amendment to be considered by the Planning Commission.
3. All requirements of any law, ordinance, or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
4. Prior to obtaining a building permit and within thirty (30) days hereof, the applicant shall file with the Planning and Community Development Director written acceptance of the conditions stated herein.
5. Compliance with and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Community Development Director and/or as authorized by the Planning Commission.
6. Unless the construction of the structure or facility is commenced not later than one (1) year after the effective date of approval and is diligently pursued thereafter, this approval will automatically become null and void. Any request for an extension to the term of this permit shall be submitted to the Community Development Department not later than sixty (60) days prior to the expiration date.

SPECIAL CONDITIONS

7. This approval is granted contingent upon certification by the California Coastal Commission of the city-approved Coastal Land Use Plan (LUP) amendment for the subject site which allows this type of use. Neither this permit nor a building permit may be issued unless and until such

Exhibit D

PLANNING COMMISSION RESOLUTION NO. 89-84
Page Four

certification occurs.

8. Prior to issuance of a building permit, applicant shall submit the following materials to the Director for review and approval:

- a. Exhibits of the proposed exterior colors.
- b. Detailed landscaping plan indicating type, size and location of all plant materials and proposed irrigation system.
- c. Detail of the trash receptacle enclosure.
- d. A plan showing the design and location of bicycle parking (bike racks).

9. The exterior of the building as illustrated on Exhibit "C" shall be modified as follows: The tile roof treatment illustrated on the southern end of the building shall be extended to the northern end of the building (eg: from the drive-up window to the northern end of the building on the left (south) elevation); a tiled canopy shall be extended over the drive through window; the roofline variation illustrated on the left (south) elevation shall be retained.

10. Applicant shall install low berm or attractively designed fence or wall, integrated with a variety of landscape materials, in the planter area between the Quintana Road sidewalk and the driveway for the drive-through service. Design of the berm, fence or wall as well as landscaping shall be submitted to the Director and subject to his approval.

11. Applicant shall revise sign program as follows:

- a) On the east elevation, as illustrated in Exhibit "C", the wall sign shall be affixed to the wall below the tile-roof eave line.
- b) On the west elevation, the Burger King logo shall be moved from its center location, above the eave line, to the northeast corner of the building. The sign shall also be lowered two feet with the bottom of the sign adjacent to the boxwood trim.
- c) On the north elevation, the wall sign mounted near the entrance, and above the eave line shall not be offset. Rather, the sign shall be centered on the wall subject to the Director's approval.
- d) All wall-mounted signs shall be inset and flush with the building facia.

Exhibit D

PLANNING COMMISSION RESOLUTION NO. 89-84

Page Five

- e) The proposed pole sign shall not exceed 25-feet in height nor 64 square feet in size (area).
 - f) The proposed monument sign shall be relocated on private property in a location approved by the Planning Director.
12. Applicant shall install a solid fence, design and location subject to approval by the Director, along the southern edge of the drainage channel; said fence shall not be less than four feet nor greater than six feet in height. The southern bank of the drainage channel shall be planted with appropriate native species to act as a visual buffer and for erosion control. Indication of the size, type and location of plant materials shall be included in the landscaping plan required pursuant to Condition 8 b. above.
 13. Applicant shall install new and/or upgraded curb, gutter, sidewalk, street trees and pavement between gutter and existing road pavement as required by and approved by the City Engineer.
 14. Prior to issuance of a building permit, applicant shall submit to the City Engineer for approval a drainage and grading plan showing method of disposal of on-site storm runoff; as part of this plan, applicant shall submit engineering calculations to demonstrate that the proposed drainage facilities will dispose of runoff from a 25-year storm, in accordance with City Engineering standards. Design of all on-site and off-site drainage facilities are subject to approval by the City Engineer and Building Inspector.
 15. Prior to issuance of a building permit, applicant shall submit to the City Engineer estimates of sewage generate by the project and an estimate of the potential impact on existing sewer line capacity. If required by the City Engineer, applicant shall install such sewerage facilities to mitigate impacts on the existing sewer line such as but not necessarily limited to holding tanks.
 16. At the time of the building permit issuance, applicant shall contribute a sum of \$4,000 to the City as the estimated proportion of the cost of installing the geometric realignment and eventual signalization needed to mitigate projected cumulative traffic impacts at the intersection of State Highway One, Morro Bay Boulevard and Quintana Road. Said monies shall be placed in a special fund established by the City and shall be used only for the design and/or construction of improvements to that intersection.

