



# 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, October 20, 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 Adoption of Planning Commission Resolution No. 40-15 denying Coastal Development Permit CP0-410 and Conditional Use Permit UP0-369 for proposed development at 289 Main Street as directed at the 10/6/2015 Planning Commission meeting.

**Staff Recommendation:** Adopt Planning Commission Resolution No. 40-15

A-2 Approval of minutes from the Planning Commission meeting of September 1, 2015 and September 15, 2015.

**Staff Recommendation:** Approve minutes as submitted.

A-3 Current and Advanced Planning Processing List

**Staff Recommendation:** Receive and file.

B. PUBLIC HEARINGS

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

**B-1 Case No.: #UP0-429**

**Site Location:** 976 Ridgeway, Morro Bay, CA

**Project Description:** Request for Conditional Use Permit approval to add a 735 sq. ft. second story addition and 126 sq. ft. of exterior decking to an existing 1,692 sq. ft. single-family residence located within the R-1 residential zoning district and outside of the Coastal Commission Appeals Jurisdiction.

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

**Staff Recommendation:** Conditionally Approve

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

**B-2 Case No.: #CP0-365**

**Site Location:** 3093 Beachcomber, Morro Bay, CA

**Project Description:** Request for Coastal Development Permit approval and Mitigated Negative Declaration (MND) for new construction of a single-story 3,295 single family home with 519 square foot 2-car garage and 250 square foot deck on a vacant lot in the R-1/S.2A residential zoning district that sits adjacent to environmentally sensitive habitat (ESH). The project is located within the Coastal Commission Appeals Jurisdiction.

**CEQA Determination:** Mitigated Negative Declaration, (SCH#2014091051)

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and Conditionally Approve

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

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS

D-1 Discussion and Interpretation of Significant Public Benefit as a requirement within the Planned Development Overlay zone (MBMC 17.40.030)

**Staff Recommendation:** Review staff report and provide direction to staff

**Staff contact:** Cindy Jacinth, Associate Planner, (805) 772-6577

E. PLANNING COMMISSIONER COMMENTS

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on November 3, 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](http://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](http://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.

## RESOLUTION NO. PC 40-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION DENYING COASTAL DEVELOPMENT PERMIT (CP0-410) AND CONDITIONAL USE PERMIT (UP0-369) FOR CONSTRUCTION OF A NEW 3,386 SQUARE FOOT SINGLE-FAMILY RESIDENCE WITH 520 SQUARE FOOT GARAGE, and 356 SQUARE FEET OF DECKING AND 236 SQUARE FOOT COVERED PORCH ON A VACANT LOT AT 289 MAIN STREET

**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 1, 2015, for the purpose of considering Coastal Development Permit (CP0-410) and Conditional Use Permit (UP0-369) for construction of a new 3,386 square foot single-family residence with 520 square foot garage on a vacant lot at 289 Main Street and continued the hearing to the October 6, 2015 Planning Commission meeting; and

**WHEREAS**, Planning Commission meeting at its September 1, 2015 meeting directed the Applicant to submit revised plans which accurately calculate lot coverage excluding that portion of the property dedicated to the common driveway; correct square footage of home to include the lower story basement square footage in the total size of the proposed home; and revise plans to show a shortened/reduced deck along the south elevation which also reduces scale/mass along the west elevation which faces the Tidelands Parking lot.

**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 October 6, 2015, for the purpose of considering Coastal Development Permit (CP0-410) and Conditional Use Permit (UP0-369) for construction of a new 3,386 square foot single-family residence with 520 square foot garage and 356 sf of decking and 236 sf covered porch on a vacant lot at 289 Main Street with revised plans submitted; 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, whether written or oral, including without limitation, the testimony of the applicant, interested parties, consultants, City staff and all written and oral evaluations and recommendations by staff, presented at the September 1, 2015 and October 6, 2015 hearings.

**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**

- A. Pursuant to the California Environmental Quality Act Guidelines Section 15270, CEQA does not apply to projects that are disapproved or denied by the approval body.

**COASTAL DEVELOPMENT PERMIT FINDINGS FOR DENIAL**

- A. The project, as proposed, is not in conformance with the General Plan and Local Coastal Program because it is not consistent with the Zoning Ordinance Section 17.48.190 which implements the General Plan and is part of the Local Coastal Program. Specifically, the project, as proposed, is not visually compatible with the character of the surrounding neighborhood in terms of bulk, size, and scale.
- B. The project is not consistent with the Land Use Element Policy LU-15 which states, “The present human scale and leisurely, low-intensity appearance of Morro Bay should be maintained through careful regulation of building height, location and mass.”
- C. The project is not consistent with the Coastal Land Use Plan Policy 12.02 which states that permitted development shall be sited and designed to be visually compatible with the surrounding areas. Policy 12.02 includes criteria for architectural review which requires application of building height/bulk relationship to be compatible with existing surrounding uses.

**CONDITIONAL USE PERMIT FINDINGS**

- A. The project will be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the proposed single-family residence is not visually compatible with the existing surrounding uses and through its proposed design is not compatible with the surrounding neighborhood in terms of bulk, size, and scale.
- B. The project will be injurious or detrimental to property and improvements in the neighborhood because the home as proposed is not compatible with the surround neighborhood in terms of bulk, size, and scale as demonstrated through the revised plans submitted to the City dated September 23, 2015
- C. The project will be injurious or detrimental to the general welfare of the City because the single-family residence as proposed is not visually compatible with the surrounding neighborhood in terms of bulk, size and scale.

**Section 2. Action.** The Planning Commission does hereby deny Coastal Development Permit CP0-410 and Conditional Use Permit UP0-369 for property located at 289 Main Street.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 20<sup>th</sup> day of October, 2015 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Chairperson Robert Tefft

ATTEST

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Scot Graham, Community Development Manager

The foregoing resolution was passed and adopted this 20<sup>th</sup> day of October, 2015.

AGENDA ITEM:   A-2  

DATE:   October 20, 2015  

ACTION: \_\_\_\_\_

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – SEPTEMBER 1, 2015  
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Robert Tefft Katherine Sorenson Gerald Luhr Michael Lucas	Chairperson Vice-Chairperson Commissioner Commissioner
ABSENT:	Richard Sadowski	Commissioner
STAFF:	Scot Graham Joan Gargiulo Cindy Jacinth	Community Development Manager Contract Planner Associate Planner

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS  
<https://youtu.be/ZAq03rZOA60?t=2m7s>

Chairperson Tefft notified the Commissioners he will be adding at the beginning of each public hearing item, notifications of “Disclosure of Ex Parte Communications”.

PUBLIC COMMENTS

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

<https://youtu.be/ZAq03rZOA60?t=4m38s>

PRESENTATIONS – NONE

A. CONSENT CALENDAR

A-1 Approval of minutes from the Planning Commission meeting of July 7, 2015.  
**Staff Recommendation:** Approve minutes as submitted.

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

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

<https://youtu.be/ZAq03rZOA60?t=3m11s>

B. PUBLIC HEARINGS

**B-1 Case Number:** UP0-416  
**Site Location:** 900 Main Street, Morro Bay, CA

**Proposal:** Request for Minor Use Permit approval for Black Hill Siren bar and restaurant to be located at 900 Main Street. Includes interior remodeling to combine the existing restaurant and the existing bar; approximately 2,400 sq. ft. of interior customer space and 936 sq. ft. of outdoor patio area.

**CEQA Determination:** Categorically Exempt, Section 15301, Class 1

**Staff Recommendation:** Approve with conditions

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

<https://youtu.be/ZAq03rZOA60?t=5m12s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –  
NONE

Gargiulo presented staff report.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/ZAq03rZOA60?t=14m7s>

Paul and Kelly Boisclair, applicants, stated the conditions for the project have been reasonable and also thanked staff and the City for helping them.

Betty Winholtz, resident, stated her concerns regarding noise and street trees. She also noted her concern regarding the outdoor facility and how it would affect the residents.

Ross Hale, business owner, stated he is concerned about the loud noise at night and questioned the outside supervision at night and the hours of the live band.

Chairperson Tefft closed Public Comment period.

<https://youtu.be/ZAq03rZOA60?t=20m34s>

**MOTION:** Commissioner Luhr moved to approve PC Resolution 29-15 with additional conditions concerning seismic retrofitting, a sound mitigation plan, and an arborist report with regard to the existing street trees. Commissioner Luhr seconded the motion and the motion passed unanimously (4-0).

<https://youtu.be/ZAq03rZOA60?t=1h6m30s>

**B-2 Case No.:** #CP0-410 & UP0-369

**Site Location:** 289 Main Street

**Proposal:** Coastal Development Permit & Conditional Use Permit to construct a 2,882sf single family residence with 503sf basement and 520sf garage on a vacant lot. This project is located inside the Coastal Commission appeals jurisdiction.

**CEQA Determination:** Categorically exempt, Class 3

**Staff Recommendation:** Conditionally approve

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

<https://youtu.be/ZAq03rZOA60?t=1h35m28s>

Chairperson Tefft recused himself because he lives in close proximity to the project.

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –

Vice-Chairperson Sorenson stated she had a brief conversation with the applicant's representative.

Commissioner Lucas stated he met on site with the applicant's representative.

Chairperson Tefft received an email from the applicant's representative to meet regarding the project, but he notified her he would have to recuse himself.

Jacinth presented staff report.

Vice-Chairperson Sorenson opened Public Comment period.

<https://youtu.be/ZAq03rZOA60?t=2h3m57s>

Cathy Novak, agent, presented her report to the Commission.

Dorothy Cutter, resident, stated she wanted to know the exact square footage of the lot. She noted there wouldn't be any issues if the General Plan and Zoning Code was followed.

Vice-Chairperson Sorenson closed Public Comment period.

<https://youtu.be/ZAq03rZOA60>

Vice-Chairperson Sorenson opened Public Comment period.

<https://youtu.be/ZAq03rZOA60?t=2h20m42s>

Cathy Novak, agent, asked the Commissioners to give her more details on what the Commission wanted for the project so she could take the information back to the architect.

Vice-Chairperson Sorenson closed Public Comment period.

<https://youtu.be/ZAq03rZOA60?t=2h21m37s>

**MOTION:** Commissioner Luhr moved to continue CP0-410/ UP0-369, to the October 6<sup>th</sup> Planning Commission Meeting with direction to the applicant (See directions below). Commissioner Lucas seconded. Motion passed unanimously (3-0).

<https://youtu.be/ZAq03rZOA60?t=2h25m8s>

The direction of the Planning Commission was to submit revised plans which include:

1. Calculate actual lot coverage which excludes from lot size the portion of the common driveway; includes all structures on the property namely the sheds situated on the west side of property; and includes the decks.
2. Revise plan title sheet to reflect correct square footage of home which includes the basement for a total square footage of 3,385.9sf.
3. The rear deck along the south to be shortened along with a revised design which reduces the scale/mass along the west elevation which faces the Tidelands parking lot.

**B-3**

**Case No.:** #UP0-424

**Site Location:** Coleman Drive, 100 feet from Morro Rock near Target Rock

**Proposal:** Conditional Use Permit to erect a Fishermen's Family Sculpture as a memorial tribute to families of mariners. Sculpture to consist of a wife, son and daughter facing the bay to be located off Coleman Drive near Target Rock and southeast of Morro Rock.

Height of sculpture to be 5 feet 9 inches on a foundation base approximately 12 feet by 7 feet. This project is located in the original jurisdiction of the California Coastal Commission.

**CEQA Determination:** Categorical exempt, Class 3

**Staff Recommendation:** Conditionally approve

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

<https://youtu.be/ZAq03rZOA60?t=1h9m9s>

#### COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –

Commissioner Lucas discussed the project with the owner's representative.

Chairperson Tefft emailed the applicants representative to discuss protection from auto accidents and vandalism.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/ZAq03rZOA60?t=1h18m23s>

Cathy Novak, agent for applicant, presented her report and answered questions from the Commissioners.

Laurie French, Fisherman Wives, thanked the Commission for their support.

Dorothy Cutter, resident, stated she liked the project and suggested an area for placement of the statue.

Linda Merrill, resident, asked the Commissioners if there was a long range plan to extend the boardwalk to the statue.

Chairperson Tefft closed Public Comment period.

<https://youtu.be/ZAq03rZOA60?t=1h27m19s>

**MOTION:** Commissioner Lucas moved to approve UP0-424 as submitted. Vice-chairperson Sorenson seconded the motion and the motion passed unanimously (4-0).

<https://youtu.be/ZAq03rZOA60?t=1h33m14s>

**B-4**

**Case No.:** #CP0-471

**Site Location:** 110 Orcas

**Proposal:** Coastal Development Permit to construct a 2,058sf single family residence with 480sf subterranean garage on a vacant lot in the S-2A overlay zoning district. This project is located inside the Coastal Commission appeals jurisdiction.

**CEQA Determination:** Categorical exempt, Class 3

**Staff Recommendation:** Conditionally approve

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

<https://youtu.be/ZAq03rZOA60?t=2h26m9s>

#### COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –

Vice-Chairperson Sorenson stated she had a brief conversation with the neighbor.

Jacinth presented staff report.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/ZAq03rZOA60?t=2h43m9s>

Don Doubledee, architect, presented his report to the Commission.

Chairperson Tefft closed Public Comment period.

<https://youtu.be/ZAq03rZOA60?t=2h50m26s>

**MOTION:** Vice-Chairperson Sorenson moved to approve PC 31-15 with one additional finding and three additional conditions (See finding and conditions below). Commissioner Lucas seconded the motion. Motion passed (4-0).

<https://youtu.be/ZAq03rZOA60?t=3h16m26s>

110 Orcas

Added finding:

1. The Planning Commission finds that the legislative intent of Ordinance No. 483 of the City of Morro Bay and of Section 17.40.050(D)(7.) of the Municipal Code of the city of Morro Bay is to prohibit construction of more than a single “story above grade plane”, as that term is defined by the California Building Code (CCR, Title 24, Part 2, Chapter 2), and that the project is consistent with those ordinances, as so intended.

110 Orcas

Added conditions:

1. If a sump pump or ejector pit is used in the onsite sewer design, a backup energy supply with overflow storage shall be provided.
2. The grading plan and building cross section drawings shall clearly demonstrate that the garage is more than 50% below grade, consistent with the basement definition utilized in the California Building Code, in order to be in compliance with the S.2A overlay requirements which prohibit wo-story construction. Grading and building cross section drawings shall be included in the project plan set submitted Building Permit review.
3. Drainage area to the west and south of the property shall remain unvegetated in its natural state as shown on the conceptual landscape plan as presented to the Planning Commission and made a part of this coastal development permit (CP0-471).

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

Commissioner Lucas stated he was delighted to see people talking to their neighbors about their problems.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

G. ADJOURNMENT

The meeting adjourned at 9:18 p.m. to the regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on September 15, 2015, at 6:00 p.m.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING –SEPTEMBER 1, 2015

\_\_\_\_\_  
Robert Tefft, Chairperson

ATTEST:

\_\_\_\_\_  
Scot Graham, Secretary



**MOTION:** Commissioner Sadowski moved to approve the Consent Calendar. Vice-Chairperson Sorenson seconded the motion and the motion passed unanimously (5-0).  
<https://youtu.be/RO8a23dRD2Q?t=7m59s>

B. PUBLIC HEARINGS

**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

<https://youtu.be/RO8a23dRD2Q?t=8m26s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –  
NONE

Gargiulo presented the staff report.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/RO8a23dRD2Q?t=18m7s>

Jason Blankenship, applicant, presented his report to the Commissioners.

Chairperson Tefft closed Public Comment period.

<https://youtu.be/RO8a23dRD2Q?t=25m42s>

**MOTION:** Commissioner Luhr moved to approve Resolution PC 35-15 with the condition that the project be submitted to the Coastal Commission for a CDP within six months and to substantially retain the submitted design in Exhibit D. Vice-Chairperson Sorenson seconded the motion and the motion passed unanimously (5-0).

<https://youtu.be/RO8a23dRD2Q?t=36m21s>

**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

<https://youtu.be/RO8a23dRD2Q?t=37m46s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –  
NONE

Commissioner Luhr recused himself because he is the agent for the project.

Gargiulo presented staff report.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/RO8a23dRD2Q?t=45m8s>

Ron Jordan, applicant, stated the reasons for the project.

Chairperson Tefft closed Public Comment period.

<https://youtu.be/RO8a23dRD2Q?t=51m42s>

**MOTION:** Vice-Chairperson Sorenson moved to approve Resolution PC 36-15.  
Commissioner Lucas seconded the motion and the motion passed unanimously (4-0).

**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

<https://youtu.be/RO8a23dRD2Q?t=58m19s>

Gargiulo presented staff report.

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –  
NONE

Chairperson Tefft opened Public Comment period.

<https://youtu.be/RO8a23dRD2Q?t=1h6m52s>

John Mack, agent for the applicant, presented his report to the Commissioners.

Chairperson Tefft closed Public Comment period.

<https://youtu.be/RO8a23dRD2Q?t=1h20m35s>

Chairperson Tefft opened Public Comment period.

<https://youtu.be/RO8a23dRD2Q?t=1h23m26s>

John Mack, agent for the applicant, showed a picture of what the blade wall and drive through will look like.

Chairperson Tefft closed Public Comment period.

<https://youtu.be/RO8a23dRD2Q?t=1h25m18s>

**MOTION:** Commissioner Sadowski moved to approve Resolution PC 34-15 with an additional two findings and one condition (See below for added findings and condition). Vice-Chairperson Sorenson seconded the motion and the motion passed 4-1 with Commissioner Lucas dissenting.

<https://youtu.be/RO8a23dRD2Q?t=2h3m50s>

781 Quintana

Findings:

1. The free standing blade wall structure located 5 feet from the south-side entryway is found to be an architectural element of the building and not a free standing sign, which utilizes consistent colors, materials, and architectural style to that of the overall building.
2. Use of the blade wall is consistent with architecture of the site and surrounding commercial area, but may not be an appropriate architectural component for commercial development in other areas of Morro Bay, like the downtown.

781 Quintana

Condition:

1. The Applicant shall provide additional landscaping to include three new trees at the following locations: at the northwest corner of the lot between the drive-through lane and Quintana Road, adjacent to the monument sign located near Quintana Road on the south side of the property, and within the eastern side of the landscaped area across the parking lot from the south entry to the building.

**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.

<https://youtu.be/RO8a23dRD2Q?t=2h5m33s>

Graham presented staff report.

**MOTION:** Commissioner Lucas moved to continue the item to the next meeting on October 6th. Commissioner Luhr seconded the motion and the motion passed unanimously (5-0).

C. UNFINISHED BUSINESS - NONE

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING –SEPTEMBER 15, 2015

D. NEW BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

Commissioner Luhr asked staff what the process was for receiving underground utilities for a neighborhood.

Graham responded, the neighborhood would need to form a Utility District and recommended they attend the City Council Meetings. This would give direction to staff and what steps would need to take place.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

Graham announced he will be taking ordinance AB2188 (Solar Assembly Build) for implementation to City Council on the second meeting of October.

G. ADJOURNMENT

The meeting adjourned at 9:37 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on October 6, 2015, at 6:00 p.m.

\_\_\_\_\_  
Robert Tefft, Chairperson

ATTEST:

\_\_\_\_\_  
Scot Graham, Secretary



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

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

Agenda No: A-3

Meeting Date: October 20, 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
<b>Hearing or Action Ready</b>										
1	Reddell	310 Trinidad	6/1/15	CP0-479 & UP0-431	<b>Admin Coastal Development Permit &amp; Minor Use Permit for new SFR on a vacant lot</b>	JG - Under initial review. Sent back for corrections and need an MUP. MUP applied for on 9-8-15. Noticed 9/29/15		PN- Conditionally approved with comments - 6/12/15		jg
2	LaPlante	3093 Beachcomber	11/3/11	CP0-365	<b>Coastal Development Permit for New SFR in appeals jurisdiction. Proposed SFR of 3,495sf w/ 500 sf garage on vacant land.</b>	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	Conditionally approved, per memo 9/22/15	cj
3	Strassel	976 Ridgeway	8/14/15	UP0-429	<b>CUP for 735 sf addition to upper level of SFR, adding 126 sf of balcony to existing deck area</b>	Reviewed and agendized for 10-20-15 PC meeting		PN- Conditionally Approved - 9/1/2015		jg

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
4	Hough	289 Main	10/16/13	CP0-410 & UP0-369	<b>CDP and CUP to construct a 2,578sf single family home on vacant lot</b>	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. Denied at 10-6-15 hearing. Resolution for denial on 10-20-15 agenda	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
5	Redican	725 Embarcadero Rd.	6/26/13	UP0-359	<b>Use Permit for seven boat slips and gangway</b>	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. Requested continuance at 10-6-15 PC meeting to modify project description.	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
<b>30 -Day Review, Incomplete or Additional Submittal Review</b>										
6	Eisemann	535 Atascadero	10/12/15	CP0-490 & S00-125	<b>Parcel map application &amp; CDP to split 1 R-4 zoned lot in to two lots.</b>					
7	Elliott/ Bernal	2620 Laurel Ave	9/30/15	CP0-489	<b>Admin CDP for new 2,461sf Single family home w/ 710 sf garage and 1495sf of balcony</b>					jg
8	Dyegy	1290 Embarcadero	9/18/15	CP0-488	<b>Demolition of various outlying buildings/ modulars, metal buidings, tanks &amp; shed.</b>	Project reviewed and intial study prepared and circulated.on 9-18-15.				wm

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9	Garcia	500 Kings	8/20/15	CP0-487 & UP0-432	New 2,434 sf SFR with 672 sf garage and 228 sf of decking / Admin CDP and MUP for use of a common driveway.	WM Under initial Review. New SFR with common driveway		PN- Conditionally Approved - 9/14/2015		wm
10	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.				
11	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 Incomplete letter sent 10-9-15. CJ.				cj
12	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. In process.				
13	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
14	Tobin	326 Panay	6/11/15	UP0-425/ CP0-480	New SFR in R-4 zone. AD0, CDP and MUP for 1486sf SFR and 446sf garage with setback variance request	WM Under review.				wm
15	Gambril	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
16	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
17	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. Change in agent.				wm
18	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
19	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

#	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
20	Knight / Verizon	485 Piney Way	1/29/15	CP0-460 & UP0-402	<b>CDP /CUP for Verizon wireless telecommunications facility (panel antennas &amp; equipment cabinet)</b>	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
21	Chivens	431 Kern	1/6/15	CP0-456	<b>Admin Coastal Development Permit.</b> Demo existing structure. New 3,000+/- SF SFR. Development of 2nd home where previous CDP for 431 Kern approved 9-2014. WM	WM Permit issued 6/23/15.	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
22	Verizon / Knight	184 Main	11/19/14	UP0-394	<b>Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.</b>	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
23	Leage	833 Embarcadero	9/15/14	UP0-389	<b>Demolish existing building. Reconstruct new 1 story building (retail/restaurant use) &amp; outdoor improvements</b>	Under review. Deemed incompletd. 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
24	Wordeman	2900 Alder	7/28/14	CP0-447	<b>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.</b>	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 10/5/15		jg
25	Sonic	1840 Main St.	8/14/13	UP0-364 & CP0-404	<b>Conditional Use Permit and Coastal Development Permit to develop Sonic restaurant.</b>	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. Stormwater Control Plan also being reviewed.	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- on hold until Sonic submits Preliminary Stormwater Requirements. RPS: Intial conditions provide by memos of 9/10/13 and 10/14. Met with Caltrans on 10/17.		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
26	Perry	3202 Beachcomber	9/8/2011 & 10/25/2012	AD0-067 / CP0-381	<b>Variance.</b> 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		
<b>Planning Commission Continued projects</b>										
27	Merrifield	1147 West St.	4/24/15	CP0- 469 & UP0-414	<b>Coastal Development and Conditional Use Permits to construct new SFR subject to bluff development stds.</b>	WM Phase 1 arch report req'd. Continued to a date uncertain		PN - Conditionally approved with comments-6/1/15		wm
28	Wright	1149 West St.	4/24/15	CP0-470 & UP0-415	<b>Coastal Development and Conditional Use Permits to construct new SFR subject to bluff development stds.</b>	WM Phase 1 arch report req'd. Continued to a date uncertain		PN - Conditionally approved with comments-6/1/15		wm
29	Seashell Estates, LLC	361 Sea Shell Cove	1/26/15	CP0-459/ UP0-401	<b>Coastal Development Permit/Conditional Use Permit for new SFR. Lot 4 of 1305 Teresa Subdivision</b>	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
30	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	<b>Environmental documents for Nutmeg Tanks.</b> 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		?
<b>Environmental Review</b>										
31	City of Morro Bay	N/A		UP0-423	<b>MND for Chorro Creek Stream Gauges</b>	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

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<b>Grants</b>										
32	Coastal Conservancy, California Coastal Commission, California Ocean Protection Council	City-wide			<b>\$250,000 Grant Opportunity for funding for LCP update to address sea-level rise and climate change impacts.</b>	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		
33	City of Morro Bay	City-wide			<b>Community Development Block Grant/HOME Program - Urban County Consortium</b>	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. 2016 Program year applications due 10/23/15	No review performed.	N/R		
34	City of Morro Bay	City-wide			<b>Climate Action Plan - Implementation</b>	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.				
<b>Project requiring coordination with another jurisdiction</b>										
35	City of Morro Bay	Outfall			<b>Original jurisdiction CDP for the outfall and for the associated wells</b>	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		
36	City of Morro Bay Desal Plant	170 Atascadero			<b>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.</b>	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.		
<b>Final Map Under Review</b>										

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37	Medina	3390 Main	10/7/11	Map	<b>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</b>	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										
38	Maritime Museum Association (Larry Newland)	Embarcadero	11/21/05	UP0-092 & CP0-139	<b>Embarcadero-Maritime Museum (Larry Newland).</b> 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.		
39	James Maul	530, 532, Morro Ave 534	3/12/10	SP0-323 & UP0-282	<b>Parcel Map.</b> 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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40	City of Morro Bay	Citywide	10/16/13	A00-013	<b>Zoning Text Amendment - Second Unit</b>	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
41	City of Morro Bay	Citywide	2/1/13	Ordinance 556	<b>Wireless Amendment - LCP Amendment</b> 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 preformed.	N/A		sg
<b>Projects Appealed or Forwarded to City Council</b>										
42	Frye	3420 Toro Lane	1/13/14	CP0-419 & UP0-383	<b>Coastal Development Permit and Conditional Use Permit for New 2,209sf SFR and 551sf garage w/ approx. 300 sf of decking on vacant lot.</b>	WM. Revising MND. MND complete and routed to State Clearinghouse on 6-6-15. hearing on August 18, 2015. Approved by PC on 10-6-15. Appealed to Council and pending hearing date.	BC-disapproved- need geologic and engineering geology report.FD/TP Approve2/24/14	RPS conditinoally approved per memo of 7/20/14		wm

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3	City of Morro Bay	Citywide	6/19/13	A00-015	<b>Sign Ordinance Update.</b> 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
<b>Projects in Building Plan Check</b>										
4	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		
5	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.		
46	Tays	982 Carmel	10/1/15	B-30684	SFR Alteration and 65sf addition (includes new bathroom)			PN- Disapproved. Requires Sewer video & plan updates, per memo dated 10/12/15		
47	Diaz	365 Driftwood	8/14/15	B-30601	SFR Addition of 328sf upstairs to create Master bedroom and bathroom.	JG. Plans disapproved, incomplete.		PN- Approved 10/5/15		
48	Held	901 Embarcadero	9/10/15	B-30622	Phase 1- Repair Building Façade, construct new awing and replace curb, gutter and sidewalk.					
49	Leage	1205 Embarcadero	9/10/15	B-30651	686sf second story addition			PN- Approved 10/1/15, no memo.		
50	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.		
51	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		
52	Guldenbrein	481 Estero	9/22/15	B-30670	Remove & Replace 348sf sunroom to existing SFR			PN- Disapproved for plan correction, per memo 9/24/15		

#	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
53	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		
54	Decker	430 Fresno	6/8/15	B-30491	Convert existing laundry room into bathroom.			PN- Disapproved, needs sewer video & bwv 6/12/15		
55	Reynolds	2509 Greenwood	6/25/15	B-30544	Demo burned down home & install new 26x46 manufactured house.	OK. JG. Noticed for CDP 8-3. Building plans approved.		PN- Conditionally Approved. Req. new sewer -8/25/2015		
56	Monie	2577 Greenwood	5/18/15	B-30471	2-story Addition to SFR: 935sf			PN-Disapproved, needs sewer video & EC-6/8/15		
57	Jackson, Addis	2860 Greenwood	9/2/15	B-30639	Detached 160sf Guest cottage			PN-Disapproved, needs sewer video & EC-9/8/15		
57	Barbis	165 Hatteras	8/27/15	B-30623	93sf Addition to front exterior of SFR			PN- Conditionally approved -9/2/15		
58	Hurlless	2265 Hemlock	8/27/15	B-30477	SFR Garage converted to 492sf apartment with new bedroom and bathroom.			PN- Disapproved needs sewer lateral video-		
59	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.	PN-Disapproved, needs swr video & plan corrections. 9/24/15		
60	Chivens	431 Kern		B30482	Demo Existing625 S.F. Residence Construct 2,274 S.F. SFR & 550 S.F. Garage	Conditionally approved 7-16. WM	Returned for corrections June 23, 2014			
61	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		
62	Tobin	315 Las Vegas	6/16/15	B-30524	New two homes on one lot	Waiting for CDP approval. JG. Building plans approved		PN-Approved 10/9/15		
63	Tobin	325 Las Vegas	6/16/15	B-30533	New two homes on one lot	Waiting for CDP approval. JG. Building plans approved		PN- Approved 10/9/15		
64	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 10/9/15		
65	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		PN 9/30/15 Approved as submitted. No memo		
66	Candy Fish Sushi	898 Main	2/23/15	B-30380	Demise wall to add inside seating in restaurant	Approved 2/26/15 JG				
67	Dyson	117 Main	8/18/14	B-30248	Covered Patio	Corrections. 9-5-14. WM.	BC-Returned for corrections 9/8/14.	NRR		
68	Boisclair	900 Main	8/5/15	B-30587	Commerical Interior Remodel, with new restrooms, removing existing driveway & street trees	Building plans approved 9/29/15. JG		PN- Disapproved, need update to Arborist Report, 10/12/15		
69	Tobin	2500 Main	6/16/15	B-30534	New SFR	Waiting for CDP approval. JG. Building plans approved		PN- Approved, 10/12/15		
70	Tobin	2540 Main	6/16/15	B-30535	New SFR	Waiting for CDP approval. JG. Building plans approved		PN- Approved, 10/12/15		
71	Meisterlin	315 Morro Bay Blvd.	9/12/14	B30275	Commercial Alteration-Handicap restroom	Approved 9/25/14. C.J.	BC-returned for corrections 10/2/14.	RPS returned for corrections per memo of		

#	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
72	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		
73	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		
74	Humarian	781 Quintana	9/2/15	B-30470	Remodel exterior & interior w/ADA restrooms & parking lot upgrades.	Holding Building permit approval until approved on consent at 10/6/15 PC meeting		PN- Disapproved per memo 9/14/15		
75	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- Approved 10/5/15		
76	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		
77	Schmall	890 Shasta	9/29/15	B-30679	Remodel existing commercial space to expand on adjacent space.			PN- Plans Approved - 9/30/15		
78	Reddell	310 Trinidad	6/1/15	B-30508	New 1763sf SFR w/427sf garage & 150sf storage/deck.	JG. waiting on planning permit approval.		PN- Plans disapproved. Need lateral sewer video & plans update -9/14/15		
79	Barbis	166 Vashon	8/27/15	B-30623	186sf Addition to front exterior of SFR			PN- Plans disapproved for plan corrections - 9/30/15		

**Projects & Permits with Final Action**

1	Burger King	781 Quintana	8/13/15	A00-028	<b>Amendment to CUP 28-84 and CDP 69-84 to allow building façade changes and dining room.</b>	PC 9/15/15, 2 findings and 1 condition added to Reso. No. 34-15. Approval is on consent calendar for PC meeting on 10/6/15				jg
2	Central Coast Women For Fisheries	Coleman Drive/ Morro Rock	6/22/15	UP0-424	<b>CUP for placement of lifesize statue near Morro Rock.</b>	Review complete. Schedule for PC hearing on 9-1-15. Forwarded favorable recommendation to Council 9-1-15. Council approved 10-13-15.				cj
3	Schmidt	300 Shasta	7/30/15	UP0-428	<b>Conditional Use Permit - Remodel 1st floor and add second floor addition (929 sf) to existing SFR.</b>	WM Review complete. Scheduled for PC hearing 10/6				
4	Boisclair	900 Main St.	4/24/15	UP0-416	<b>Business change. Combine 2 separate uses, bar &amp; restaurant</b>	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



AGENDA NO: B-1

MEETING DATE: October 20, 2015

## Staff Report

**TO:** Planning Commissioners **DATE:** October 20, 2015  
**FROM:** Joan Gargiulo, Contract Planner  
**SUBJECT:** Conditional Use Permit (#UP0-429) Request to allow an addition to a single-family residence with a nonconforming rear-yard setback at 976 Ridgeway Street, located within the R-1 Residential Zoning District and outside of the Coastal Commission Appeals Jurisdiction.

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by approving Planning Commission **Resolution 41-15** which includes the Findings and Conditions of Approval for the project depicted on site development plans date stamped received August 14, 2015.

**APPLICANTS:** Steve Barragar and Nancy Sadja

**DRAFTSPERSON:** Charles Kleemann

**LEGAL DESCRIPTION/APN:** 066-244-022

**PROJECT DESCRIPTION:**

The Applicant is requesting Conditional Use Permit approval for a conforming addition to a nonconforming single-family residence. The Applicants propose to add a 735 square-foot second story addition and 126 square feet of exterior decking to an existing 1,692 square-foot single-family residence with a nonconforming 6 foot rear-yard setback where 10 feet is the requirement. See "Project Analysis" section below.

**PROJECT SETTING:**

The project is located in the Central Morro Bay residential neighborhood, designated as Planning Area 7 in the Local Coastal Plan. The parcel at 976 Ridgeway Street lies to the west of the State Park, north of the golf course, and to the east of Kern Avenue. The mostly level, rectangular-shaped 5,580 square-foot lot located at the corner of Ridgeway Street and Tulare Avenue is in the R-1 Single-Family Residential Zoning District. Housing in the surrounding area includes a variety of one- and two-story homes. The site is located outside of the Coastal Commission Appeals Jurisdiction.

Prepared By: JG

Department Review: SG



Vicinity Map

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

Site Characteristics	
<b>Site Area</b>	5,585 square feet
<b>Existing Use</b>	Single-Family Residential
<b>Terrain</b>	Virtually level and developed
<b>Vegetation/Wildlife</b>	Ornamental landscaping
<b>Archaeological Resources</b>	No significant resources within 300 feet of subject parcel
<b>Access</b>	Ridgeway Street and Tulare Avenue

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



View from Ridgeway Street



View from Tulare Avenue

**PROJECT ANALYSIS:**

**Municipal Code Consistency**

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.

Records indicate that the existing residence is the result of a demolition/reconstruction that occurred in 1992. At that time the zoning regulations, specifically the setback requirements, were the same as the requirements today; when built, a 10 foot rear-yard

setback was required. The project was approved with a 6 foot rear-yard setback which created a nonconforming structure. A variance was not issued for this inadequate setback. A 150 square-foot bathroom addition with a 200 square-foot second story deck was constructed in 2011; this project was approved as a one-time addition to a nonconforming structure. Subsequent additions will require Conditional Use Permit Approval pursuant to Section 17.56.160 of the Morro Bay City Zoning Ordinance (the “Zoning Ordinance”).

As stated above, the existing residence does not conform to the current rear-yard setback requirements as set forth in Section 17.24.040 of the Zoning Ordinance. The existing residence has a 6 foot rear-yard setback where 10 feet is required. The proposed addition shall be in conformance with all setback standards, including the spiral staircase which projects into the 10 foot rear-yard setback. Pursuant to Section 17.48.120 of the Zoning Ordinance, open and uncovered outdoor stairways may project not closer than 3 feet to any rear lot line. The proposed spiral staircase projects 2 feet into the rear-yard setback; 8 feet away from the rear lot line.

<b>Z o n i n g   O r d i n a n c e   S t a n d a r d s</b>			
	Standards	Existing	Proposed
Front Setback	20 feet	21’6”	21’6”
Interior Side-Yard Setback	5 feet	6’8”	6’8”
Exterior Side-Yard Setback	10 feet	10 feet	10 feet
Rear Setback	10 feet	<b>6 feet</b>	<b>10 feet</b>
Height	Max. 25 Feet	23’9”	23’9”
Lot Coverage	Max. 45%	28.7%	33.6%
Parking	2 Car Garage	2 Car Garage	2 Car Garage

**Conditional Use Permit Requirement**

The Zoning Ordinance, subsection 17.56.160A, requires approval of a conditional use permit for any nonconforming structure that has already been expanded in the past. The project proposes to add a 735 square-foot second story addition to a nonconforming structure. As noted above, the structure is nonconforming with regard to the rear-yard setback and the design of the addition is compliant with the 10-foot minimum rear setback requirement. 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 addition is 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 an addition to a single-family dwelling, which is an allowed use in the R-1 zone. The surrounding neighborhood is developed with 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 the required rear-yard setback along the eastern property line.*

**PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Tribune newspaper on October 9th, 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.

**ENVIRONMENTAL DETERMINATION:**

Environmental review was performed for this project and staff determined it meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15301 Class 1. The exemption applies to additions to new single-family residences located within residential zones and the project will have no potentially significant environmental impacts. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

**CONCLUSION:**

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 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 upon approval of a conditional use permit (MBMC section 17.56.160).

**RECOMMENDATION:**

Staff recommends the Planning Commission approve the requested Conditional Use Permit #UPO-429 for the proposed addition to a nonconforming structure for the project at 976 Ridgeway Street, as shown on plans date stamped received August 14, 2015, by adopting Planning Commission **Resolution 41-15** which includes the Findings and Conditions of Approval for the project.

**EXHIBITS:**

Exhibit A – Planning Commission Resolution 41-15

Exhibit B – Graphics/Plan Reductions

# EXHIBIT A

## RESOLUTION NO. PC 41-15

### A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT (UP0-429) TO ALLOW AN ADDITION TO A NONCONFORMING RESIDENTIAL STRUCTURE AT 976 RIDGEWAY STREET

**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 October 20, 2015, for the purpose of considering Conditional Use Permit UPO-429 for a proposed addition to a nonconforming single-family residence at 976 Ridgeway Street.; and

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

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

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

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

#### California Environmental Quality Act (CEQA) Finding

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt pursuant to Class 1, CEQA Guidelines Section 15301(e) for additions to existing structures with no potentially significant environmental impacts. Additionally, none of the Categorical Exemption exceptions, noted under section 15300.2, apply to the 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.
2. The proposed addition is 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 an addition to a single-family dwelling, which is an allowed use in the R-1 zone and the surrounding neighborhood is developed with a variety of one- and two-story homes.
5. It is not feasible to make the structure conforming without major reconstruction of the existing structure. Major reconstruction would be necessary to meet the required rear-yard setback along the eastern property line.

**Section 2. Action.** The Planning Commission does hereby approve Conditional Use Permit UPO-429 for property located at 976 Ridgeway Street subject to the following conditions:

**STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report dated October 20, 2015, for the project at 976 Ridgeway Street depicted on plans date stamped August 14, 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 applicant's failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
  6. Compliance with Conditions: The applicant's establishment of the use or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the 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.

### **BUILDING CONDITIONS**

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

### **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 Office 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 20th day of October, 2015 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Robert Tefft, Chairperson

ATTEST

---

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 20th day of October, 2015.

# BARRAGAR/ SADJA ADDITION

PROJECT DATA	
Project Address:	976 Ridgeway Avenue, Morro Bay California
Project Owners:	Steve Barragar/Nancy Sadja (owner occupied)
Project Description:	See Scope of Work (box to right)
Design/Drawings:	Charles M. Kleemann Lic. 505571
Agent to Owner:	Charles M. Kleemann (805-441-0229)
Builder:	Chris Russell/Estero Builders, Morro Bay, CA.
Structural Engineer:	Craig A. Dobbs, R.P.E. S3670
A.P.N.:	066-244-022
Legal Description:	Morro Bay Vista 3, Block 11, Lot 10
Land Use Category:	SFR (R-1) Zoning
Lot Area:	56.39' x 100.00' = 5585 square feet (sf)
Max. Lot Coverage:	45% x 5585 = 2513 sf
(E) Lot Coverage:	28.68%
Proposed (N) Lot Coverage:	33.57%
Number of Stories:	2
Construction Type:	(E) and (N) Wood Frame

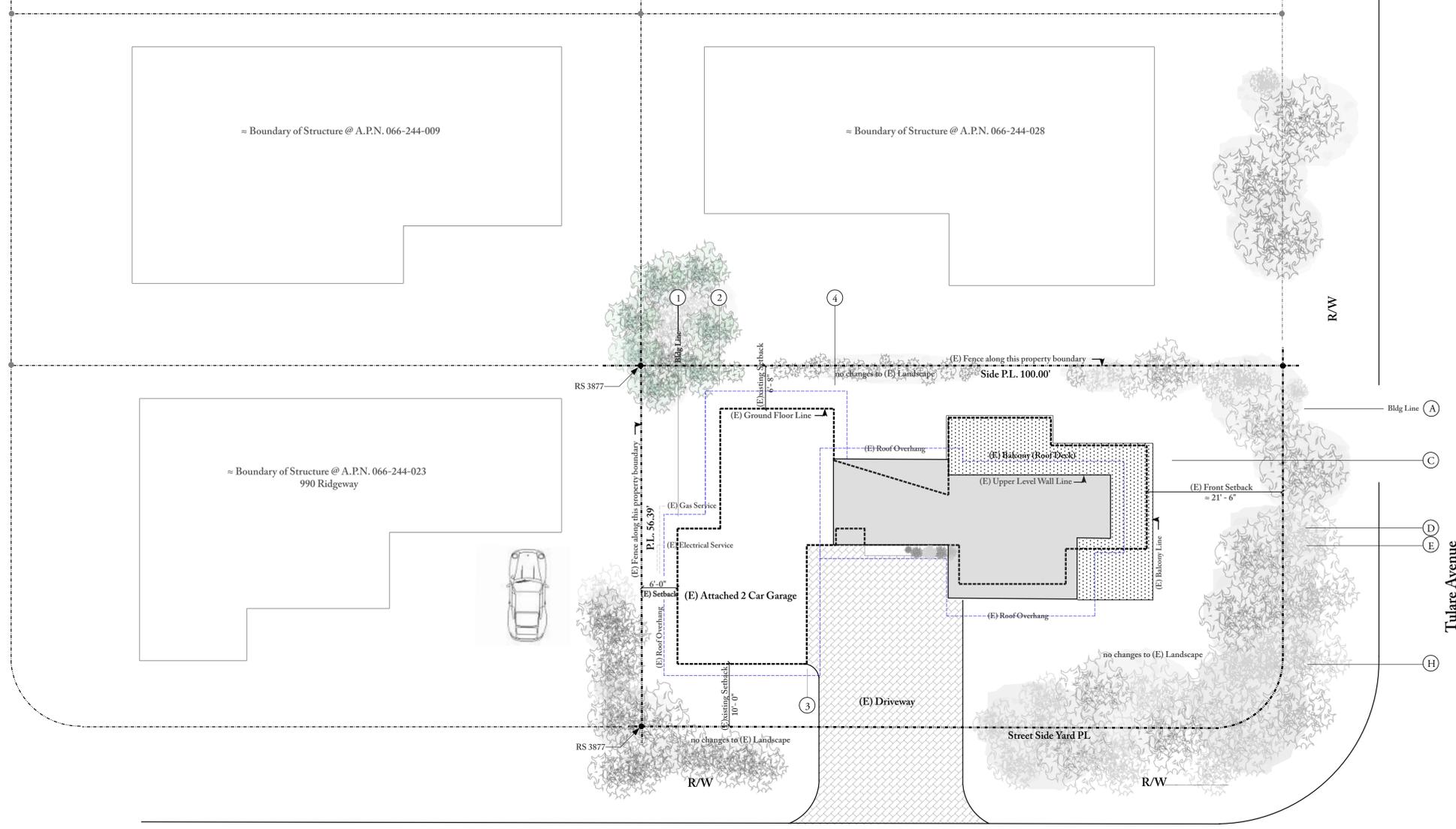
PROJECT DESCRIPTION
735 s.f. addition to upper level of (E) 1692 s.f. SFR and addition of 126 s.f. of balcony/ exterior deck area.
<b>Scope of work:</b>
<b>Lower Level</b>
• Retrofit (E) Laundry Room area to accommodate floor to floor elevator
• Add support columns and footings as denoted to support (N) upper level
<b>Upper Level</b>
• Add 735 s.f. of area @ (E) upper level as depicted in architectural drawings.
• Add 110 s.f. of (N) balcony/deck @ west side of upper level addition. Balcony/deck cantilevers beyond (E) Garage wall (Bldg. Line 3).
• Add 16 s.f. of (N) balcony/deck @ east side of upper level addition. Spiral stair lands at this platform, providing a secondary access to the (N) and (E) upper level living area.