Exhibit D

PLANNING COMMISSION RESOLUTION NO. 88-84
Page Six

17. Applicant shall install the entire parking lot as illustrated on Exhibit "B". This approval does not include the commercial building besides the restaurant shown on Exhibit "B"; a separate permit shall be obtained for that. The building pad area shall be landscaped as part of the current project and details of the treatment shall be included in the plan required under 3.b above.
18. Prior to issuance of the building permit, applicant shall submit to the California Department of Transportation (CalTrans) construction plans for all facilities proposed within or adjacent to the drainage easement illustrated on Exhibit "A". Plans shall be subject to CalTrans' approval.
19. All public improvement facilities shall be in accordance with City standards subject to City Engineer's approval.
20. All utilities including electrical, telephone and cable television shall be install underground.
21. No construction shall take place prior to the approval and award of all necessary water equivalencies pursuant to the City's approved water allocation program.
22. Water saving devices shall be required in the project in accordance with the policies of the Morro Bay Coastal Land Use Plan and as approved by the Building Inspector.

Exhibit D

PLANNING COMMISSION RESOLUTION NO. 120-84

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORRO BAY, CALIFORNIA, ANNOUNCING FINDINGS AND APPROVING A COASTAL DEVELOPMENT PERMIT FOR A NEW FAST FOOD RESTAURANT

CASE NO. CDP 69-84

WHEREAS, the Planning Commission of the City of Morro Bay, California, did on the 3rd day of December, 1984, hold a duly noticed **PUBLIC HEARING** to consider the request of Burger King Corporation for approval of a Coastal Development Permit for a new one story, 2,435 square foot fast food restaurant located at 781 Quintana Road in the C-1 zone; more particularly described as:

APN 66-281-26 & 27
Portion of Lot 10 Tract 353,
Rancho San Bernardo

WHEREAS, said project has complied with the City of Morro Bay objectives, criteria and procedures for implementation of the California Environmental Quality Act, in that the project has not been found to present a significant adverse impact on the environment, and the Planning Commission did approve the filing of a Negative Declaration on September 4, 1984.

WHEREAS, at said **PUBLIC HEARING**, after considering the staff report and arguments of all persons, if any, wishing to testify, the Planning Commission did find the following facts and reasons to justify approval of said Coastal Development Permit:

Based on the findings and discussions contained in the Staff Report, which is incorporated hereto by this reference, the proposed project is consistent with the applicable provisions of the certified Local Coastal Program.

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

1. That the above recitations are true and correct and constitute the findings of the Commission in this matter; and

2. That the Commission does hereby approve Coastal Development Permit No. CDP 69-84, subject to the conditions attached hereto.

Exhibit D

PLANNING COMMISSION RESOLUTION NO. 120-84
Page Two

PASSED, APPROVED AND ADOPTED, on the 3rd day of December, 1984, by the following vote, to wit:

AYES: Commissioners Reddell, Hofstead, Opperman and Chairman Kolb.

NOES: None.

ABSENT: None.

ALICE KOLB, Chairman

ATTEST:

MICHAEL MULTARI, Secretary

Exhibit D

PLANNING COMMISSION RESOLUTION NO. 120-84
Page Three

CONDITIONS OF APPROVAL CASE NO. CDP 69-84

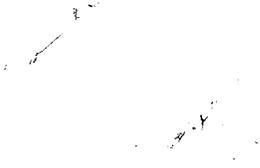
STANDARD CONDITIONS

1. The Coastal Development Permit is granted for the project described in the application and any attachments thereto. The location and design of all buildings and other features shall be substantially as shown on those exhibits approved for Case No. CUP 28-84 .
2. Unless the construction of the structure of facility is commenced not later than one (1) year after the effective date of approval and is diligently pursued thereafter, this approval will automatically become null and void. Any request for an extension to the term of this permit shall be submitted to the Community Development Department not later than sixty (60) days prior to the expiration date.
3. Any minor change may be approved by the Planning and Community Development Director. Any substantial change will require the filing of an application for an amendment to be considered by the Planning Commission.
4. All requirements of any law, ordinance or regulations of the State of California, City of Morro bay, and any other governmental entity shall be complied with in the exercise of this approval.
5. Prior to obtaining a building permit and within thirty (30) days hereof, the applicant shall file with the Director of Planning and Community Development written acceptance of the conditions stated herein.
6. Compliance with and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Planning and Community Development Director and/or as authorized by the Planning Commission.

SPECIAL CONDITIONS

7. The Coastal Development Permit is approved subject to all the same conditions attached to Case No. CUP 28-84, which are incorporated herein by this reference.