**Charles M. Kleemann**  
 DESIGNER/BUILDER  
 P.O. Box 60  
 Santa Margarita, California 93443  
 805-441-0229  
 ckleemann@gmail.com

**BARRAGAR / SADJA**  
 976 Ridgeway Street  
 MORRO BAY, CALIFORNIA 93424

ABBREVIATIONS			
A.B.	Anchor Bolt	F.G.	Finish Grade
Blk	Block	Ftg	Footing
(B)	Bottom	Ga.	Gauge
Clr	Clear	Galv.	Galvanized
Ctr	Center	(H)	Horizontal
Conc	Concrete	Min	Minimum
Conn	Connector	Nec	Necessary
Cont	Continuous	N.G.	Natural Grade
D.F.	Douglas Fir	N.T.S.	Nor to Scale
E.W.	Each Way	(N)	New
Dwgs.	Drawings	O.C.	On Center
(E)	Existing	Pl	Plate
Ea	Each	Std	Standard
F.E.	Finish Elevation	Typ	Typical
F.F.	Finish Floor	(T)	Top
F.S.	Far Side	V.I.F.	Verify in Field
Elev	Elevation	U.N.O.	Unless Noted Otherwise



SITE PLAN SYMBOL KEY	
---	Property Line
---	Line of (E)isting Ground Floor
---	Line of (E)isting Upper Level
■	(E)isting Upper Level Area
---	Line of (E)isting Roof overhangs
▨	(E)isting Balcony Roof Deck Areas
•	Property corners
▨	(E)isting Driveway

SHEET INDEX	
Sheet 1	Title Page, Project Description, Vicinity Map, Sheet Index
Sheet 2	Proposed Site Plan, Bldg. Height Lot Coverage, (N) and (E) Setbacks
Sheet 3	Existing Floor Plan
Sheet 4	Proposed Floor Plan, (E) and Proposed North Elevation
Sheet 5	(E) and Proposed South and East Elevations
Sheet 6	Architectural Elevation from Ridgeway Street, Door and Window Schedule

Ridgeway Street

Ridgeway Street

Tulare Avenue

(E)XISTING SITE/PROPERTY PLAN Scale 1" = 10'



**SHEET CONTENTS**

TITLE, (E)isting SITE/PROPERTY PLAN  
 Project Data, Project Description, Vicinity Map

DATE: August 13, 2015  
 Drawn by: C Kleemann

**SHEET**

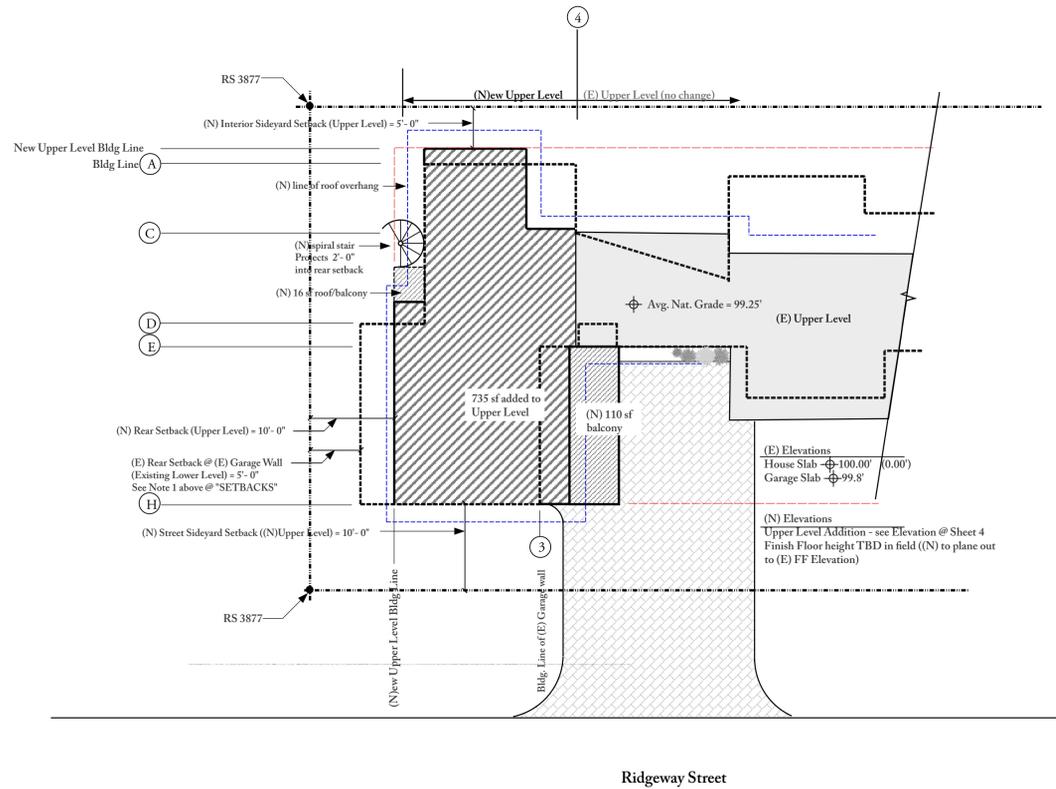
CONCEPT DWGS

**1**

LOT COVERAGE DATA
<b>(E)XISTING AND PROPOSED SQUARE FOOTAGE</b>
EXISTING Floor Area of Residence - 1692 sf
EXISTING Attached 2 Car Garage - 441 sf
PROPOSED (N) Addition to Floor Area (Upper Level) - 735 sf
PROPOSED (N) Roof Deck Area - 126 sf
<b>(E)XISTING LOT COVERAGE</b>
Total Lot Size - 5585 sf
Total (E) lot coverage - 1602 sf
<b>(E) Lot coverage expressed as percentage: 28.68%</b>
<b>PROPOSED (N) LOT COVERAGE</b>
Total (E) Lot coverage - 1602 sf
Proposed (N) lot coverage @ Upper Level - 66 sf (represents (N) protrusion over (E) garage side wall and (N) upper level overhang @ Bldg. Line A to interior sideyard setback.
Proposed (N) coverage by balcony over (E) Entry - 126 sf
Proposed (N) coverage by Roof canopy/deck @ (N) spiral stair - 16 sf
Total Proposed Lot Coverage - 1602 (E) + 208 sf (as described above) = 1810 sf
Maximum Allowable Lot Coverage - 45 percent
<b>Total Proposed Lot Coverage expressed as percentage - 32.40 %</b>
Increase in Lot Coverage proposed - 3.73 percent

BUILDING HEIGHT	
Maximum Allowable Building Height within 17.24.040 (R1)	25'- 0"
Proposed Finished Height off (E) slab @ (N) Elevator Shaft	23'- 9"
Highest (N)ew roofline off (E) slab @ (N) Upper Level	23'- 0"
Highest (E)xisting roofline off (E) slab @ (E) Upper Level	22'- 6"
<b>Note:</b> Formula for determining maximum height is outlined in Title 17 (Figure 17.12.310, pg. 413)	
<b>Height Calc at highest projection (elevator shaft)</b>	
100.00' ((E)slab) + 23.75' (above (E) slab) = 123.75'	
123.75' - 99.25' (average natural grade) = 24.5' ≤ 25'	

SETBACKS				
Setback	Req.	(E)	Proposed	Notes:
Front	20'	21'- 6"	no change	parallel to Tulare
Rear	10'	6'	10'	See 1 below *
Int. Side Yard	5'	6.75'	5'	((N) supports & upper level
Street Side Yard	10'	10'	no change	See 2 below **
Note 1 * - Rear setback was conforming at time of original permit (Original Plans prepared by Charles M. Klemann dated 3/20/1992 and approved 5/26/1992)				
Note 2 ** - This is a corner lot @ Ridgeway and Tulare. No change to (E) conforming setbacks from PL parallel to Ridgeway is proposed.				



SITE PLAN SYMBOL KEY	
--- (dashed line)	Property Line
--- (dotted line)	Setbacks as defined @ Table 17.24.040
--- (solid line)	Line of (E)xisting Ground Floor
--- (solid line)	Line of (E)xisting Upper Level
■ (grey fill)	(E)xisting Upper Level Area
--- (dashed line)	Line of Roof overhang
● (black dot)	Property corners
▨ (diagonal lines)	(E)xisting Driveway
▨ (diagonal lines)	(N)ew AREA to be added above (E) Garage and (E) Lower Level Bedroom
▨ (diagonal lines)	(N) Balcony deck @ west side of addition



(P)ROPOSED SITE/PROPERTY PLAN Scale 1" = 10'

**Designer/Builder**  
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 Santa Margarita, California 92449  
 909-441-9229  
 chabakman@gmail.com  
 CLS 05971

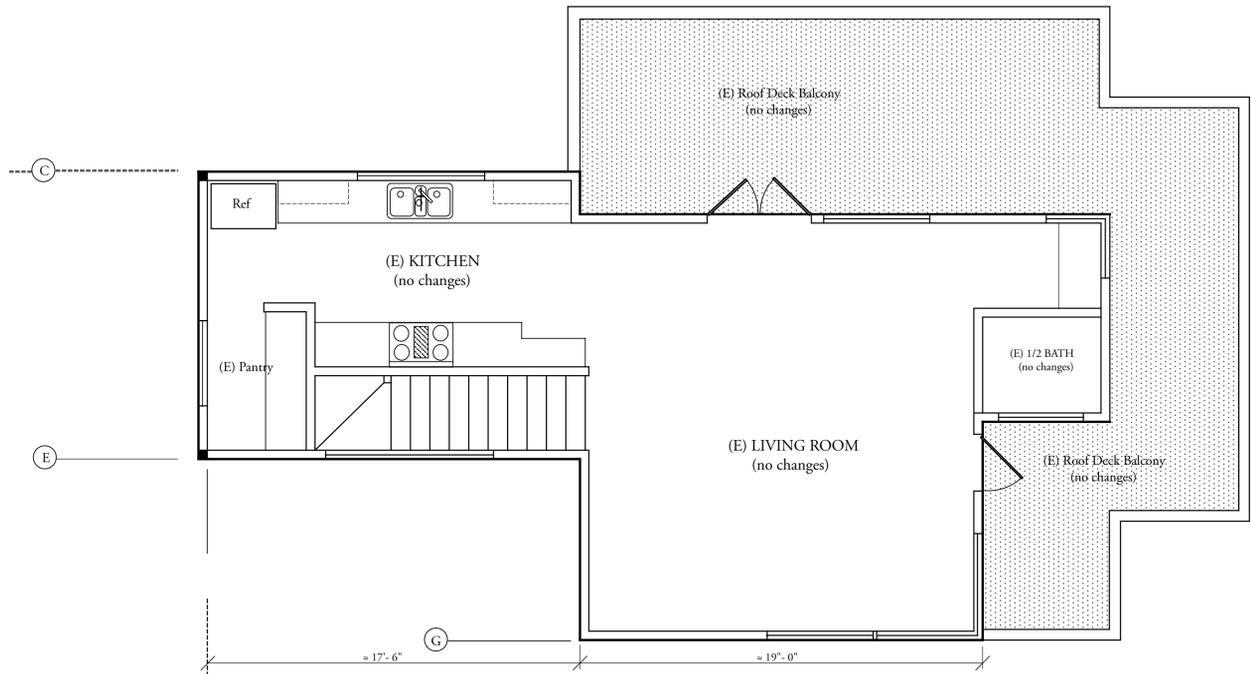
**BARRAGAR / SADJA**  
 976 Ridgeway Avenue  
 MORRO BAY, CALIFORNIA 93424

**Proposed SITE PLAN**  
 Setback, Lot Coverage and Bldg. Height Data

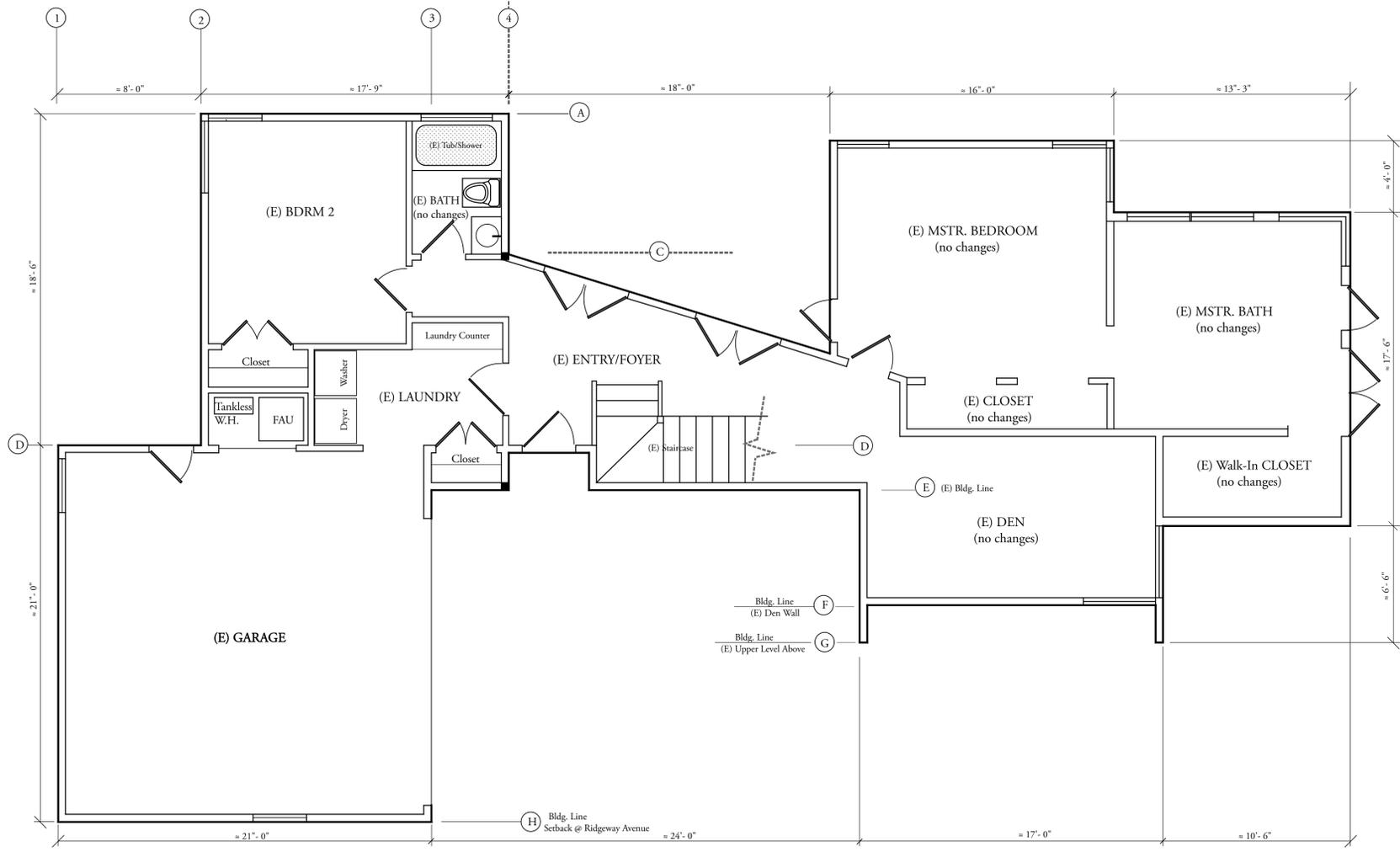
DATE: August 13, 2015  
 Drawn by: C Klemann  
 Revisions:

SHEET  
**CONCEPT DWGS**  
**2**

EXHIBIT B



(E)XISTING UPPER LEVEL FLOOR PLAN Scale: 1/4" = 1'-0"



(E)XISTING LOWER LEVEL FLOOR PLAN Scale: 1/4" = 1'-0"

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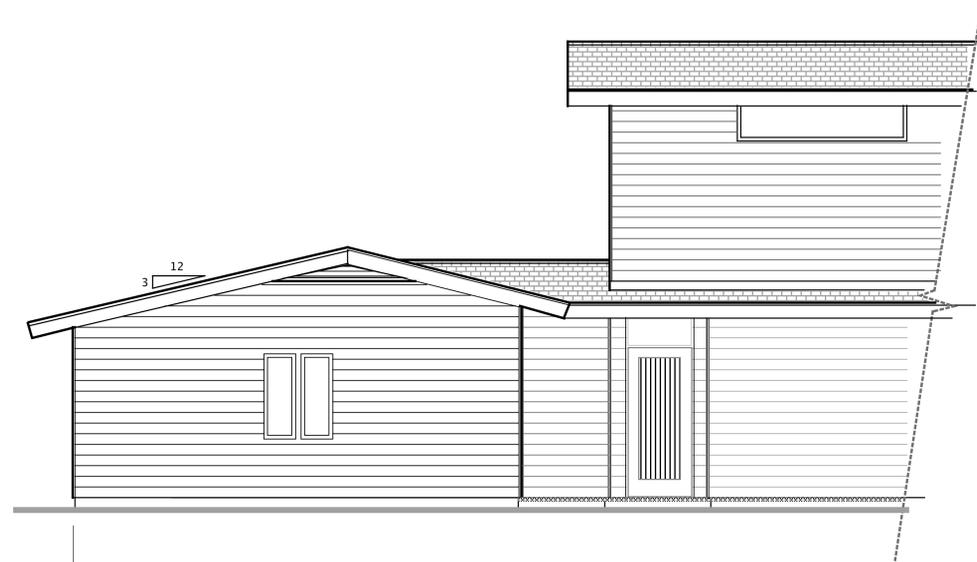
SHEET CONTENTS:  
 Existing Floor Plan

DATE: August 13, 2015  
 Drawn by: C Kleemann

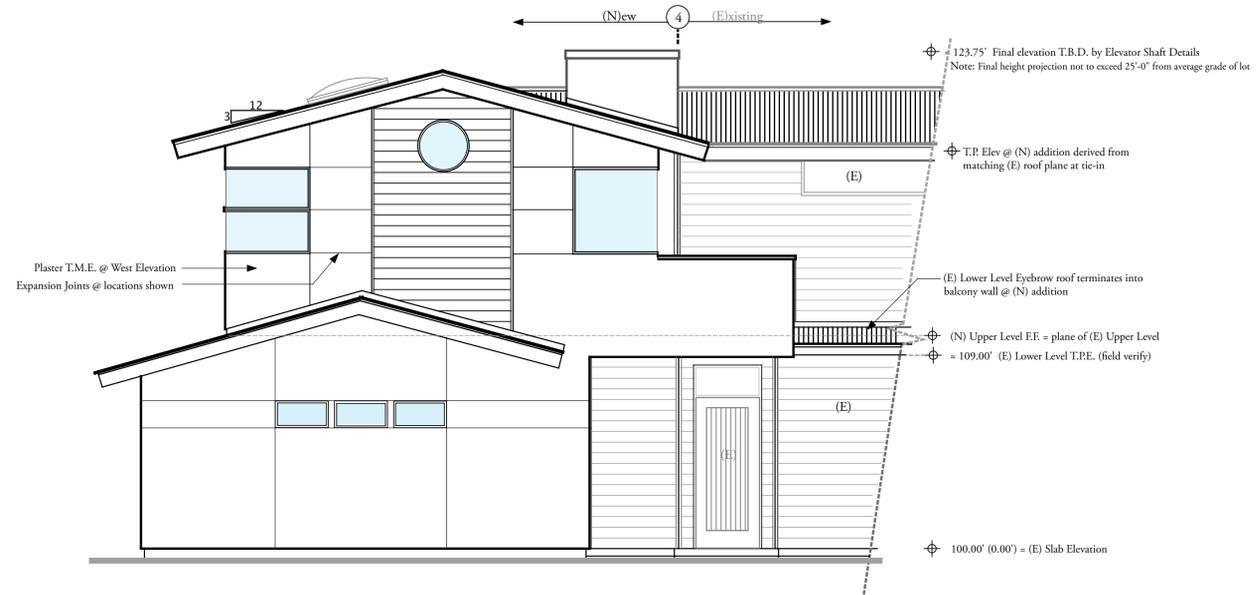
Revisions:

SHEET  
**CONCEPT DWGS**  
**3**

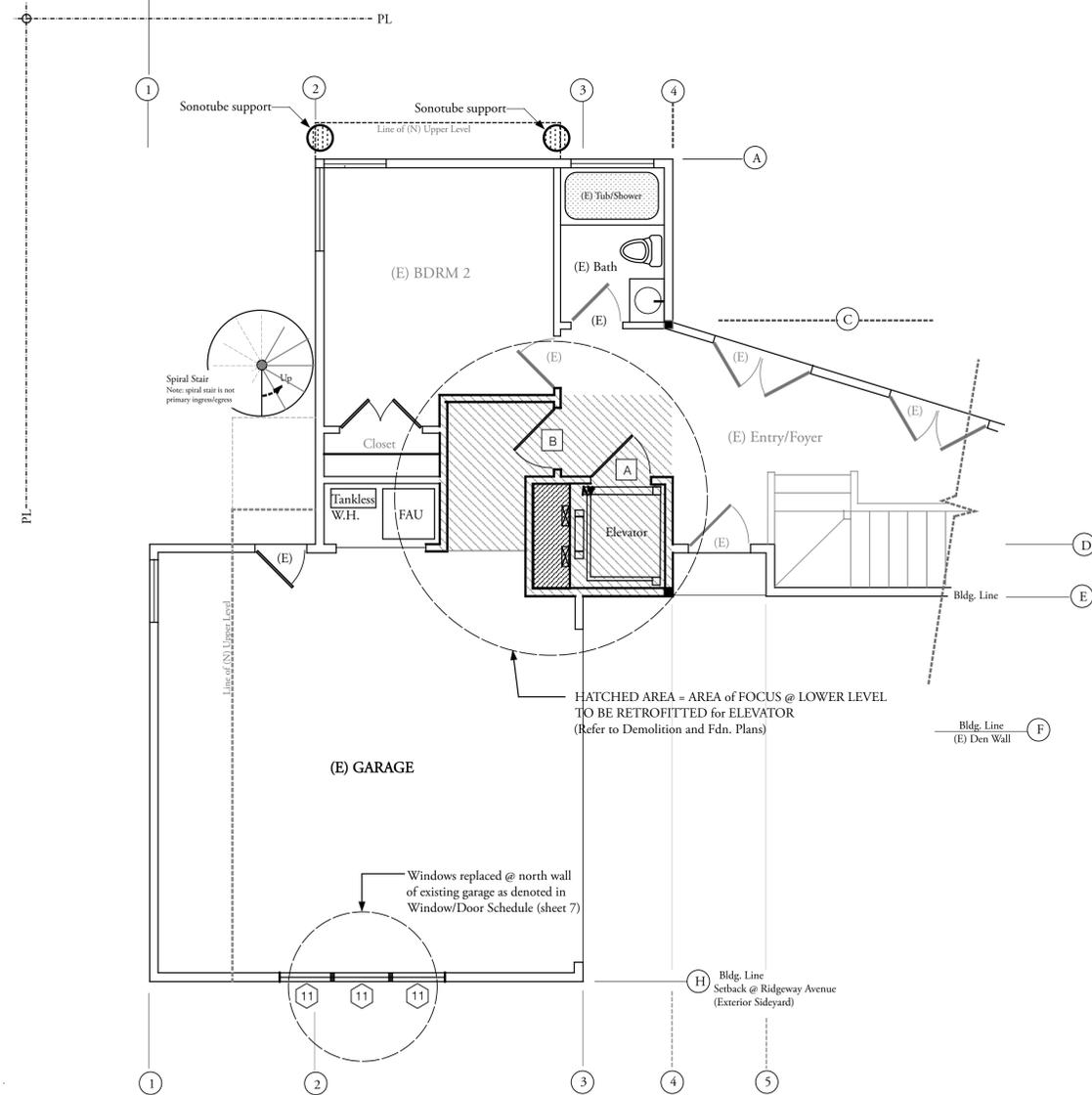
EXHIBIT B



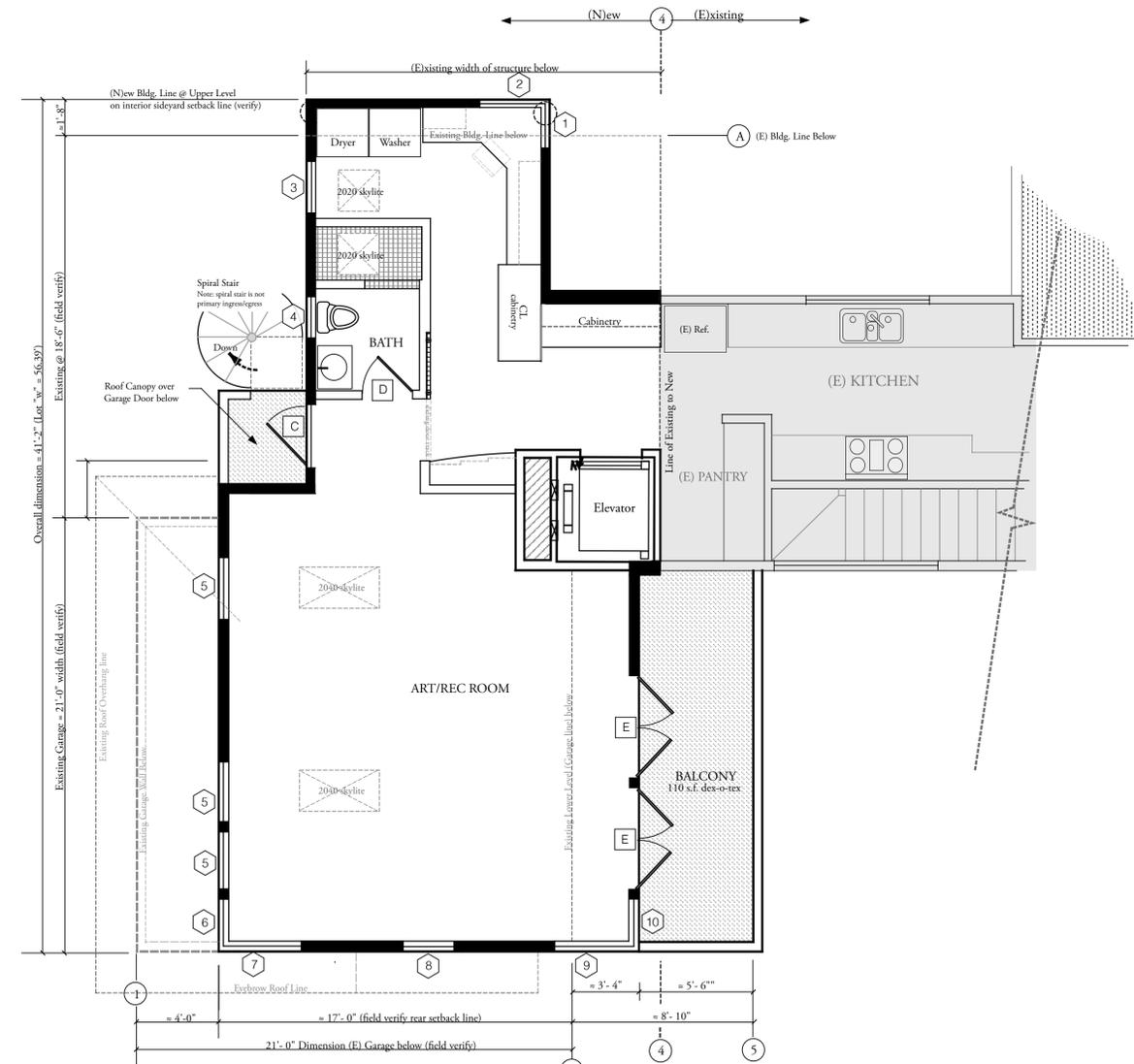
(E)XISTING NORTH ELEVATION Scale: 1/4" = 1'-0"



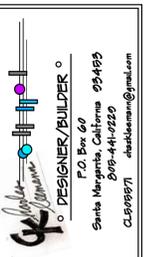
PROPOSED (N)EW NORTH ELEVATION Scale: 1/4" = 1'-0"



PROPOSED LOWER LEVEL FLOOR PLAN Scale: 1/4" = 1'-0"



PROPOSED UPPER LEVEL FLOOR PLAN Scale: 1/4" = 1'-0"



**BARRAGAR / SADJA**  
 976 Ridgeway Street  
 MORRO BAY, CALIFORNIA 93424

Proposed Floor Plans  
 (E) and Proposed North Elevation

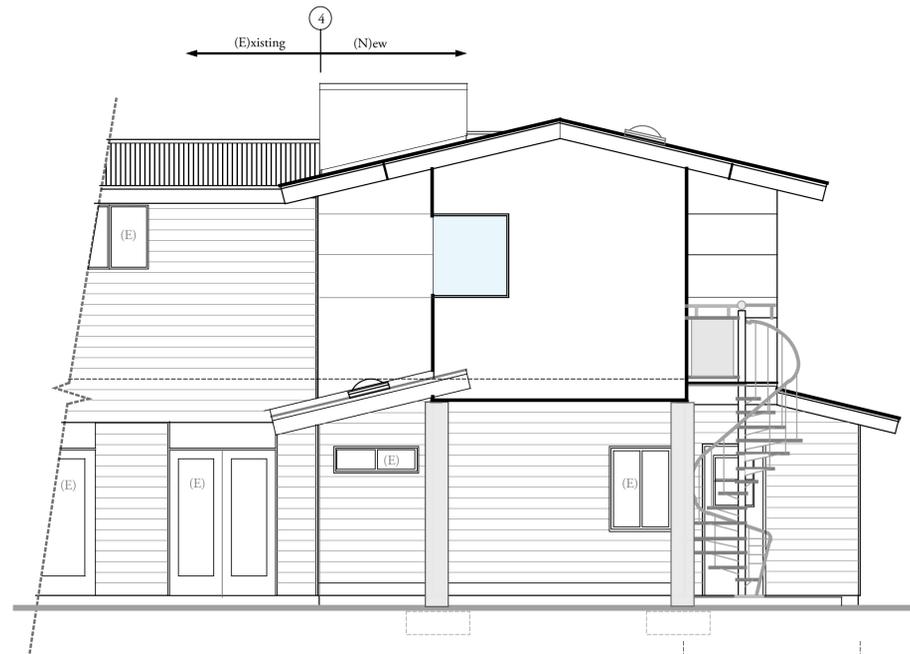
SHEET CONTENTS:

DATE: August 13, 2015

Drawn by: C Kleemann

Revisions:

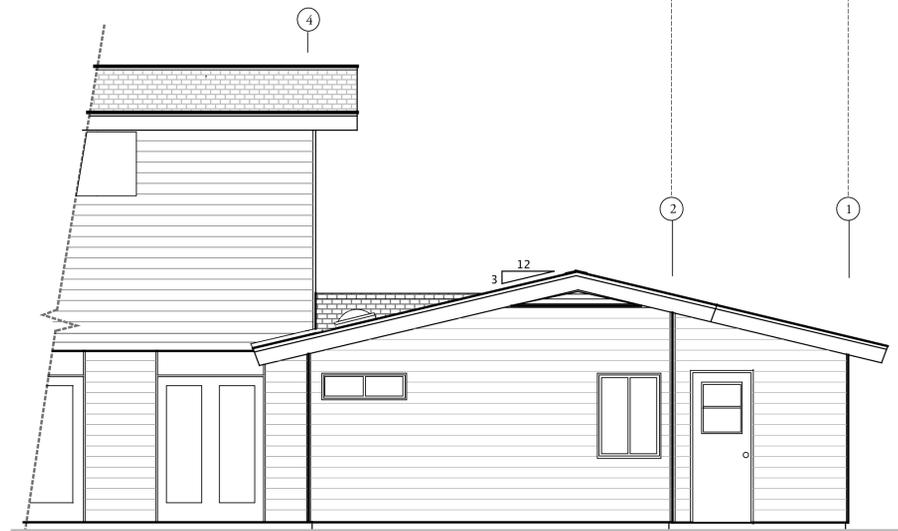
SHEET  
**CONCEPT DWGS**



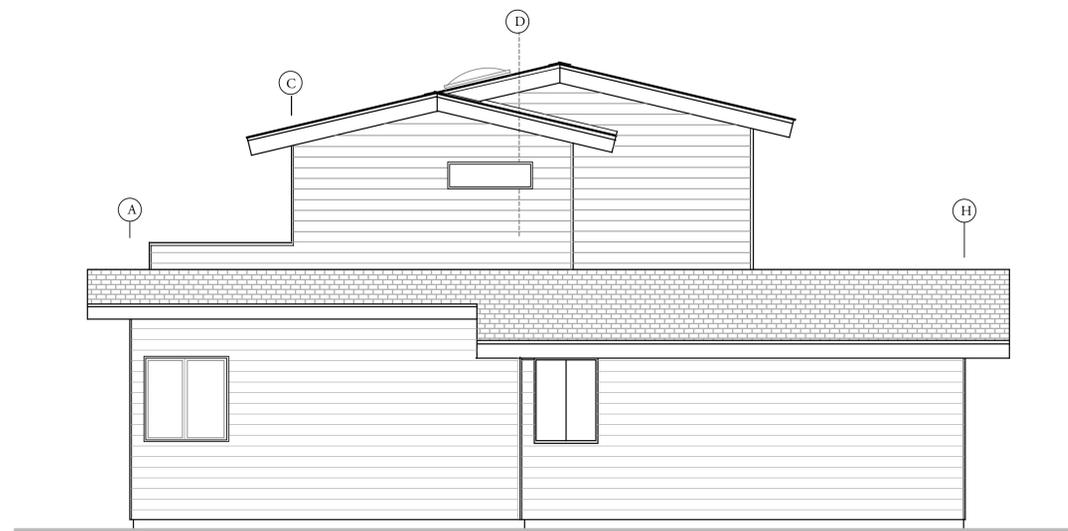
PROPOSED (N) SOUTH ELEVATION Scale: 1/4" = 1'-0"



PROPOSED (N) NEW EAST ELEVATION Scale: 1/4" = 1'-0"



(E)XISTING SOUTH ELEVATION Scale: 1/4" = 1'-0"



(E)XISTING EAST ELEVATION Scale: 1/4" = 1'-0"


  
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SHEET CONTENTS:
   
 (Existing and Proposed (N)ew
   
 Elevations

Date: August 13, 2015

Drawn by: C Kleemann

Revisions:

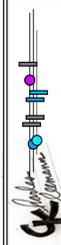
SHEET

CONCEPT DWGS



PROPOSED ELEVATION from Ridgeway Street Scale: 1/4" = 1'-0"

WINDOW/DOOR SCHEDULE			
	NOMINAL DIMENSION	LOCATION/ (QTY)	NOTES
<b>Windows</b>			
1	2640	West Elevation (1)	Mitred corner window (T.M.(E) upper level configurations)
2	3640	South Elevation (1)	Mitred corner window (T.M.(E) upper level configurations)
3	2640	East Elevation @ Laundry Rm (1)	Loewen Casement matching (E)
4	2040	East Elevation @ Bath	Loewen Casement matching (E)
5	3020 units	East Elevation (5)	Loewen Awnings - see elevation for configuration
6	2640	East Elevation (2) (stacked)	Mitred corner windows to match Loewen awnings
7	4040	North Elevation (2) (stacked)	Mitred corner windows to match Loewen awnings
8	2'-6" diameter	North Elevation	Frame to match Loewen windows
9	4040	North Elevation	Mitred corner window (T.M.E. upper level configurations)
10	2640	West Elevation	Mitred corner window (T.M.E. upper level configurations)
11	1426	(E) North Garage Wall (3)	Loewen awnings replace (E) (no structural changes needed)
<b>Doors</b>			
A	3068	Elevator Wall	Fire-rated
B	3068	Hallway to Garage	(E) custom fire door to garage moved to this location
C	3068	Entrance to (N)	Single lite french door
D	2668	(N) Bathroom	Match (E) interior doors
E	5068 w/ transom above	West Elevation to deck (2)	Loewen single lite outswings w/transoms above (T.M.Existing doors @ 2011 Bathroom addition


  
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SHEET CONTENTS:
   
 Proposed Elevation from Ridgeway Street
   
 Window/Door Schedule

DATE: August 13, 2015

Drawn by: C Kleemann

Revisions:

SHEET

CONCEPT DWGS

6



AGENDA NO: B-2

MEETING DATE: October 20, 2015

## Staff Report

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

**FROM:** Cindy Jacinth, Associate Planner

**SUBJECT:** Coastal Development Permit #CP0-365 for 3093 Beachcomber

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by adopting Planning Commission Resolution 42-15 which includes the Findings and Conditions of Approval and Adopt the Mitigated Negative Declaration, SCH# 2014091051 with environmental mitigation measures for the project depicted on site development plans dated September 22, 2015

**APPLICANT:** Paul LaPlante

**AGENT:** John Kilpelainen

**LEGAL DESCRIPTION/APN (ADDRESS) :** 065-120-001

**PROJECT DESCRIPTION:** The Applicant is requesting Coastal Development Permit approval for new construction of a single-story 3,295 single family home with 519 square foot 2-car garage and 250 square foot deck on a vacant lot in the R-1/S.2A residential zoning district that sits adjacent to environmentally sensitive habitat (ESH). Proposed development is set back a minimum of 50 feet from identified coastal sand dune ESH habitat. The project is located within the Coastal Commission Appeals Jurisdiction.



**PROJECT SETTING:** The project site is

Prepared By:  CJ

Department Review:  SG

on a vacant approximate 8,100 square lot in north Morro Bay adjacent to Morro Strand State Beach (also known as Atascadero State Beach) with a public access trail and small parking area approximately 50 feet to the north owned and managed by State Parks. Mapped environmentally sensitive habitat (ESH) is located approximately 250 feet to the north as well as unmapped ESH along the western border of the property which was identified as sand dune habitat as a result of biological evaluation prepared by V.L. Holland in 2013.

The project site is designated Moderate Density Residential, and is zoned Single Family Residential (R-1/S.2A). Located in the S.2A overlay zone, this zone restricts maximum building height to single story homes no taller than 14 feet for flat roof, or 17 feet with 4 in 12 roof pitch. Surrounding development consists of one-story residences in a variety of architectural styles. Neighborhood home sizes range from approximately 1,200 square feet to approximately 3,050 square feet with homes on the west side of Beachcomber averaging slightly larger for square footage than the east side of the street. Applicable land use and zoning designations and adjacent uses are summarized in the following tables with a street view image of the property and visual setting also below

<b><u>Site Characteristics</u></b>	
Site Area	8,100 square feet
Existing Use	Vacant
Terrain:	Beachfront property mostly flat towards street side, sloping down to west.
Vegetation/Wildlife	Variable conditions. Mostly ruderal, non-native annual grasses and iceplant. Coastal dune scrub along northwestern property boundary. No sensitive wildlife species found during multiple surveys (refer to environmental discussion in staff report).
Archaeological Resources	Phase 1 Cultural Resources Inventory submitted with mitigation proposed in the Mitigated Negative Declaration
Access	Beachcomber / nearest cross street is Hatteras



*Street view image of vacant property with neighboring home partially shown to the left (south) and public access trail and parking area shown to the right (north) with Morro Strand State Beach (aka Atascadero State Beach) shown in the background.*

<b>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</b>	
General Plan/Coastal Plan Land Use Designation	Moderate Density Residential
Base Zone District(s)	Single Family Residential (R-1)
Zoning Overlay District	S.2A
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Within the Coastal Commission Appeals Jurisdiction

<b>Adjacent Zoning/Land Use</b>			
North:	Environmentally Sensitive Habitat (ESH), Public Access trail to the Beach	East:	R-1/S.2A (Single Family Residential), Residential
South:	R-1/S.2A (Single Family Residential), Residential	West:	OA-1/PD (Open Area, Planned Development overlay), Morro Strand State Beach

**PROJECT ANALYSIS:**

Project compliance with Single Family Residential Zoning Ordinance standards is shown in the following table. Additional analysis is provided below.

	<b>Standards</b>	<b>Proposed</b>	<b>Complies?</b>
<b>Front Yard Setback</b>	15 feet	15 feet	Yes
<b>Interior Yard Setback</b>	5 feet	5 feet	Yes
<b>Exterior Yard Setback</b>	5 feet	Not applicable, not an exterior lot	Yes
<b>Rear Yard Setback</b>	5 feet	Ranges from 14' to 52'*	Yes
<b>Lot Coverage</b>	50 %	49.06%	Yes
<b>Height</b>	Single story max 17' w/ 4:12 pitch	Single story at 16' 10"	Yes
<b>Parking</b>	2 covered and enclosed spaces	2 covered and enclosed spaces	Yes

*\*Refer to environmental discussion regarding proposed rear setback.*

The proposed single family home would comply with all zoning ordinance requirements pertinent to setbacks, height and lot coverage as well as ESH requirements found in Zoning 17.40.040.D. No exceptions, variances or reductions to required ESH buffer are being requested. Plans submitted dated September 22, 2015 depict a floor plan with three bedrooms and 3 ½ bathrooms. Included in the floor plan is the depiction of a sink in the “casitas” bedroom. Pursuant to Zoning Ordinance section 17.48.325 a deed restriction is required to restrict sinks/wetbars from being converted into a sink for a second residential unit. Though the casitas room has an interior connection to the rest of the home, it does also have an independent exterior connection. Therefore, a condition of approval has been added to the project to reflect this requirement (See Planning condition 8).

Plans also depict a conceptual landscape plan with drought tolerant plantings proposed in the front yard area along with permeable pavers in a general Mediterranean architectural style.

### **REGULATIONS:**

The project is located within the Coastal Commission appeals jurisdiction and pursuant to MBMC 17.58.020.H2 is required to obtain a regular coastal development permit.

A bluff delineation/ geological assessment was prepared by Earth Systems Pacific in 2014 to determine whether the proposed project is situated upon a coastal bluff or sea cliff and therefore subject to the City's bluff development standards which would have required a conditional use permit. The report concluded that the site did not meet the definition of a coastal bluff or sea cliff. The report also stated that the slope along the north and west property lines is most likely a remnant of a coastal sand dune feature. It is not the product of wave erosion, and this area does not constitute a wave-cut platform, nor is it the inner limit of beach erosion. The site is separated from the beach by several hundred feet of coastal dunes and beach. With this conclusion, staff determined that the property was therefore not subject to bluff development standards as found in the Zoning Ordinance at Title 17.45.

Pertinent General Plan (GP) and LCP policies applicable to the project include those policies found in the Visual Resources (VR) Element and 11.02, 11.05, 11.06, 11.14, 11.20, 11.22 and are discussed below. Staff response is denoted in ***bold italics***:

- Visual Resources (VR) Program 2 and 3.5 / LCP Policy 12.01, 12.03 in summary requires that development be sited and designed to be visually compatible with the character of the surrounding areas, minimize alteration of natural landforms and the new development in highly scenic areas such as the Morro Strand State Beach area shall be subordinate to the character of the setting and be visually compatible with the surrounding areas. . ***The project as designed has an increased rear setback pursuant to ESH buffer requirements but will also increase the view corridor from the public trail and parking area looking to the south due to the angled design of the rear of the home. The project is a single story single family home intended to be infill development in a neighborhood of existing single family homes.***
- LCP Policy 11.02 in summary requires that development adjacent to environmentally sensitive habitat be sited and designed to prevent impacts which would significantly degrade such areas. ***No reduction to the ESH buffer is being sought and the plans depict the proposed addition to be outside the required 50 foot ESH buffer.***

- LCP Policy 11.05 requires that prior to issuance of a coastal development permit all projects on parcel containing ESH or within 250 feet of all designated areas shall be found to be in conformity with the applicable LCP habitat protection policies. All development plans shall show the precise location of the habitat to be affected by a proposed project and shall be subject to adequate assessment by a qualified biologist. ***A Biological Evaluation was prepared by V.L. Holland in 2013 with an update prepared in 2014. The report concluded that there are several factors that have greatly reduced the biological significance and wildlife habitat value of this lot which include the neighboring residential development, paved roads, and heavy human usage of the area. The Biological Evaluation included study of Morro blue butterflies, western snowy plover, with no observances on site. The snowy plover habitat is 300-600 feet from the edge of the critical habitat area and is buffered from the habitat by coastal dune scrub with no nesting sites. Mitigation has been proposed to include an environmental monitor to present on site and provide construction training as well as include project delineation fencing for the duration of the project as determined by the monitor. Coastal sand dune habitat identified by the biologist has been delineated and is shown on revised plans dated September 22, 2015 (Exhibit E). With the incorporated mitigation measures, the project will have a less than significant impact on the environment, and Planning Commission can make the findings to approve the proposed project.***
- LCP Policy 11.06 requires that no permanent structures be allowed within an ESH buffer setback area except for those of a minor nature such as fences and eaves. ***No structures are proposed within the ESH buffer. Revised plans delineate both the ESH boundary and the appropriate 50 foot ESH buffer.***
- LCP Policy 11.20 requires that coastal dune habitats be preserved and protected from all but resource dependent, scientific, educational and passive recreational use. Disturbance or destruction of dune vegetation is prohibited unless no feasible alternative exists. ***A buffer strip of 50 feet shall be maintained between dune habitat and adjacent development and permitted uses shall be regulated to protect critical bird habitats. The project plans as proposed delineate the ESH boundary with the appropriate 50 foot buffer. Mitigations have been incorporated into the project to ensure protection of the ESH and sensitive habitats.***
- LCP Policy 11.22 requires that precise location and boundary of ESH shall be determined based upon a field study prior to the approval of development on the site. ***The resulting Biological Report with ESH sand dune assessment was prepared by V.L. Holland in a report dated 2013 with delineation by Earth Systems Pacific in 2014. In preparing revised plans, the project biologist and surveyor met onsite to coordinate placement of stakes along the boundary of the coastal dune scrub/sand dune habitat in order to delineate the ESHA as shown on the topographic survey, sheet T.1.***

### **Residential Design Guidelines**

The proposed design of the home was reviewed and evaluated against the City's Interim Residential Design Guidelines. These guidelines adopted by the City Council in early 2015 have a stated purpose to maintain the high quality of the City's neighborhoods by developing reasonable, sound and objective guidance in identifying key design features and components of new development. The intent behind implementation of design guidelines is to conduct design review on all single family residential constructions and are meant to implement the neighborhood compatibility policies found in the General Plan and Local Coastal Plan. Key design features applied to this proposed project are identified and discussed below. Staff response is denoted in ***bold italics below***:

- ***Relationship to Homes in Immediate Neighborhood***. This section of the guidelines discusses in part that entryways or features, such as front doors and porches should be visible from the street. ***As shown in the visual simulation below (Exhibit C), there is a semi-enclosed front porch proposed. Though the porch is visible and through the top of the gate, the front door is visible, it could be seen that the porch is obscuring the front door. Planning Commission should review and determine if this design element is consistent with the guidelines or apply appropriate conditions to either eliminate the gate to the front porch, lower it or determine that the front porch gate is consistent with the guidelines.***
- ***Scale and Mass***: As shown in the visual simulation and on the plan elevations, the home is limited to single story construction and is proposed with differing finish materials such as exterior plaster with stone veneer that strives to avoid massing of the home. The home meets minimum front and side setbacks and has an increased rear setback ranging from 14 feet to 52 feet.
- ***Surface Articulation*** – Residences should be designed with relief in building facades with avoidance of long unarticulated wall and roof planes. ***The project as designed in a general Mediterranean theme orients the majority of its views towards the ocean. A variety of window appearances are shown and a window schedule is included on the plans.***
- ***Building Orientation*** – Residences should contain visible front entryway, shall be located on the lot in a similar manners as adjacent homes. ***The project is designed to include a entry porch, though with an wood gate. The building is easily identifiable with a front door. However, as discussed above, the Planning Commission shall review and make determination on consistency with the Design Guidelines.***
- ***Garage Placement and Design*** – Garage placement and design should not exceed 50% of the linear front elevation width where possible. ***The proposed design of the garage is indicated as a carriage style 8-lite garage door consistent with the Design Guidelines.***
- ***Building Materials*** – Building materials should be consistently applied and harmonious with adjacent materials. ***Building materials and design shown on the plan elevations***

- are harmonious with adjacent materials with a proposed tile roof, stone veneers and exterior plaster material.*
- *Architectural Elements should be in proportion to the overall home design. The general Mediterranean theme balances out the various design theme by depicting complimentary building materials and a neutral earth tone color palette.*
  - *Privacy Conflicts. Designs should attempt to lessen privacy conflicts as much as possible. The project is adjacent to State Parks property to the north and adjacent to an existing single family home to the south. The design minimizes privacy conflicts due to the increased rear setback.*
  - *Landscaping. Landscape plans should reflect use of drought tolerant plant species and plants appropriate for the sites characteristics. A conceptual landscape plan with drought tolerant plantings is shown on the plans and will be required to be submitted with the building plans as part of the environmental mitigations. Staff notes that the proposed conceptual landscaping is not included in the visual simulation.*



*Visual Simulation of Proposed Home*

**ENVIRONMENTAL DETERMINATION:**

A Mitigated Negative Declaration (MND) was circulated on September 18, 2014 with a review period that ended on October 17, 2014. Mitigation was recommended for aesthetics, air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, and hydrology and water quality. With the incorporated mitigation measures that the applicant has agreed to (Exhibit D), the project will have a less than significant impact on the environment, and Planning Commission can make the findings to approve the proposed project. The mitigations contained in this document have been incorporated into the conditions of approval in the form of a Mitigation and Monitoring Plan (See Exhibit A and also Planning condition 10).