Exhibit D





AGENDA NO: B-4

MEETING DATE: September 15, 2015

Staff Report

TO: Planning Commissioners

DATE: September 9, 2015

FROM: Scot Graham, Community Development Manager

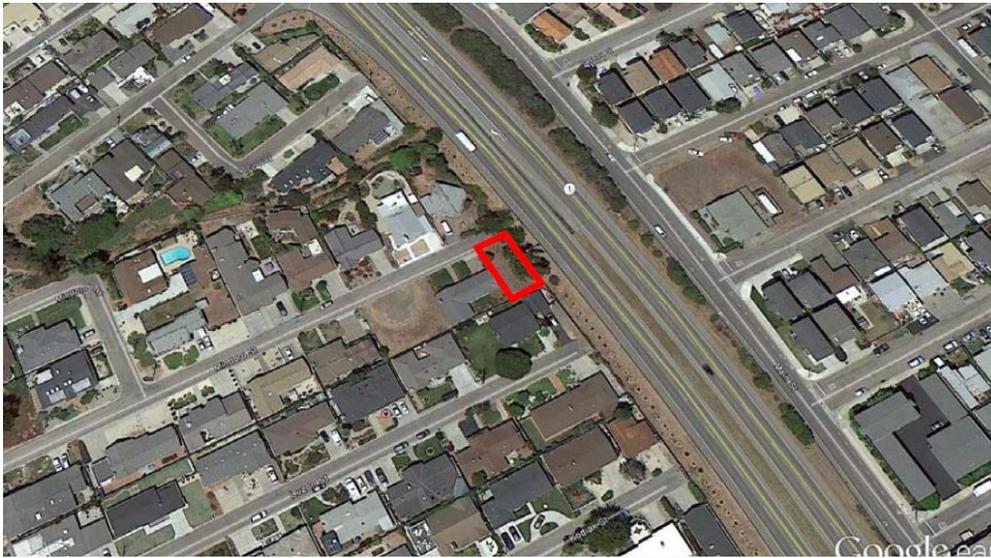
SUBJECT: Planning Commission review of General Plan conformity for disposition of vacant City owned property located on Mindoro Street, West of Highway 1, APN: 065-113-066.

RECOMMENDATION:

Adopt Resolution 33-15 finding the disposition of the subject property consistent with the City of Morro Bay General Plan

APPLICANT/AGENT: City of Morro Bay

LEGAL DESCRIPTION/APN: Mindoro Street on the West side of HWY 1; APN No. 065-113-066



PROJECT DESCRIPTION:

Vacant Mindoro Street lot, on the west side of Highway 1; APN: 065-113-066. Planning

Prepared By: SG

Department Review: _____

Commission review of General Plan conformance in association with the City sale of City owned property on Mindoro Street. The City has listed the subject property for sale and prior to any sale of publically owned property, California Government Code Section 65402(a) requires the Planning Commission to review and report on the property disposition as to conformity with the City's General Plan.

DISCUSSION:

The City Council has directed sale of a vacant lot located on Mindoro Street, on the west side of Highway 1, abutting the Highway 1 right of way. Before the City can sell the property, California government Code Section 65401(a) requires review of the property by the Planning Commission for conformance with the City's General Plan. Basically, the Planning Commission is reviewing the property against General Plan policies outlining the land use and any other policies in the City's General Plan that might call out a specific use for the project.

Section 65401(a) of the California Government Code Reads as follows:

If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, **and no real property shall be disposed of**, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

The subject property is shown outlined in red on the aerial provided above and is zoned R-1/S.2A (Residential with an Special Treatment Overlay) with a General Plan land use designation of Moderate Density Residential.

Ultimately, the property has been identified in both the General Plan and Zoning Ordinance as having a residential land use designation. There are no other policies in the General Plan that suggest any other use for the property and as such the Planning Commission can make the requisite findings that the property is consistent with the General Plan.

ENVIRONMENTAL DETERMINATION

The disposition of City owned property is exempt from the California Environmental Quality Act consistent with Section 15601(b)(3) of the guidelines covering the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a

significant effect on the environment, the activity is not subject to CEQA. The activity in question is not a project, but instead is the sale of property.

PUBLIC NOTICE:

Notice of a public hearing on this item was published in the Tribune newspaper on September 4, 2015, and mailed directly to all property owners and occupants of record within 300 feet of the subject site. The notices invited the public to attend the hearing and express any concerns they may have regarding the subject of the notice.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 33-15 finding that the subject property and potential future disposition of said property is in conformance with the City of Morro Bay General Plan.

EXHIBITS:

Exhibit A – Planning Commission Resolution 33-15

EXHIBIT A

RESOLUTION NO. PC 33-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION DETERMINING THAT THE DISPOSITION OF A VACANT CITY OWNED RESIDENTIAL LOT ON MINDORO STREET IS CONSISTENT WITH THE MORRO BAY GENERAL PLAN

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 September 15, 2015, for the purpose of considering General Plan conformant of a vacant City owned lot on Mindoro; APN: 065-113-066; and

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

WHEREAS, pursuant to California Government Code Section 65402(a), the Planning Commission shall determine that the proposed disposition of publicly owned property is in conformance with the adopted General Plan; and,

WHEREAS, the Planning Commission has duly considered all evidence, including public testimony, testimony of 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) Findings

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15601(b)(3) of the guidelines consistent with the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The activity in question is not a project, but instead is the sale of property.
2. The exceptions to the categorical exemptions identified in Section 15300.2 of the guidelines do not apply.

Section 2. Action. The Planning Commission does hereby find that the disposition of City owned property located on Mindoro Street is in conformance with the adopted City of Morro Bay General Plan.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 15th day of September, 2015 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Tefft, Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 15th day of September, 2015.