During the public comment period, one comment letter was received during this review period from the Coastal Commission dated October 17, 2014 (See Exhibit B). CCC identified issues in their review regarding visual resources, biological resources, hazards/hydrology, and buildable area. In the letter, regarding visual resources and buildable area, CCC sought to clarify that the maximum building height does not exceed the height for this zone and that the correct APN is noted in the record due to a typo in the MND. This is reflected on the plans (Exhibit E) as well as included in Planning Condition 7 and revised Aesthetics mitigation AES/mm-3 (noted in red underlined font).

Biological Resources / Sand Dune ESH Habitat

In regards to biological resources, CCC expressed concerns that according to the MND, the proposed project will be located near coastal dune habitat, but did not specify how close the development would be adjacent coastal dune habitat. The LUP (LCP) Policy 11.20 requires that coastal dune habitats be preserved and protected from all but resource dependent, scientific, educational and passive recreational use. Disturbance or destruction of dune vegetation is prohibited unless no feasible alternative exists. The LCP requires a minimum buffer of 50 feet and stated that the MND failed to apply the appropriate 50 foot buffer. The City's LCP maps do not define this area as ESH and in fact, the mapped ESH area specifically excludes this area of Beachcomber Drive where historically housing developments were considered to be infill development in an established residential area and thus were only required to adhere to the standard 5-foot rear yard setback. Staff review of the MND analysis had initially determined that Policy 11.20 was not applicable because, although adjacent to sand dune, it was historically determined not to be protected coastal sand dunes, likely because of the degraded nature of the sand dune and the fact that the area directly adjacent to the homes on Beachcomber is effectively a transition zone to the developed city edge.

However, as a result of the CCC comments on the MND, further analysis and delineation of the property was performed by the Biologist, V.L. Holland and the Geologist, Earth Systems Pacific with plans revised to denote the location of ESH sand dune habitat, and delineate a corresponding 50 foot buffer line. Revised plans submitted for approval now appropriately reflect all proposed development is setback a minimum of 50 feet consistent with the City's LCP ESH policies and specifically Zoning Ordinance 17.40.040.D4c. The revised plans and analysis along with additional biological evaluations were routed to CCC staff to which concurrence from Coastal Commission was received on September 29, 2015. Mitigation reflecting this is included as Biological mitigation BIO/mm-7 and identified as red underlined font.

Hazards / Hydrology

As stated in CCC letter, the development is proposed to be located between the westernmost road and the ocean. The letter expressed concerns that sea level rise could potentially lead to erosion of the beach and coastal dunes that currently separate the proposed development from the ocean.

CCC stated that these future impacts need to be analyzed and accounted for and stated a wave run-up analysis that includes potential future impacts must be performed. Accordingly, a sea-level rise /wave run up study was prepared and performed by Earth Systems Pacific in February 2015 (On-line link available at end of staff report).

The analysis indicated that during a 100-year storm event, the highest elevation that a sea wave run-up would reach is elevation 15.23 feet (NAVD 88 datum). This is elevation approximately 370 feet seaward of the project site and therefore the possibility of sea wave run-up reaching the project site is considered remote. No mitigations or additional recommendations for project modifications are included as a result. The wave-run up study was also submitted to CCC staff for evaluation and review and responded with concurrence on September 29, 2015.

With the incorporated mitigation measures that the applicant has agreed to in the areas of aesthetics, air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, and hydrology and water quality, and with revisions to the project as identified by the Coastal Commission, the project will have a less than significant impact on the environment, and Planning Commission can make the findings to approve the proposed project. The mitigations contained in this document have been incorporated into the conditions of approval (See Environmental conditions 1-5 in Exhibit A).

### **Coastal Access**

Because the project is located seaward of the first public road, it is subject to the Public Access and Recreation policies of the Coastal Act, in addition to the City's LCP policies related to coastal access.

For development between the nearest public road and the sea, the Planning Commission must make a specific finding that the project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act, including Section 30212 which states that public access is required for new development project except where adequate access exists nearby. The provision of a public access trail and small parking area is immediately north of the site which is on property owned and managed by State Parks and can be found to be in compliance with this provision.

### **PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Tribune newspaper on October 9, 2015, and all property owners of record and occupants 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 Local Coastal Plan includes goals that new projects be compatible with existing surrounding development and be sited and designed to prevent impacts to ESH areas as well as maintain an

appropriate ESH buffer. The purpose of the environmentally sensitive habitat overlay zone of "ESH" is to protect and preserve areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development. ESH overlay zones shall extend not only over an ESH area itself but shall also include buffers necessary to ensure continued protection of the habitat areas." Title 17.40.040.D.4 establishes required buffers which shall be applied to environmentally sensitive habitat areas. For sand dunes, the minimum buffer for sand dunes shall be fifty feet in urban areas. As delineated on the plans dated August 17, 2015, the ESH area of sand dune habitat is identified as well as the appropriate 50 foot buffer from all points of ESH. This ESH boundary was determined by the Biologist, V.L. Holland in tandem with the Geologist, Rick Gorman of Earth Systems.

With the incorporation of recommended conditions and mitigation measures, the design of the proposed residence achieves these goals by minimizing site disturbance and setting development back from the designated environmentally sensitive habitat to the south.

The project constitutes infill residential development in an urbanized area of the City and meets the development standards of the zoning district, including height, lot coverage, parking and setbacks. With the incorporation of recommended conditions of approval and mitigation measures included in the Mitigated Negative Declaration, the design of the residence and the ESH buffer setback will avoid injury to sensitive resources. For these reasons, staff recommends the Planning Commission adopt the Mitigated Negative Declaration, and conditionally approve the project.

The proposed project is consistent with the development standards of the zoning ordinance and all applicable provisions of the General Plan, Local Coastal Plan and the California Environmental Quality Act with incorporation of recommended conditions. The project has also been determined to have a less than significant impact to the environment with the adoption and implementation of the mitigation measure, in compliance with CEQA.

**ATTACHMENTS:**

- Exhibit A Resolution 42-15
- Exhibit B- Comment letter from the Coastal Commission, dated October 17, 2014
- Exhibit C Visual Simulation and Color Board
- Exhibit D Mitigated Negative Declaration (SCH# 2014111065)
- Exhibit E Graphics/Plan Reductions dated September 22, 2015

On-line link to:

Wave Run Up Study prepared by Earth Systems Pacific, dated February 19, 2015  
<http://www.morro-bay.ca.us/DocumentCenter/View/8886>

# EXHIBIT A

## RESOLUTION NO. PC 42-15

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION  
APPROVING COASTAL DEVELOPMENT PERMIT (CP0-365) TO CONSTRUCT A NEW  
3,295 SQUARE FOOT SINGLE-FAMILY DWELLING WITH 519 SQUARE FOOT 2-CAR  
GARAGE ON A VACANT LOT LOCATED IN THE COASTAL COMMISSION APPEAL  
JURISDICTION AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION (MND)  
AT 3093 BEACHCOMBER

**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 October 20, 2015, for the purpose of considering Coastal Development Permit CP0-365 for a proposed new construction of a single-family home at 3093 Beachcomber, on a vacant lot in the Coastal Commission appeal jurisdiction with review of a mitigated negative declaration; and

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

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

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

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

California Environmental Quality Act (CEQA) Finding

1. That for purposes of the California Environmental Quality Act, Case No. CP0-365 is subject to a Mitigated Negative Declaration based upon potentially significant impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality. Any impacts associated with the proposed development will be brought to a less than significant level through the Mitigated Negative Declaration (MND). Furthermore, the project, as mitigated as a result of California Coastal Commission review and concurrence of the MND and project plans, will have a less than significant impact on the environment.

Coastal Development Finding

1. The Planning Commission finds that the project is consistent with applicable provisions of the Local Coastal Program and Chapter 3 of the California Coastal Act for new construction of a single family home on a vacant lot.
2. The Planning Commission finds that the project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the project design has been sited with increased rear setbacks and existing public access and a small parking lot is located immediately north of the property on land owned and managed by the State of California Department of Parks and Recreation.
3. The Planning Commission finds the project, as conditioned, is consistent with the character of the neighborhood in which it is located. It is surrounded by compatible uses of low density residential development; has similar bulk and scale as nearby structures.

# EXHIBIT A

**Section 2. Action.** The Planning Commission does hereby approve Coastal Development Permit CP0-365 for property located at 3093 Beachcomber subject to the following conditions:

## STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated October 15, 2015, for the project at 3093 Beachcomber depicted on plans dated September 22, 2015, as part of Coastal Development Permit CP0-365, on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Manager (the "Manager"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Manager. Any changes to this approved permit determined, by the Manager, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or 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 Manager or as authorized

# EXHIBIT A

by the Planning Commission. Failure to comply with any of these conditions shall render this entitlement, at the discretion of the Manager, null and void. Continuation of the use without a valid entitlement will constitute a violation of the MBMC and is a misdemeanor.

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

## **PLANNING CONDITIONS**

1. 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 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.
5. Architecture: Building color and materials shall be as shown on plans approved by the Planning Commission and specifically called out on the plans submitted for a Building Permit to the satisfaction of the Community Development Manager Manager.
6. 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.
7. 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

# EXHIBIT A

- Manager certifying that the tops of the forms are in compliance with the finish floor elevations as shown on approved plans. Prior to either roof nail or framing inspection, a licensed surveyor shall submit a letter to the building inspector certifying that the height of the structures is in accordance with the approved plans 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.
8. Casitas Sink: Prior to issuance of building permit, a deed restriction shall be recorded to run with the property restricting the sink/wetbar from being converted into a sink for a second residential unit as required by Zoning Ordinance Section 17.48.325. Said deed restriction/covenant shall be recorded and submitted to the Community Development Manager prior to issuance of a building permit.
  9. Pursuant to LCP Policy 11.23, prior to issuance of building permit, the Property Owner shall dedicate appropriate permanent easement over the portion of the property determined to be environmentally sensitive habitat. Easement dedication shall be to the satisfaction of the Community Development Manager.
  10. The Mitigation and Monitoring Plan, attached to the MND which is Exhibit D of the staff report dated October 15, 2015 and listed below, with mitigations revised after public circulation denoted in red underlined font, shall be incorporated as conditions of approval:

## **Attachment "A"**

### **SUMMARY OF REQUIRED MITIGATION MEASURES**

#### **AESTHETICS:**

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

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

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

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

# EXHIBIT A

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

AES/mm-3 Building Height Verification: Prior to foundation inspection, a licensed land surveyor shall measure and inspect the forms and submit a letter to the Community Development Manager certifying that the tops of the forms are in compliance with the finish floor elevations as shown on approved plans. Prior to either roof nail or framing inspection, a licensed surveyor shall submit a letter to the building inspector certifying that the height of the structures is in accordance with the approved plans 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.

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

**Monitoring:** The City of Morro Bay would verify implementation of these design details through review and approval of the lighting plan and building plans prior to issuance of building permits for the project. The City of Morro Bay will also review and verify submission of licensed land surveyor height certificate to verify height compliance.

## AIR QUALITY

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

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

- a) Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b) Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c) Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
- d) Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e) Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

# EXHIBIT A

f) All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;

g) Excessive diesel idling within 1,000 feet of sensitive receptors is not permitted;

h) Electrify equipment when feasible;

i) Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,

j) Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

## **AQ Impact 2 Construction activities associated with development of the proposed project could generate dust that could be a nuisance to adjacent sensitive receptors.**

AQ/mm-2 Prior to issuance of grading and construction permits, the applicant shall include the following notes on applicable grading and construction plans, and shall comply with the following standard mitigation measures for reducing fugitive dust emissions such that they do not exceed the APCD's 20 percent opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402) as follows:

- a) Reduce the amount of disturbed area where possible;
- b) Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c) All dirt stockpile areas should be sprayed daily as needed;
- d) Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- f) All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g) All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- h) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

# EXHIBIT A

i) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;

j) Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;

k) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;

l) All PM10 mitigation measures required shall be shown on grading and building plans; and

m) The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

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

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

**After implementation of these measures, residual impacts related to air quality would be less than significant.**

## **BIOLOGICAL RESOURCES**

**BIO Impact 1 Development of the project could indirectly affect the pedestrian beach access trail to the north of the site, coastal and shoreline habitat to the west, and special-status species and wildlife in the proximity to the west and north of the property.**

BIO/mm-1 Prior to issuance of construction permits, the applicant shall submit documentation verifying designation of a qualified biological monitor for all biological resources measures to ensure compliance with Conditions of Approval and mitigation measures. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) daily and weekly compliance reporting; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. Monitoring shall be at a frequency and duration determined by the affected natural resource agencies, which may include the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, Regional

# EXHIBIT A

Water Quality Control Board, California Coastal Commission, U.S. Fish and Wildlife Service, and the City of Morro Bay.

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

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

BIO/mm-4 Prior to issuance of grading and construction permits, the applicant shall submit grading, construction, and landscape plans incorporating the following measures, for review and approval by the City Environmental Coordinator. The plan shall be implemented concurrent with or immediately following construction. The plan shall include, but not be limited to the following measures:

a. Prior to any construction activities, the coastal dune scrub area shall be demarcated with highly visible construction fencing or staking for the benefit of contractors and equipment operators.

b. Restoration of surface contours through minor grading and seeding native vegetation may be required to reduce the erosion potential and provide temporary cover during and after construction.

c. Non-native and invasive species shall not be permitted onsite. For a list of noxious weeds and appropriate plant materials, please refer to the following sources: the California Invasive Plant Council website at [www.cal-ipc.org](http://www.cal-ipc.org) and the County of San Luis Obispo's approved landscape plant list. Substitutions may be allowed, but shall be approved by a qualified botanist.

d. The north and west perimeters of the site shall utilize native species characteristic of the coastal dune scrub and native grassland habitat in the area. Landscaping around the house and to the east and south shall utilize drought tolerant, non-invasive species.

e. The final landscape plan shall be reviewed and approved by a qualified botanist prior to review and approval by the City Environmental Coordinator.

f. A sediment and erosion control plan shall be prepared that specifically seeks to protect the coastal dune scrub to the west of the construction site. Erosion control measures shall be implemented to prevent runoff from the site. Silt fencing, straw bales, and/or sand bags shall be used as well as other methods to prevent erosion and sedimentation of the drainage channel. The plan shall specify locations and types of erosion and sediment control structures and materials that would be used on-site during construction activities. Biotechnical approaches using native vegetation shall be used as feasible. The plan shall also describe how any and all pollutants originating from construction equipment would be collected and disposed.

i. Current Best Management Practices (commonly referred to as BMPs) shall be utilized to minimize impacts to the native habitat areas onsite. Washing of concrete,

# EXHIBIT A

paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing of equipment, tools, roads, etc. shall not be allowed in any location where the tainted water could affect the drainage and adjacent beach's sensitive biological resources.

## **BIO Impact 2 Development of the project could impact coastal dune scrub habitat.**

BIO/mm-5 Prior to the initiation of construction, the coastal dune scrub area shall be temporarily fenced during the entire phase of construction to assure no disturbances to coastal dune scrub habitat occur.

## **BIO Impact 3 Development of the project could impact Morro Shoulderband snail (MSS) and Morro blue butterfly.**

BIO/mm-6 Prior to issuance of a building permit a continuous silt fence shall be installed along the northern and western property boundaries. The fence shall delineate the work zone on site to preclude accidental egress into the dune scrub habitat located on the adjacent properties. The fencing shall also be intended to serve as a passive barrier to potential travel of MSS from the adjacent dune scrub habitat into the work zone. The fencing shall also serve to assure there is no disturbance of Morro blue butterfly within the silver dune lupine west of the property. The fence shall remain place throughout the duration of the project until final inspection clearance by the Morro Bay Planning Division.

BIO/mm-7 Plans shall maintain a 50-foot sand dune ESH buffer pursuant to MBMC 17.40.040.D.4. Prior to building permit issuance, City of Morro Bay Planning Division staff shall verify approved building permits are consistent with identified ESH boundaries as determined by the project biologist and as staked by the project surveyor on plans dated September 22, 2015.

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

### **Monitoring:**

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

## **CULTURAL RESOURCES**

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

CR/mm-1 Prior to issuance of a grading or building permit, the applicant shall submit to the City of Morro Bay Public Services Department, Planning Division an Archaeological Monitoring Plan for review and approval. The plan shall include, at minimum:

- a. Archaeological and Native American monitoring of all initial site disturbance and during all earthmoving and excavation activities, including trenching within the right of way for utility

# EXHIBIT A

installation/connection. Archaeological and Native American monitors shall be approved by the City.

- b. A list of all personnel involved in the monitoring activities.
- c. Clear identification of what portions of the project (e.g., phases, areas of the site, types of activities) would require monitoring.
- d. Description of how the monitoring shall occur.
- e. Description of monitoring frequency.
- f. Description of resources expected to be encountered.
- g. Description of circumstances that would result in work stoppage or diversion in the case of discovery at the project site.
- h. Description of procedures for stopping or diverting work at the project site and notification procedures.
- i. Description of monitoring reporting procedures.
- j. Contracts for monitoring services shall be signed and executed.
- k.

CR/mm-2 In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other construction activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, the onsite archaeological and Native American monitors shall be notified, and the monitors would be empowered to redirect work in the immediate vicinity to another location while the finds are evaluated and significant impacts, if any, are mitigated.

CR/mm-3 In the unlikely event that human graves are encountered, all work within 30 meters (100 feet) of the discovery shall halt and the San Luis Obispo County Coroner shall be notified immediately. At the same time, the archaeological monitor shall be contacted to evaluate the situation. If human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will designate a Most Likely Descendant who will work with the property owner and the City to determine the most appropriate disposition of the remains.

CR/mm-4 Upon completion of all monitoring and mitigation activities, and prior to final inspection or occupancy, whichever occurs first, the Applicant shall submit to the City of Morro Bay Planning Division a report summarizing all monitoring and mitigation activities and confirming that all recommended mitigation measures have been met.

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

## GEOLOGY/SOILS

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

GS/mm-1 The project shall incorporate all recommendations contained within the soil report prepared by Geosolutions dated July 7, 2011. Prior to issuance of any building permit, the applicant shall demonstrate to the Planning Division that all recommendations (depending on the type of foundation either slab or raised) have been incorporated into the plans submitted for a building permit.

GS/mm-2 Prior to issuance of grading and construction permits, the applicant shall prepare a drainage and erosion control plan to reduce the potential for erosion and down-gradient sedimentation both during construction and for the life of the project. Grading

# EXHIBIT A

and construction plan shall include measures to prevent and avoid spills or spread of dangerous materials and clean-up procedures in the event of a spill. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with the erosion control plan.

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

### **Monitoring:**

Design plans shall be inspected and approved by the City Engineer to ensure compliance with the requirements of the Geologic Report. Erosion control plans shall be submitted to the City Environmental Coordinator for review and approval, in consultation with the City Engineer. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with design plans and the drainage and erosion control plan. Restoration actions shall be monitored on a quarterly basis for a period of three years (minimum) to ensure successful stabilization. Monitoring reports shall be submitted on a quarterly basis to the City Environmental Coordinator for a minimum of three years, until the City has determined that site restoration has stabilized the adjacent slope.

### **HAZARDS AND HAZARDOUS MATERIALS**

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

HAZ/mm-1 Prior to issuance of grading permits, a Spill Prevention Control and Countermeasure Plan shall be developed and submitted to the City for approval. The plan shall identify hazardous materials to be used during construction and operation, and shall identify procedures for storage, distribution, and spill response. The plan shall specifically address potential spill events into the adjacent beachfront area. Equipment refueling shall be done in non-sensitive areas and such that spills can be easily and quickly contained and cleaned up without entering the existing stormwater drainage system or creek. The plan shall include procedures in the event of accidents or spills, identification of and contact information for immediate response personnel, and means to limit public access and exposure. Any necessary remedial work shall be done immediately to avoid surface or ground water contamination.

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

### **Monitoring:**

The applicant shall be responsible for implementing the approved Spill Prevention Control and Countermeasure Plan. The City Engineer shall conduct periodic inspections to verify compliance.

### **HYDROLOGY AND WATER QUALITY**

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

# EXHIBIT A

HWQ/mm-1 Prior to issuance of grading permits, the applicant shall provide a Drainage Report prepared by a Registered Civil Engineer. The Drainage Report shall conform to Stormwater Management for New and Redevelopment Projects within the City of Morro Bay in the July 2011 amendment to the City Standard Drawings and Specifications\*. Specifically, this project shall meet the requirements of the following Parts:

- a. Part 1: Protection of Water Quality - **Exempt**
- b. Part 2: Runoff Volume Controls (LID) - **Tier 2 requirements**
- c. Part 3: Peak Runoff Flow Control – **All requirements**

HWQ/mm-2 Prior to issuance of grading and building permits, the applicant shall provide a standard erosion and sediment control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.

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

### **Monitoring:**

Monitoring shall occur as necessary to ensure development is proceedings consistent with the final grading and drainage plan.

### **PUBLIC WORKS CONDITIONS**

1. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements to protect water quality and control runoff flow from new and redevelopment projects. The requirements can be found in the Stormwater management guidance manual on the City's website [www.morro-bay.ca.us/EZmanual](http://www.morro-bay.ca.us/EZmanual) This project has more than 2,500 sq ft of new impervious area and is subject to the SFR Performance Requirements 1. Update and submit the "SFR Performance Requirement Determination Form".
2. Frontage Improvements: The installation of frontage improvements is required. Show the installation of a City standard driveway approach (B-7 or B-8), curb and street tree. If permeable pavers are to be used, a modified driveway approach with a 12" wide PCC grade beam should be constructed to stabilize the front edge of the pavers. An encroachment permit is required for any work within the Right of Way.
3. Encroachment Permits: A standard encroachment permit shall be required for the proposed driveway; the driveway shall comply with B-9 (Driveway Ramps: Size & Location). A sewer encroachment permit shall be required for the installation of the sewer lateral. When utility connections require pavement cuts a traffic control plan indicating appropriate signing, marking, barricades and flaggers must be submitted with the Encroachment Permit application.
4. Sewer Lateral: The sewer main line shall be extended and a new clean out installed 4 feet beyond where the proposed sewer lateral tie-in will connect. A

# EXHIBIT A

sewer backwater valve and downstream cleanout, extended to grade, shall be installed on the new sewer lateral.

5. 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).
6. Erosion and Sediment Control Plan: For small projects less than one acre and less than 15% slope, provide a standard erosion and sediment control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.
7. Water Meter: Label existing or new water meter. If new water meter, water allocations requested shall be offset on a two-to-one basis (or 440 gallons per day) by providing retrofits to existing uses or providing non-required water savings features for new development that is seeking water allocation. Retrofits are approved by the Public Works Director and may include the following water savings best management practices:
  - Irrigation retrofits
  - Waterless urinals
  - Waterless toilets
  - Ultra-Low flow toilets
  - Lawn/Landscape replacement
  - Grey water system installation in new construction
  - Installation of rainwater recovery system
  - Other water savings best management practices as approved by the Public Services Director
  - Payment of an “In-Lieu” fee program of \$5,800 per Water Equivalency Units (WEU)

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 Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

## **Building Conditions:**

1. Prior to construction, the applicant shall submit a complete building permit application and obtain the required building permit.

# EXHIBIT A

Planning Commission Resolution 42-15  
CP0-365: 3093 Beachcomber  
Page 14

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 20<sup>th</sup> day of October, 2015 on the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Chairperson Robert Tefft

ATTEST

---

Scot Graham, Community Development Manager

The foregoing resolution was passed and adopted this 20<sup>th</sup> day of October, 2015.

# EXHIBIT B

## CALIFORNIA COASTAL COMMISSION

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



October 17, 2014

Cindy Jacinth, Associate Planner  
Public Services Department  
955 Shasta Avenue  
Morro Bay, California 93442

**Subject: Mitigated Negative Declaration for 3093 Beachcomber Drive**

Dear Ms. Jacinth:

Thank you for the opportunity to review the above referenced Mitigated Negative Declaration (MND). The proposed project consists of a single family dwelling on a vacant beachfront parcel on Beachcomber Drive in Morro Bay. We have the following comments on the MND:

**1. Visual Resources:**

The MND states that the proposed development would be a single story residence approximately 17 feet in height. The parcel is located in an area zoned R-1/S.2A. The S.2A zoning district restricts a single family home to a single story with a 14 foot height limit for flat roofs or 17 feet for projects with a four in twelve or greater roof pitch. It is unclear from the MND if the proposed development will be consistent with these height restrictions. Specifically, it is unclear if the proposed development's roof is designed with a four in twelve or greater roof pitch, which would allow for the roof to be 17 feet in height. If not, the height of the roof must be reduced to no greater than 14 feet. Please assure that the proposed development is in compliance with the above height limitations in order to protect the coastal views and visual character of the surrounding area as required by the LCP.

**2. Biological Resources:**

According to the MND, it is clear that the proposed project will be located near coastal dune habitat. However, the MND does not provide detail about how close the development will be to this sensitive habitat area. LUP Policy 11.20 requires that coastal dune habitats be preserved and protected from all but resource dependent, scientific, educational and passive recreational use. Disturbance or destruction of any dune vegetation is prohibited, unless no feasible alternative exists. Furthermore, the LCP requires that a buffer strip of a minimum width of 50 feet in urban areas shall be maintained between the dune habitat and adjacent development. The MND failed to apply LUP Policy 11.20 in the analysis of impacts the proposed development could have on coastal dune habitat that is located both on and adjacent to the proposed development. The MND also failed to apply the appropriate 50 foot buffer. Also, it should be noted that revegetation is only allowed if no feasible alternative exists. An analysis showing that no feasible alternatives exist was not provided to justify the potential impacts of the proposed project. Please provide an analysis that applies the

# EXHIBIT B

Mitigated Negative Declaration Comments

3093 Beachcomber Drive, Morro Bay

October 17, 2014

Page 2

buffers as required in LUP Policy 11.20. If the application of the required buffer would render development of the proposed project infeasible, please provide an analysis to support this determination.

**3. Hazards/Hydrology:**

The development is proposed to be located between the westernmost road and the ocean. Although a geological assessment determined that the proposed development is not situated on a coastal bluff and the site has not historically been subject to wave erosion, all that lies between the site and the ocean is a several hundred feet of coastal dunes and beach. Sea level rise could potential lead to erosion of the beach and coastal dunes that currently separate the proposed development from ocean. These future impacts need to be analyzed and accounted for. Therefore, a wave run-up analysis that includes potential future impacts due to sea level rise must be performed. Please ensure that the appropriate analysis is performed and that the proposed development is conditioned properly to deal with the impacts of sea level rise.

**4. Buildable Area:**

The MND gives several APNs for the location of the proposed development (065-120-00, 065-064-017, and 065-120-001), which makes it difficult to determine the legal lot of record. This information is necessary to analyze what development is appropriate. Without knowing the legal lot of record, it is not possible to determine whether or not a setback requirement, as described above in regards to coastal dune habitat, would render development of the lot infeasible. Please clarify the APN for the lot of the proposed development.

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

Sincerely,



Justin Buhr

Coastal Planner

Central Coast District Office

EXHIBIT C



# EXHIBIT C

LaPLANTE RESIDENCE \* 3093 BEACHCOMBER DRIVE \* MORRO BAY, CA

## COLOR BOARD



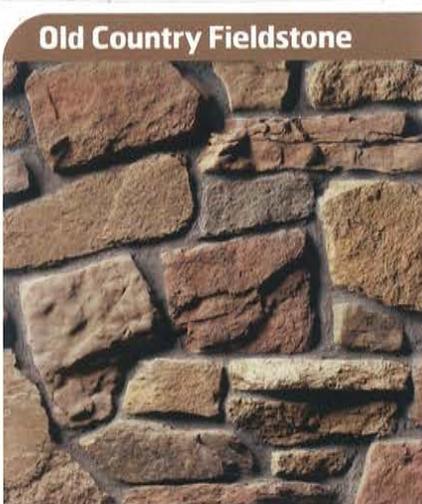
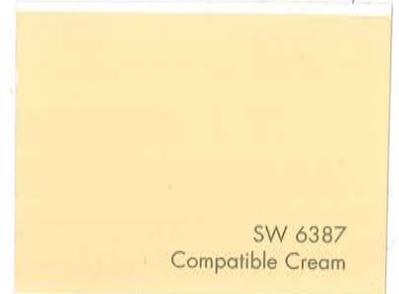
**B308 Canyon Red Blend**  
*(formerly MCA #8 blend)*

### ROOF:

MCA 2-PIECE TAPERED MISSION  
B308 "CANYON RED BLEND"

### EXTERIOR PLASTER:

SHERWIN WILLIAMS SW6387  
"COMPATIBLE CREAM"



**Chardonnay Old Country Fieldstone**  
(CSV-368105)

### STONE VENEER:

CULTURED STONE  
"CHARDONNAY OLD COUNTRY FIELDSTONE"

GARAGE DOOR, ENTRY DOORS, CORBELS,  
GATES, WINDOW SASH: "HARMONIC TAN"

SW6136



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

**Public Notice of Availability**  
**Document Type: Mitigated Negative Declaration**

**CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**CITY OF MORRO BAY**

**The City has determined that the following proposal qualifies for a**

**Negative Declaration**     **Mitigated Negative Declaration.**

**PROJECT TITLE:** New Single Family Residence at 3093 Beachcomber Drive

**PROJECT LOCATION:** 3093 Beachcomber Drive (APN 065-120-001)

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

**CASE NO.:** CP0-365 (Coastal Development Permit)

**PROJECT DESCRIPTION:** A 3,495 square foot single family home with an attached 535 square foot garage located on a parcel adjacent to the beach at 3093 Beachcomber. The project also includes developing the site with landscape and hardscape including a driveway to the garage. The home is designed as a single level approximately 17 feet in height. The parcel (APN 065-120-00) is approximately 8100 square feet in size and is zoned R-1/S.2A. This zoning restricts a single family residence as single story with a 14 foot height for flat roofs or seventeen feet with a four in twelve or greater roof pitch.

**LEAD AGENCY:** City of Morro Bay

**CONTACT PERSON:** Cindy Jacinth, Associate Planner

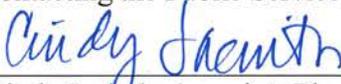
**TELEPHONE:** (805) 772-6577

**ADDRESS WHERE DOCUMENT MAY BE OBTAINED:**

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

**PUBLIC REVIEW PERIOD: Begins: September 18, 2014 to October 17, 2014**

Anyone interested in this matter is invited to comment on the document by written response or contacting the Public Services Department.

  
\_\_\_\_\_  
Cindy Jacinth, Associate Planner  
Signature

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

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

CEQA: CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY OF MORRO BAY  
955 Shasta Avenue  
Morro Bay, California 93442  
805-772-6261

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.: Coastal Development Permit #CP0-365

PROJECT TITLE: New Single Family Residence at 3093 Beachcomber Drive

APPLICANT / PROJECT SPONSOR: Paul LaPlante / John Kilpelainen, John K Construction Inc.

**PROJECT DESCRIPTION:** A 3,495 square foot single family home with an attached 535 square foot garage located on a parcel adjacent to the beach at 3093 Beachcomber. The project also includes developing the site with landscape and hardscape including a driveway to the garage. The home is designed as a single level approximately 17 feet in height. The parcel (APN 065-120-00) is approximately 8100 square feet in size and is zoned R-1/S.2A. This zoning restricts a single family residence as single story with a 14 foot height for flat roofs or seventeen feet with a four in twelve or greater roof pitch.

**PROJECT LOCATION:** The project site is located at 3093 Beachcomber Drive at the intersection of Beachcomber and Hatteras within the City of Morro Bay. The site is within the R-1/S.2A overlay, (Single-family residential with special building site and yard standards identified in the Coastal Land Use Plan (CLUP)). The project is also located in the Coastal Commission's Appeals Jurisdiction.

**FINDINGS OF THE:** Environmental Coordinator

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

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014



*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:** New Single Family Residence at 3093 Beachcomber Drive

**Project Location:** 3093 Beachcomber Street (APN 065-064-017)

**Case Number:** Coastal Development Permit #CP0-365

**LEAD AGENCY:** City of Morro Bay Phone: (805) 772-6261  
955 Shasta Ave Fax: (805) 772-6268  
Morro Bay, CA 93442

**Project Applicant:** Paul LaPlante Phone: 805-343-1915  
1935 Northwood Road Fax: \_\_\_\_\_  
Nipomo, CA 93444

**Project Landowner:** Paul LaPlante Phone: 805-343-1915

**Project Agent:** John R. Kilpelainen Phone: 805-440-4033  
110 Day Street Fax: \_\_\_\_\_  
Nipomo, CA 93444

**Project Description:** A 3,495 square foot single family home with an attached 535 square foot garage located on a parcel adjacent to the beach at 3093 Beachcomber. The project also includes developing the site with landscape and hardscape including a driveway to the garage. The home is designed as a single level approximately 17 feet in height. The parcel (APN 065-120-00) is approximately 8100 square feet in size and is zoned R-1/S.2A. This zoning restricts a single family residence as single story with a 14 foot height for flat roofs or seventeen feet with a four in twelve or greater roof pitch. The residential structure would be set back 14 feet, 2 inches from the western parcel line, which abuts Atascadero State Beach (also known as Morro Strand State Beach). The western and southern property boundaries sit on the edge of a terrace resulting in a gradual four foot drop in elevation from east to west. The proposed project would level the terrace by installing a Concrete Masonry Unit Retaining Wall system on the northern, western, and southern parcel boundaries.

<b>Project Location:</b>	3093 Beachcomber Drive
<b>Assessor Parcel Number(s):</b>	065-120-001

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

<b>General Plan Designation:</b>	Low-Medium Density Residential
<b>Zoning:</b>	Single Family Residential (R-1)/ Special Building Site & Yard Standards (S.2A overlay)

Surrounding Zoning and Land Uses	
North	Open Area 1 (OA-1/PD) / Environmentally Sensitive Habitat (ESH) – Beach Access
South	Single Family Residential (R-1/S.2A) – Residential
West	Open Area 1 (OA-1/PD) – Beach
East	Single Family Residential (R-1/S.2.A) – Residential

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

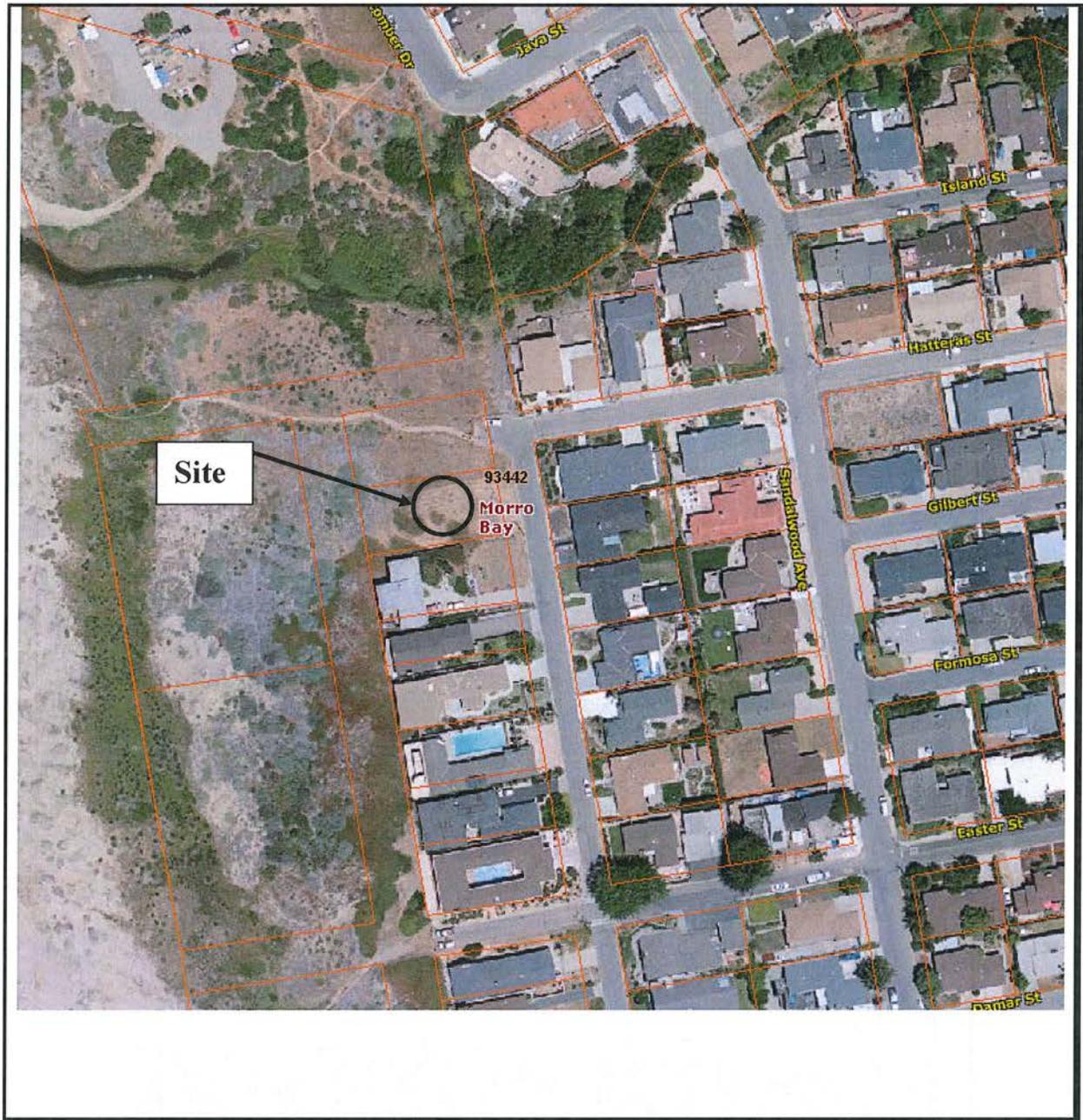
San Luis Obispo Air Pollution Control District (SLOAPCD)

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

VICINITY MAP

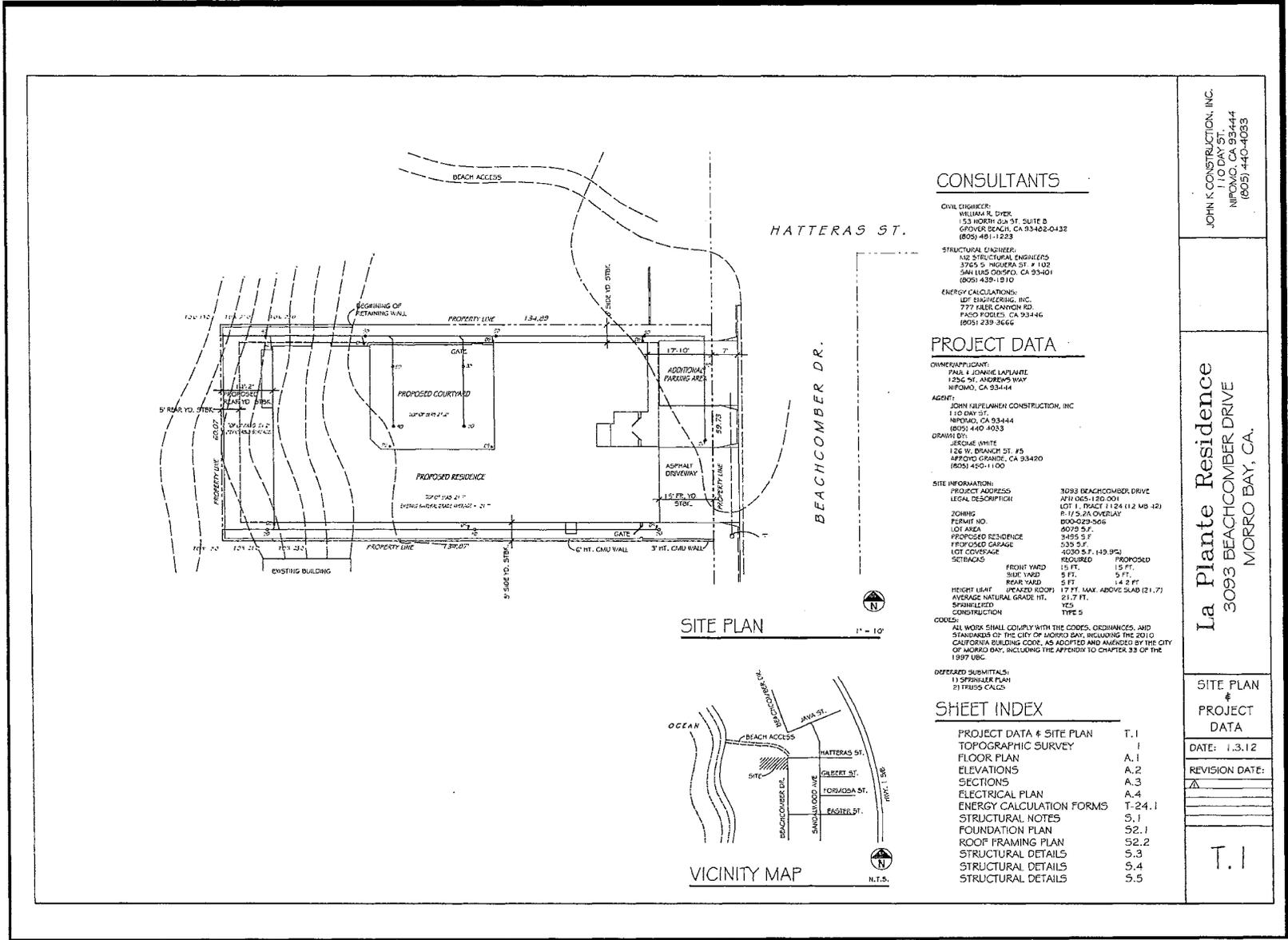


INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

SITE PLAN



CONSULTANTS

CIVIL ENGINEER:  
WILLIAM R. DYER  
153 NORTH 50<sup>th</sup> ST. SUITE B  
GROVER BEACH, CA 93428-0432  
(805) 481-1223

STRUCTURAL ENGINEER:  
AIZ STRUCTURAL ENGINEERS  
3765 S. MOJORA ST. # 102  
SAN LUIS OBISPO, CA 93401  
(805) 439-1910

ENERGY CALCULATIONS:  
LDT ENGINEERING, INC.  
777 KILLER CANYON RD.  
PASO ROBLES, CA 93346  
(805) 239-3666

PROJECT DATA

OWNER/APPLICANT:  
PAUL & JONNIE LAPLANTRE  
1256 ST. ANDREWS WAY  
NIPOMO, CA 93444

AGENT:  
JOHN KUFELMANN CONSTRUCTION, INC.  
1105 DAW ST.  
NIPOMO, CA 93444  
(805) 440-4033

DRAWN BY:  
JEROME WHITE  
126 W. BRANCH ST. #5  
AFFORD GRANDE, CA 93420  
(805) 450-1100

SITE INFORMATION:

PROJECT ADDRESS: 3093 BEACHCOMBER DRIVE  
LEGAL DESCRIPTION: APN 065-120-001  
LOT 1, TRACT 1124 (12 MB ±) ± 16.5 ± 2A OVERLAY

ZONING: R-16.5 ± 2A OVERLAY  
PERMIT NO.: 000-029-566  
LOT AREA: 8070 S.F.  
PROPOSED RESIDENCE: 3455 S.F.  
PROPOSED GARAGE: 235 S.F.  
LOT COVERAGE: 4030 S.F. (49.9%)  
SETBACKS: FRONT YARD 15 FT., PROPOSED 15 FT.  
SIDE YARD 5 FT., REAR YARD 5 FT.  
HEIGHT LIMIT: 17 FT. MAX. ABOVE GRADE (21.7')  
AVERAGE NATURAL GRADE HT.: 21.7 FT.  
SPRINKLED: YES  
CONSTRUCTION: TYPE 5

CODES:  
ALL WORK SHALL COMPLY WITH THE CODES, ORDINANCES, AND STANDARDS OF THE CITY OF MORRO BAY, INCLUDING THE 2010 CALIFORNIA BUILDING CODE, AS ADOPTED AND AMENDED BY THE CITY OF MORRO BAY, INCLUDING THE APPENDIX TO CHAPTER 33 OF THE 1997 UBC.

DEFERRED SUBMITTALS:

- 1) ORIGINATOR PLAN
- 2) TRUSS CALCS

SHEET INDEX

PROJECT DATA & SITE PLAN	T.1
TOPOGRAPHIC SURVEY	1
FLOOR PLAN	A.1
ELEVATIONS	A.2
SECTIONS	A.3
ELECTRICAL PLAN	A.4
ENERGY CALCULATION FORMS	T-24.1
STRUCTURAL NOTES	5.1
FOUNDATION PLAN	52.1
ROOF FRAMING PLAN	52.2
STRUCTURAL DETAILS	5.3
STRUCTURAL DETAILS	5.4
STRUCTURAL DETAILS	5.5

JOHN K. CONSTRUCTION, INC.  
110 DAY ST.  
NIPOMO, CA 93444  
(805) 440-4033

La Plante Residence  
3093 BEACHCOMBER DRIVE  
MORRO BAY, CA.

SITE PLAN & PROJECT DATA

DATE: 1.3.12

REVISION DATE:

T.1

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

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

**FISH AND GAME FEES**

	The Department of Fish and Wildlife has reviewed the CEQA document and written no effect determination request and has determined that the project will not have a potential effect on fish, wildlife, or habitat (see attached determination).
X	The project has potential to impact fish and wildlife resources and shall be subject to the payment of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code. This initial study has been circulated to the California Department of Fish and Wildlife for review and comment.

**STATE CLEARINGHOUSE**

X	This environmental document must be submitted to the State Clearinghouse for review by one or more State agencies (e.g. Cal Trans, California Department of Fish and Wildlife, Department of Housing and Community Development). The public review period shall not be less than 30 days (CEQA Guidelines 15073(a)).
---	--

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 a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effect that remain to be addressed.

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measure that are imposed upon the proposed project, nothing further is required.

Cindy Jacinth  
Signature  
Cindy Jacinth  
Printed Name

9/15/14  
Date  
City of Morro Bay  
For

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

III. ENVIRONMENTAL CHECKLIST

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

**Environmental Discussion:** The visual resources of an area comprise the features of its built and natural land forms, vegetation, water surfaces and landscape. Landscape features, naturally occurring or otherwise, form the overall impression of the area.

The proposed project site is vacant, and located at the intersection of Beachcomber and Hatteras between an existing residence to the south, and a pedestrian public beach access trail and small parking area to the north on an ocean-front lot.

The General Plan and the Local Coastal Plan contain policies that protect the City’s visual resources. The waterfront and Embarcadero are designated as scenic view areas in the City’s Visual Resources and Scenic Highway Element. The Morro Rock, sand spit, harbor and navigable waterways are all considered significant scenic resources. The parcel is located adjacent to the Morro Strand State Beach and has views of the beach, ocean, and Morro Rock.

Beachcomber Drive is identified as a street providing Scenic Views (General Plan Figure VR-1 Scenic Views, Coastal Land Use Plan Figure 30 Scenic Views). It is also noted on Figure VR-1 that the State Parks owned parcel adjacent to 3093 Beachcomber provides a view to the ocean as well as a beach access trail and small parking area. The project site would be located at the intersection of Beachcomber Drive and Hatteras Street.

The project is subject to the following General Plan and Local Coastal Plan policies.

Policy VR-2: The scenic and visual qualities of coastal area shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic and coastal area, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated on Figure VR-1 [Scenic Views] shall be subordinate to the character of the setting.

Program VR-3.5: Development between State Highway One and the ocean in Planning Areas 1 [North Morro Bay], 2, and 5 shall provide view corridors as defined in Policy 12.02B and by Figure 32 so as to not significantly degrade views to and along the coast from Highway One. New development shall be subordinate to the character of its setting and shall be visually compatible with the surrounding areas. [Note: the view corridor identified in Figure 32 of the Coastal Land Use Plan is located approximately 4,000 feet south of the project site. The project site is within Planning Area 1, but is not within Mixed Use Area G (defined in Policy 12.02B)].

The project is also subject to the following Local Coastal Plan Policies:

Policy 12.01: The scenic and visual qualities of coastal area shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

and coastal area, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated on Figure 31 [Scenic Views] shall be subordinate to the character of the setting.

Policy 12.03: Development between State Highway One and the ocean in Planning Areas 1, 2, and 5 shall provide view corridors as defined in Policy 12.02B and by Figure 32 so as not to significantly block views of travelers on the Highway. New development shall be subordinate to the character of its setting and shall be visually compatible with the surrounding areas [Note: the view corridor identified in Figure 32 of the Coastal Land Use Plan is located approximately 1,500 feet south of the project site. The project site is within Planning Area 1, but is not within Mixed Use Area G (defined in Policy 12.02B)].

**Impact Discussion:**

**a.,c.)** The project proposes to construct a new approximately 3,495 square foot single family residence with an attached 535 square foot garage and further develop the site with landscape and hardscape including a driveway to the garage. The residence would be centrally located on the parcel, accessed via Beachcomber Drive and include an outdoor courtyard opening to the north and a patio facing west. The residential structure would be set back 14 feet, 2 inches from the western parcel line, which abuts Atascadero State Beach (also known as Morro Strand State Beach). The western and southern property boundaries sit on the edge of a terrace resulting in a gradual four foot drop in elevation from east to west. The proposed project would level the terrace by installing a Concrete Masonry Unit Retaining Wall system on the northern, western, and southern parcel boundaries. The residence will affect the view of the beach from some of the existing residences; however the lot is adjacent to a parcel of land owned by the State of California which provides a trail to the beach with small parking area and direct views to the beach and ocean from the intersection of Hatteras and Beachcomber.

The development of a single family home on this lot will be subject to all the standard development requirements of the R-1/S.2A zone district including lot coverage, setbacks and height restrictions. These standards serve to minimize the massing of the structure and ensure that the building is consistent with the neighborhood. The S.2A overlay has been placed on R-1 parcels west of Highway 1 and it places a more restrictive limit on height to ensure that views to the beach and ocean are preserved to the greatest extent possible while allowing residential development of the site. For instance while the R-1 zone district allows a maximum height of twenty five feet, the S.2A overlay provides for a maximum of fourteen feet or seventeen feet with a four in twelve or greater roof pitch.

**b.)** There have been no scenic resources (trees, rock outcroppings, and historic buildings within a state scenic highway) identified on the project site or adjacent to; therefore the project would not substantially impact on scenic resources.

**d.)** The project would include lighting, which would contribute to existing sources of light and glare in the surrounding neighborhood. However, the project would not create lighting or glare inconsistent with adjacent uses, provided standard measures are incorporated (see below). The following mitigation measures are recommended to reduce potential impacts to less than significant.

**Mitigation and Residual Impact:**

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

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

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

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

AES/mm-2

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

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

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

**Monitoring:**

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

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

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

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

**Environmental Discussion:** The existing residential use on the site is consistent with the zoning designation of Single Family Residential (R-1/S.2A). The property and surrounding areas are not zoned for agricultural uses. The site has not historically been used for farming nor has it been designated as prime farmland. The property is located in a residential district. The City of Morro Bay contains a relatively limited area devoted to agricultural uses within the city limits. The Chorro and Morro Valleys, within and adjacent to the city, support intensive agricultural activity. No agricultural areas are located within 0.5 mile of the project site.

**Impact Discussion:**

- a. The project site is classified as Urban and Built Up Land by the Department of Conservation’s Farmland Monitoring and Mapping Program. No Farmland would be converted; no impacts would result.
- b. The project site is within the R-1/S2.A zone and is not subject to a Williamson Act contract. The proposed use would not conflict with any existing zoning and no impacts would result.
- c. The project location does not consist of forest land or timberland; no impacts would result.
- d. The project location does not consist of forest land or timberland; no impacts would result.
- e. The project would not result in any changes to the environment that would impact existing agricultural uses in the region. The project would continue to be served by City water supplies, which are considered sufficient to adequately meet project-related demands, and construction and long-term operation of the project is not expected to cause any significant impacts on regional agricultural uses. No impact would occur.

**Mitigation and Residual Impact:**

The project is not expected to result in any potentially significant impacts to agricultural resources and no mitigation measures are necessary.

**Monitoring:**

None required.

3. AIR QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.  Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?			X	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d. Expose sensitive receptors to substantial pollutant concentrations?		X		
e. Create objectionable odors affecting a substantial number of people?			X	

**Environmental Setting:** The project area is located in the South Central Coast Air Basin (SCCAB). The SCCAB consists of San Luis Obispo County and a portion of Santa Barbara County north of the Santa Ynez Mountain ridgeline. Atmospheric pollutant concentrations in the SCCAB are generally moderate, due to persistent west-to-northwesterly winds that blow off the Pacific Ocean and enhance atmospheric mixing. Although meteorological conditions in the project area are usually conducive to pollutant dispersal, pollution can sometimes accumulate during the fall and summer months when the Eastern Pacific High can combine with high pressure over the continent to produce light winds and extended inversion conditions in the region. As a result, Morro Bay is considered a non-attainment area for particulate matter less than 10 microns in diameter (PM<sub>10</sub>) and ozone (O<sub>3</sub>).

The San Luis Obispo County Air Pollution Control District (SLOAPCD) has developed the CEQA Air Quality Handbook (2013) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The APCD has also prepared a Clean Air Plan to evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels.

**Impact Discussion:**

a.) The proposed development is consistent with the goals and policies of the City of Morro Bay General Plan and is consistent with the APCD’s CEQA Handbook and Clean Air Plan. The project includes residential development within an urban area currently zoned for this type of development. There would be no impact.

b.) The project proposes to construct a new approximately 3,495 square foot single family residence with an attached 535 square foot garage with other miscellaneous improvements. The disturbance of fine particulate matter will be minimal during the construction phase and the site will be developed and exposed dirt will be covered or landscaped to prevent erosion. The project would result in the disturbance of approximately 0.18 acre of soils with the construction of the project. These project activities would result in the creation of construction dust and short-term construction vehicle emissions (Construction Emissions). The project would generate long-term emissions due to trip generation and area source emissions (Operational Emissions).

**Construction Emissions.** Construction of the project, including export of fill, would generate emissions including reactive organic gasses (ROG), oxides of nitrogen (NOx), carbon monoxide (CO), carbon dioxide (CO<sub>2</sub>), fugitive dust (PM<sub>10</sub>), and exhaust particulates (PM<sub>10</sub> and PM<sub>2.5</sub>) including diesel particulate matter (DPM). Construction emissions that would result from the proposed project were calculated using CalEEMod, pursuant to the CEQA Handbook. Construction emissions (winter) are estimated in Table 1 Construction Emissions, below. Estimated construction emissions are not expected to exceed the APCD thresholds requiring mitigation. Any potential impacts would be further minimized by implementation of the City's standard dust control measures.

In addition to the construction air quality thresholds defined above, there are a number of special conditions, local regulations or state and federal rules that apply to construction activities. These conditions must be addressed in proposed construction activity and are summarized below.

**Table 1. Construction Emissions**

	ROG	NOx	CO	PM10	PM <sub>10</sub> (Exhaust)	PM <sub>2.5</sub> (Exhaust)	CO <sub>2</sub>
<b>Winter (lbs/day)</b>	26.00	36.31	21.82	1.066	1.76	1.62	3,568.55

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

<b>Threshold (lbs/day)*</b>	137	n/a	n/a	7	n/a
<b>Mitigation Required</b>	No	n/a	n/a	No	n/a

\*Source: County of San Luis Obispo, APCD CEQA Air Quality Handbook, 2012

### *Sensitive Receptors*

The proximity of sensitive individuals (receptors) to a construction site constitutes a special condition and may require a more comprehensive evaluation of toxic diesel PM impacts and more aggressive implementation of mitigation measures described below in the diesel idling section (if deemed necessary by the SLOAPCD). Areas where sensitive receptors are most likely to spend time include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units. The types of construction projects that typically require a more comprehensive evaluation include large-scale, long-term projects that occur within 1,000 feet of a sensitive receptor locations. This project is located within an established residential neighborhood on beachfront property with a pedestrian access trail to the beach and small parking area for beach access.

### *Permits*

Portable equipment and engines 50 horsepower (hp) or greater, used during construction activities will require California statewide portable equipment registration (issued by the Air Resources Board) or an Air District permit.

**Operational Emissions.** The SLOAPCD has set thresholds for ozone precursor emissions, DPM, fugitive particulate matter emissions (dust), and CO. Ozone precursor emissions are measured as combined ROG and NOx emissions. DPM is seldom emitted from individual projects in quantities which lead to local or regional air quality attainment violations. DPM is, however, a toxic air contaminant and carcinogen, and exposure to DPM may lead to increased cancer risk and respiratory problems. Operation of the project would generate approximately 9.6 daily trips. Due to the minimal amount of operational trips, resulting emissions would be negligible. No significant long-term air quality effects are expected to occur and no mitigation measures are required.

**c., d.)** San Luis Obispo County is a non-attainment area for the State PM<sub>10</sub> (fine particulate matter 10 microns or less in diameter) air quality standards. State law requires that emissions of non-attainment pollutants and their precursors be reduced by at least 5% per year until the standards are attained. The Clean Air Plan (CAP) for San Luis Obispo County was developed and adopted by the Air Pollution Control District (APCD) to meet that requirement. The CAP is a comprehensive planning document designed to reduce emissions from traditional industrial and commercial sources, as well as from motor vehicle use. According to the APCD “CEQA Air Quality Handbook” (2012), both construction activities and ongoing activities of land uses can generate air quality impacts. The APCD has established the threshold of significance as project construction activities lasting more than one quarter in a year and land uses that generate 1.25 or more pounds per day (PPD) of diesel particulate matter, .25 PPD of reactive organic gases, oxides or nitrogen, sulfur dioxide, or fine particulate matter, or more than 550 PPD of carbon monoxide, as having the potential to affect air quality significantly. The project is a size that is below APCD’s air quality significance thresholds. The project site is relatively isolated from major roadways and associated vehicle emissions. The project would generate roadway traffic only during construction, when workers and trucks would be traveling to and from the project site.

The number of daily vehicle trips that would be generated during construction would not add substantially to local traffic volumes. Considering this, the project would not be expected to create or contribute substantially to the violation of air standards.

**Naturally Occurring Asbestos.** According to the SLOAPCD Naturally Occurring Asbestos Zones map, the project site is located in an area that is known to contain naturally occurring asbestos. Naturally occurring asbestos has been identified by the State Air Resources Board as a toxic air contaminant. The proposed project would result in grading activities and therefore naturally occurring asbestos may be encountered. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any construction or grading activities at the site, the applicant must comply with all applicable requirements outlined in the Asbestos ATCM, which include preparation of an Asbestos Dust Mitigation Plan and/or an Asbestos Health and Safety Program.

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

e.) No objectionable odors would be produced from the project during or following construction. Standard construction practices required by the Municipal Code will be imposed upon the project and the project will be subject to comply with all permit requirements for demolition including APCD notification requirements.

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

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

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

**AQ Impact 2 Construction activities associated with development of the proposed project could generate dust that could be a nuisance to adjacent sensitive receptors.**

*AQ/mm-2 Prior to issuance of grading and construction permits, the applicant shall include the following notes on applicable grading and construction plans, and shall comply with the following standard mitigation measures for reducing fugitive dust emissions such that they do not exceed the APCD's 20 percent opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402) as follows:*

- a) Reduce the amount of disturbed area where possible;*

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

- b) Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;*
- c) All dirt stockpile areas should be sprayed daily as needed;*
- d) Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;*
- e) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;*
- f) All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;*
- g) All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.*
- h) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;*
- i) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;*
- j) Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;*
- k) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;*
- l) All PM10 mitigation measures required shall be shown on grading and building plans; and*
- m) The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.*

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

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

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

INITIAL STUDY AND CHECKLIST -- LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

**Monitoring:**

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

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

**Environmental Setting:** The applicant provided a Biological Resources Assessment (V.L. Holland, Ph.D., 2013) and an addendum to the Biological Resources Assessment (V.L. Holland, Ph.D., 2014). The results of these assessments are incorporated into the setting and analysis discussions below.

The project proposes to construct a new approximately 3,495 square foot single family residence with an attached 535 square foot garage and landscape the site. The rectangular shaped 8,100 square foot parcel is a mostly flat site with a slight downward slope on the western boundary that is bordered by Beachcomber Street and residential area to the east and south. The elevation of the subject lot ranges from 23 feet above mean sea level along its eastern portion on

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

Beachcomber Drive to 16 feet at its northwest corner where it adjoins the coastal dune scrub on State Park land. The west and north boundaries adjoin State Park land (Atascadero or Morro Strand State Beach) consisting of open space area and coastal sand dunes. A public access trail exists to the immediate north that provides beachfront access. Morro Strand State Beach Campground is approximately 350 feet northwest of the subject lot, and an unnamed seasonal drainage (sometimes referred to as Alva Paul Creek) is approximately 200 feet north of the lot. This small drainage flows from the east to the west and dissipates in the sandy beach along Estero Bay.

Fieldwork was conducted by Drs. V.L. Holland and/or David Keil on January 30, February 10 and 22, and March 4, 2013. A variety of grasses and succulents are located on the parcel and adjacent dunes; however little native vegetation exists on-site.

The 2013 biological assessment revealed that only 16 plant species were found on the lot consisting of no trees, two shrubs (one native to the site) and 16 grasses and forbs (one native). Of the 16 species on the site, one is native and 15 are introduced.

*Plant communities:*

Common ruderal plant species found on and around the subject lot and on the disturbed areas around the lot include lens-scale saltbrush, common wild oats, beet, rigput brome, ice plant, salt grass, ryegrass, cheeseweed, bur-clover, Bermuda-buttercup, English plantain (*Plantago coronopus*), English plantain (*Plantago lanceolata*), wild radish, curly dock, common sow-thistle and common vetch. Only salt grass is native to California and lens-scale saltbush which grows wild in Morro Bay area. (Holland, 2013).

*Wildlife species:*

A number of special status wildlife species are known to occur along the central coast of California in the general vicinity of the project site. The Biological Survey performed conducted a search of the CNDDDB which reported for the Morro Bay North U.S.G.S. 7.5 minute quadrangle and the immediately surrounding quadrangles (Port San Luis, Pismo Beach, San Luis Obispo, Atascadero, Morro Bay South, And Cayucos) provide a list of wildlife species with special listing that have potential of being on the subject site or within about 10 linear miles of the property. The subject site was searched for any signs of these potential special status wildlife species, including southern steelhead, tidewater goby, California red-legged frog, California clapper rail, all of which are either listed as endangered or threatened, but none were found on the site or expected to use the site because no suitable habitats were found. (Holland, 2013).

*Coastal Dune Scrub*

The subject lot adjoins coastal dune scrub community along the site's northwestern corner. Coastal dune scrub communities are generally located inland from the beach and foredune communities. Near the subject lot, this community covers a long strip of stabilized dunes east of Estero Bay. Because coastal dune scrub communities are usually located in the wind-shadow of the foredunes or in areas away from the immediate coast, and because they have a well-developed vegetative cover, dune scrub communities have soils which are considerably more stable than those of the beach and foredune communities. (Holland, 2013).

The Biological report contains a complete index listing of plant species, native shrubs, and wildlife species identified either on or near the subject site. Based on the habitat characteristics onsite and adjacent to the property, special-status wildlife species would not likely be present onsite. The site is highly disturbed and is currently covered by anthropogenic (ruderal) vegetation consisting of thick patch of ice plant mixed with a diversity of invasive weedy plants.

Applicable LCP policies include the following:

Policy 11.02: Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall maintain the habitats' functional capacity.

Policy 11.05: Prior to the issuance of a coastal development permit, all projects on parcels containing environmentally sensitive habitat as depicted on the Land Use Plan map or habitat map included within the LUP and on the adopted

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

U.S. Fish and Wildlife wetland inventory map, or projects on parcels within 250 feet of all designated areas (except wetlands where projects on parcels within 1000 feet is the criterion), or projects having the potential to affect an environmentally sensitive habitat area must be found to be in conformity with the applicable habitat protection policies of the Land Use Plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by a proposed project. Projects which could adversely impact an environmentally sensitive habitat area shall be subject to adequate environmental impact assessment by a qualified biologist(s). In areas of the City where sensitive habitats are suspected to exist but are not presently mapped or identified in the city's Land Use Plan, projects shall undergo an initial environmental impact assessment to determine whether or not these habitats exist. Where such habitats are found to exist, they shall be included in the City's environmentally sensitive habitat mapping included within the LUP.

Policy 11.06: Buffering setback areas a minimum of 100 feet from sensitive habitat areas shall be required. In some habitat areas, setbacks of more than 100 feet shall be required if environmental assessment results in information indicating a greater setback area is necessary for protection. No permanent structures shall be permitted within the setback area except for structures of a minor nature such as fences or at-grade improvements for pedestrian or equestrian trails. Such projects shall be subject to review and comment by the Department of Fish and Game prior to commencement of development within a setback area. For other than wetland habitats, if subdivision parcels would render the subdivided parcel unusable for its designated use, the setback area may be adjusted downward only to a point where the designated use is accommodated but in no case is the buffer to be less than 50 feet. The lesser setback shall be established in consultation with the Department of Fish and Game. If a setback area is adjusted downward mitigation measures developed in consultation with the Department of Fish and Game shall be implemented.

Policy 11.22: The precise location and thus boundary line of Environmentally Sensitive Habitat areas shall be determined based upon a field study paid for by the applicants and performed by the City or City's consultants and approved by City Council and/or their appointed designee prior to the approval of development on the site including, but not limited to, a division of land, provision of public access or restoration of the ESH.

Although the northwestern portion of the lot extends to the edge of the coastal dune scrub vegetation that covers the stabilized dune between the subject lot and Estero Bay, based on the biological evaluation performed in 2013, there are several factors that have greatly reduced the biological significance and wildlife habitat value of this lot which include residential development, paved roads, and heavy human usage of the area. The vegetation cover on the lot, which is composed of a large patch of ice plant and introduced, weedy grasses and forbs, does not provide suitable habitat for most wildlife species in this area. (2013). The coastal dune scrub west of the subject lot does provide valuable wildlife habitat for a number of species. However, the proposed development will not encroach into this habitat and the coastal dune scrub near the western boundary of the lot will be fenced to assure no disturbances occur. As recommended by the biological report, implementation of mitigations to fence the western boundary of the lot where the coastal dune scrub occurs will assure that the habitat of these species is protected. In addition, the biological recommendations include that the lot be search again for shoulderband snails prior to construction. (Holland, 2013).

An addendum to the Biological Report was prepared in 2014 to determine the location, size, and habitat features of the Atascadero Beach/Morro Strand State Beach critical habitat for Western Snowy Plover, which is listed as threatened by the U.S. Fish and Wildlife Service, endangered by the State of California and as a Species of Special Concern by the Department of Fish and Game. The State Beach area is capable of supporting 40 breeding Western Snowy Plovers under proper management (Holland 2014). This unit is an important wintering area as well, with up to 249 plovers being recorded during a single season over the last seven years according to U.S. Fish and Wildlife Service data. The conclusion of the Addendum report was that the habitat for Western Snowy Plover is 300 to 600 feet from the edge of the critical habitat area and is buffered from the habitat area by a swath of dense coastal dune scrub and ice plant that is at least 300 feet wide. No potential nesting sites appear to occur within a minimum of 300 feet from the subject lot and more likely, may be at least 500 feet from the lot (Holland, 2014). Development of the subject lot therefore will have a less than significant impact on the Western Snowy Plover population and nesting sites.

**Impact Discussion:**

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

- a. The project site has variable conditions. The eastern two-thirds of the site being dominated by Cropley clay soils and ruderal habitat. These ruderal areas include mostly non-native annual grasses and iceplant. The western one-third of the parcel is dominated by iceplant and clay soil intermixed with dune sand. The small inclusion of dune sand is present along the western parcel line where minimal central dune scrub vegetation is present. No rare plant or animal species were found and none are expected on the site because of the highly disturbed nature of the habitat according to the Biological Report (2013). However, of the species examined in the report, two were identified to have potential to be near the site to the west of the property in the coastal dune scrub area. These two identified species are Morro Shoulderband snail (MSS) and Morro blue butterfly. The combination of dune scrub and ice plant does provide suitable conditions for MSS. (SWCA, MSS Protocol Survey Report, 2014).

SWCA Environmental Consultants conducted five protocol level surveys for Morro Shoulderband Snail (MSS) in 2013 and 2014 and no live or empty MSS were observed though the combination of dune scrub and ice plant does provide suitable conditions for MSS. (SWCA, MSS Protocol Survey Report, 2014). Six Big Sur shoulderband snails and nine common garden snails were observed during the surveys. The five protocol surveys conducted did not identify any live MSS or empty MSS shells within the approximate 0.19 acre property or immediately surrounding areas. The vegetation on the property is mostly non-native and dominated by iceplant and ruderal vegetation on clay soils. A small section of coastal dune scrub is located in the northwest corner of the parcel, where the clay and dune sand intermix. This area is considered marginal habitat for MSS and MSS were not observed during the five protocol surveys. The US Department of Fish and Wildlife issued a Non-Federal No Take Request letter dated April 14, 2014 providing concurrence with the 2014 MSS Protocol Survey Report.

No Morro blue butterflies were observed during the biological site visits, but based on the Biologist report, fencing is recommended during construction along the western property line to assure no disturbance of Morro blue butterflies within the population of silver dune lupines.

The Western Snowy Plover habitat found to the west of the subject site was documented in the Biological Report Addendum prepared in 2014 which concluded that the habitat for Western Snowy Plover is 300 to 600 feet from the edge of the critical habitat area and is buffered from the habitat area by a swath of dense coastal dune scrub and ice plant that is at least 300 feet wide. No potential nesting sites appear to occur within a minimum of 300 feet from the subject lot and more likely, may be at least 500 feet from the lot (Holland, 2014). Development of the subject lot therefore will have a less than significant impact on the Western Snowy Plover population and nesting sites.

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

- b.- d. Potential impacts to eelgrass, waters of the U.S., and migratory fish and wildlife species would not result from the proposed project, as the project is not adjacent to the bay. In addition, erosion control measures will be implemented via City review of the project which will control run-off to into the bay. The City of Morro Bay has an adopted Stormwater Management Program (2011) which will require a standard erosion and sediment control plan. The plan will be required prior to issuance of a building permit and 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.
- e.,f. No policies or ordinances protecting biological resources, or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan govern the project site. Therefore, no impacts on biological resources would result.

**Mitigation and Residual Impact:****BIOLOGICAL RESOURCES**

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

**BIO Impact 1**      **Development of the project could indirectly affect the pedestrian beach access trail to the north of the site, coastal and shoreline habitat to the west, and special-status species and wildlife in the proximity to the west and north of the property.**

*BIO/mm-1*      *Prior to issuance of construction permits, the applicant shall submit documentation verifying designation of a qualified biological monitor for all biological resources measures to ensure compliance with Conditions of Approval and mitigation measures. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) daily and weekly compliance reporting; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. Monitoring shall be at a frequency and duration determined by the affected natural resource agencies, which may include the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, Regional Water Quality Control Board, California Coastal Commission, U.S. Fish and Wildlife Service, and the City of Morro Bay.*

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

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

*BIO/mm-4*      *Prior to issuance of grading and construction permits, the applicant shall submit grading, construction, and landscape plans incorporating the following measures, for review and approval by the City Environmental Coordinator. The plan shall be implemented concurrent with or immediately following construction. The plan shall include, but not be limited to the following measures:*

- a. Prior to any construction activities, the coastal dune scrub area shall be demarcated with highly visible construction fencing or staking for the benefit of contractors and equipment operators.*
- b. Restoration of surface contours through minor grading and seeding native vegetation may be required to reduce the erosion potential and provide temporary cover during and after construction.*
- c. Non-native and invasive species shall not permitted onsite. For a list of noxious weeds and appropriate plant materials, please refer to the following sources: the California Invasive Plant Council website at [www.cal-ipc.org](http://www.cal-ipc.org) and the County of San Luis Obispo's approved landscape plant list. Substitutions may be allowed, but shall be approved by a qualified botanist.*
- d. The north and west perimeters of the site shall utilize native species characteristic of the coastal dune scrub and native grassland habitat in the area. Landscaping around the house and to the east and south shall utilize drought tolerant, non-invasive species.*
- e. The final landscape plan shall be reviewed and approved by a qualified botanist prior to review and approval by the City Environmental Coordinator.*

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

- f. *A sediment and erosion control plan shall be prepared that specifically seeks to protect the coastal dune scrub to the west of the construction site. Erosion control measures shall be implemented to prevent runoff from the site. Silt fencing, straw bales, and/or sand bags shall be used as well as other methods to prevent erosion and sedimentation of the drainage channel. The plan shall specify locations and types of erosion and sediment control structures and materials that would be used on-site during construction activities. Biotechnical approaches using native vegetation shall be used as feasible. The plan shall also describe how any and all pollutants originating from construction equipment would be collected and disposed.*
- i. *Current Best Management Practices (commonly referred to as BMPs) shall be utilized to minimize impacts to the native habitat areas onsite. Washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing of equipment, tools, roads, etc. shall not be allowed in any location where the tainted water could affect the drainage and adjacent beach's sensitive biological resources.*

**BIO Impact 2      Development of the project could impact coastal dune scrub habitat.**

*BIO/mm-5      Prior to the initiation of construction, the coastal dune scrub area shall be temporarily fenced during the entire phase of construction to assure no disturbances to coastal dune scrub habitat occur.*

**BIO Impact 3      Development of the project could impact Morro Shoulderband snail (MSS) and Morro blue butterfly.**

*BIO/mm-6      Prior to issuance of a building permit a continuous silt fence shall be installed along the northern and western property boundaries. The fence shall delineate the work zone on site to preclude accidental egress into the dune scrub habitat located on the adjacent properties. The fencing shall also be intended to serve as a passive barrier to potential travel of MSS from the adjacent dune scrub habitat into the work zone. The fencing shall also serve to assure there is no disturbance of Morro blue butterfly within the silver dune lupine west of the property. The fence shall remain place throughout the duration of the project until final inspection clearance by the Morro Bay Planning Division.*

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

**Monitoring:**

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

5. CULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a.	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?				X
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?		X		

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

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

**Environmental Setting:**

The project site is located in an area historically occupied by the Obispeno Chumash, and is considered by some to include the southern boundary of the Playano Salinan people. During prehistoric times, the areas surrounding the Morro Bay inlet and estuary were rich in terrestrial, littoral, and estuarine resources, which directly correlate to the high frequency of prehistoric cultural sites identified in the Morro Bay region. Several locations along the coast are designated Archaeologically Sensitive (AS) by the city. Based on review of archaeological records kept on file with the City Public Services Department, significant archaeological and historical resources are present on native soils within the City.

The applicant’s submitted a Phase I, Cultural Resources Inventory, which is referenced as a technical study to this Initial Study in order to maintain confidentiality as required under Government code 6254. The recommendation of the Phase I is that either an extended Phase I be performed to confirm that intact subsurface archaeological deposits are not present or have an archaeological monitor present during all ground disturbing activities to prevent potential impacts to buried deposits.

**Impact Discussion:**

- b. The project site does not include any resources included on a local register of historical resources, and does not contain any building, structure or other object that is historically significant to California’s history or cultural heritage as defined by CEQA Section 15064.5. No historic resources are located onsite; therefore impacts are less than significant.
- c. No archaeological resources were documented by the records search on the property. The Phase I however stated that there is the possibility that subsurface archaeological deposits may exist in the proposed project site, as archeological sites may be buried with no surface manifestation. Due to the sensitive nature of the immediate vicinity, one of two options may be chosen to ensure against significant impacts to buried cultural deposits. The recommendations of the Phase I are that either 1, an extended Phase 1 survey be conducted examining a more substantial subsurface area through a formal series of shovel and auger probes excavating to depths below any cultural layer or 2, that an archaeological. monitor shall be present during all ground disturbing activates. In the unlikely event prehistoric or historic cultural materials are encountered during any phase of property grading or development, the work would be halted until the qualified archaeologist can make an assessment of the resources and proper mitigation measures be formulated in accordance with City and County guidelines. Based on the lack of evidence indicating the presence of significant resources and the incorporation of mitigations, potential impacts would be less than significant.
- d. No unique paleontological or geographic resources are known to exist at the project site. Based on the area of disturbance, significant paleontological discovery is unlikely; therefore, impacts are less than significant.
- e. Based on the results of the archaeological study and location of the project site, discovery of human remains is unlikely. No intact human remains have been identified on the project parcel; however, the possibility of encountering human remains cannot be entirely discounted. Health and Safety Code Section 7050.5 requires construction to cease if in situ cultural resources are encountered until the County Coroner has been notified and necessary findings as to origin and disposition of the remains can be made pursuant to Public Resources Code Section 5097.98. Construction must halt in the area of the discovery, the area must be protected, and consultation and treatment must occur as prescribed by law. Based on results of the study and compliance with existing regulations, impacts would be less than significant.

**Mitigation and Residual Impact:**

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

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

*CR/mm-1*      *Prior to issuance of a grading or building permit, the applicant shall submit to the City of Morro Bay Public Services Department, Planning Division an Archaeological Monitoring Plan for review and approval. The plan shall include, at minimum:*

- a) Archaeological and Native American monitoring of all initial site disturbance and during all earthmoving and excavation activities, including trenching within the right of way for utility installation/connection. Archaeological and Native American monitors shall be approved by the City.*
- b) A list of all personnel involved in the monitoring activities.*
- c) Clear identification of what portions of the project (e.g., phases, areas of the site, types of activities) would require monitoring.*
- d) Description of how the monitoring shall occur.*
- e) Description of monitoring frequency.*
- f) Description of resources expected to be encountered.*
- g) Description of circumstances that would result in work stoppage or diversion in the case of discovery at the project site.*
- h) Description of procedures for stopping or diverting work at the project site and notification procedures.*
- i) Description of monitoring reporting procedures.*
- j) Contracts for monitoring services shall be signed and executed.*

*CR/mm-2*      *In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other construction activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, the onsite archaeological and Native American monitors shall be notified, and the monitors would be empowered to redirect work in the immediate vicinity to another location while the finds are evaluated and significant impacts, if any, are mitigated.*

*CR/mm-3*      *In the unlikely event that human graves are encountered, all work within 30 meters (100 feet) of the discovery shall halt and the San Luis Obispo County Coroner shall be notified immediately. At the same time, the archaeological monitor shall be contacted to evaluate the situation. If human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will designate a Most Likely Descendant who will work with the property owner and the City to determine the most appropriate disposition of the remains.*

*CR/mm-4*      *Upon completion of all monitoring and mitigation activities, and prior to final inspection or occupancy, whichever occurs first, the Applicant shall submit to the City of Morro Bay Planning Division a report summarizing all monitoring and mitigation activities and confirming that all recommended mitigation measures have been met.*

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

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

6. GEOLOGY /SOILS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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

**Environmental Setting:**

The proposed project is located within the Coast Range Geomorphic Province of California located between the Pacific Ocean and the Sacramento-San Joaquin Valley. The Coast Ranges trend northwesterly along the California coast for approximately 600 miles between Santa Maria, California and the Oregon border.

The primary geologic formation of the area is the Franciscan formation mélange with intrusive dacoids and isolated low lying areas of post Pleistocene alluvial deposits. A variety of rock and mineral types compromise the Franciscan formation mélange. These include sandstones, dark shale, serpentine, basalts, greenstone (altered submarine basalt) chert, and scattered metamorphic rock. These materials date to the Cretaceous Period, one of the oldest geologic formations of the area.

Two soil series are represented in the project site and general surrounding area. Within the immediate project area soils consist of excessively drained, stratified deposits of sand and loam found on nearly level areas adjacent to stream and river bottoms. An unnamed seasonal drainage, though sometimes referred to as Alva Paul Creek, is the closest freshwater source approximately 200 feet north of the project site.

**Impact Discussion:**

Geosolutions, Inc. prepared a soils engineering report dated 7/7/2011 to determine the suitability of the site for the proposed use. It was determined that the site is suitable for the proposed development provided the recommendations presented in the report are incorporated into the project plans and specifications.

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

Based on the consistency and relative density of the in-situ soils at the site, the potential for seismic liquefaction of soils is low. The potential for seismically induced settlement and differential settlement at the site is low, assuming that all recommendations of the Geosolution's soils engineering report dated 7/7/2011 are implemented. Data gathered during field investigation conducted on the project site indicate that the soil materials on site consist of alluvial soils overlying competent formational material. The surface materials at the site varied from olive brown (B-1) to dark olive brown clayey sand (SC) with gravel encountered in a slightly moist and dense condition in the eastern portion of the site (B-2). The sub-surface materials consisted of dark olive brown clayey sand (SC) and silty sand (SM) encountered in moist to saturated and dense to very dense condition to termination of the borings at 15 feet bgs. Groundwater was encountered in Boring B-1 at 10.0 feet bgs and B-2 at 14.0 feet bgs.

The presence of potentially expansive material, influx of water from irrigation, leakage from the residence, or natural seepage could cause expansive soil problems. The potential for differential settlement occurring between foundations supported on two soil materials having different settlement characteristics, such as native soil and engineered fill. Therefore, it is important that all of the foundations are founded in equally competent uniform material in accordance with the Soils Engineering Report (GeoSolutions, Inc. 2011).

Also, a Geological Assessment was prepared by Earth Systems Pacific which was provided for this proposed project to assess the site geomorphology to determine whether the proposed project is situated upon a coastal bluff or sea cliff. The term "geomorphology" refers to the classification, description, nature and origin of landforms and their relationship to the underlying geologic structure. (Earth Systems Pacific, 2014). Based on the conclusions of the Geological Assessment, the site was determined to not meet the definition of a coastal bluff or sea cliff. The slope along the north and west property lines is most likely a remnant of a coastal sand dune feature. It is not the product of wave erosion, and this area does not constitute a wave-cut platform, nor is it the inner limit of beach erosion. The site is separated from the beach several hundred feet of coastal dunes and beach. (Earth Systems Pacific 2014).

- a. The Southern Coast Ranges Province is one of the most complex geologic provinces in the state, characterized by a number of sub-parallel structural blocks bounded by several on- and off-shore faults. There are no official maps of Alquist-Priolo Earthquake Fault Zones in or near the City of Morro Bay, and the site is not within a State Earthquake Fault Zone. The closest active fault to the project site is the Los Osos Fault, approximately 1.5 miles to the southeast, which is not a fault with historic surface rupture. The closest mapped fault to the site (regardless of activity) is the San Simeon Fault located approximately 1.25 miles from the project site.

The project site is located in a region of generally high seismicity, and has the potential to experience strong ground shaking from earthquakes on regional and/or local causative faults. Based on the location of known faults, the potential for surface fault rupture is low. There is a high potential for existing soil slumps to reactivate as a result of strong ground shaking from a seismic event.

Liquefaction occurs when saturated, cohesionless soils lose strength due to earthquake shaking. The presence of loose, poorly graded, fine sand material that is saturated by groundwater within an area known to be subjected to high intensity earth quakes and long-duration ground motion are the key factors that indicate potentially liquefiable areas and conditions that could lead to liquefaction.

Based on incorporation of recommendations identified in the noted soils engineering report, and compliance with existing regulations in the Building Code, potential impacts would be less than significant.

- b. The Natural Resources Conservation Service maps soils and establishes erosive factors to predict the erodibility of a soil and its tolerance to erosion in relation to specific land uses and treatments. Erosive factors are influenced by factors such as plant cover, grade and length of slope, management practices, and climate. The applicant's geologist determined that the materials at the site consist of coastal sand dune deposits, overlain by alluvium. The slope along the north and west property lines is most likely a remnant of a coastal sand dune feature. It is not the product of wave erosion, and this area does not constitute a wave-cut platform, nor is it the inner limit of beach erosion. Historical photos from 1959 and the presence of thick

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

vegetation along the westward limits of the property and in the adjacent coastal dunes demonstrate that this site has not been affected by wave erosion for many decades, if at all. Therefore, the impact is less than significant. (Earth Systems Pacific, 2014).

- c. The coastline in the vicinity of the project faces west, and the predominant wave direction is from the northeast. The site analysis performed in the Geologic Assessment determined that the project does not meet the definition of a coastal bluff or seacliff. The site is separated from the beach by several hundred feet of coastal dunes and beach. Also, based on the Soils Engineering Report, the potential for seismic liquefaction of soils at the site is low. With the recommendations of the Soils Engineering report implemented, the potential for seismically induced settlement and differential settlement at the site will be low and therefore, the impact would be less than significant.
- d. Onsite soils may have high shrink-swell potential and high expansion potential of the soil. Compliance with the Building Code would address this potential impact; therefore, the residual effect would be less than significant.
- e. The project does not include the construction of an onsite septic system; therefore, no impacts would occur.

**Mitigation and Residual Impact:**

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

*GS/mm-1                The project shall incorporate all recommendations contained within the soil report prepared by Geosolutions dated July 7, 2011. Prior to issuance of any building permit, the applicant shall demonstrate to the Planning Division that all recommendations (depending on the type of foundation either slab or raised) have been incorporated into the plans submitted for a building permit.*

*GS/mm-2                Prior to issuance of grading and construction permits, the applicant shall prepare a drainage and erosion control plan to reduce the potential for erosion and down-gradient sedimentation both during construction and for the life of the project. Grading and construction plan shall include measures to prevent and avoid spills or spread of dangerous materials and clean-up procedures in the event of a spill. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with the erosion control plan.*

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

**Monitoring:** The Building Division shall review the construction plans and verify the all recommendation have been met and in addition shall conduct ongoing verification through inspections.

7. GREENHOUSE GAS EMISSIONS  Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

b. Conflict with an applicable plan, policy of regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
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In California, the main sources of Greenhouse Gases (GHGs) are from the transportation and energy sectors. According to the San Luis Obispo County Annual Resource Summary Report (2013), approximately 40 percent of GHG emissions result from transportation and 23.5 percent result from commercial/industrial uses (County of San Luis Obispo, 2010). GHGs remain in the atmosphere for periods ranging from decades to centuries; the main GHGs emitted by human activities include CO<sub>2</sub>, methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCS), perfluorocarbons (PFCS), and sulfur hexafluoride (SF<sub>6</sub>).

A warming trend of approximately 1.0 to 1.7 degrees Fahrenheit occurred during the 20th Century. It is generally agreed that human activity has been increasing the concentration of GHGs in the atmosphere, mostly CO<sub>2</sub> from the combustion of coal, oil and gas. The effect of each GHG on climate change is measured as a combination of the volume or mass of its emissions, and the potential of a gas or aerosol to trap heat in the atmosphere (global warming potential), and is expressed as a function of how much warming would be caused by the same mass of CO<sub>2</sub>.

The potential effects on future climate change on California resources include increases of air temperature, sea level rise, reduced water resources and changed flood hydrology, changed forest composition and productivity, increased wild fires, changed habitats and ecosystems, changed crop yields and increased irrigation demands, and increased smog and public health issues.

**Impact Discussion:**

- a. Carbon dioxide (CO<sub>2</sub>) is the most dominant greenhouse gas, making up approximately 84 percent of total GHGs by volume. Based on Table 1-1: Operational Screening Criteria for Project Air Quality Analysis (APCD 2012), the project would not generate emissions exceeding the APCD’s bright-line threshold of 1,150 metric tons (MT) of CO<sub>2</sub>e per year. Therefore, potential impacts would be less than significant.
- b. The proposed project is consistent with the goals and policies of the City of Morro Bay General Plan, SLOAPCD’s CEQA Handbook, Clean Air Plan, and GHG Thresholds and Supporting Evidence document. Impacts would be less than significant.

**Mitigation and Residual Impact:**

The project is not expected to result in any potentially significant impacts related to greenhouse gas emissions, and no mitigation measures are necessary.

**Monitoring:**

None required.

8. HAZARDS/HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?				X
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

**Environmental Setting:**

Based on review of the City of Morro Bay General Plan, Local Coastal Plan, and the California Department of Toxic Substances Control Cortese List and EnviroStar databases, there is no evidence that hazardous materials were ever used, stored or spilled on the project site at any time in the past, and there are no oil wells, tanks or related structures located on the property.

In general, residential developments do not use hazardous materials or present hazards that would threaten construction workers, residents, the public, or the environment. However, risks related to hazardous materials and their release into the environment could occur during both the construction and operational stages of the project. Sensitive uses/resources that could be impacted by hazards resulting from the proposed project include adjacent residences, the pedestrian beach access trail to the north, and adjacent beach area.

**Impact Discussion:**

- a. The project does not propose the routine transport, use or disposal of hazardous materials. Construction materials, including fuels and oils, may be transported during construction, in compliance with existing regulations. Associated hazard to the public or the environment would be less than significant.
- b. Risks related to hazardous materials and their release into the environment could occur during the construction phase of the project. Although a limited amount of hazardous materials would be present at the project site (namely oil and gas for construction equipment and vehicles) during normal construction conditions, hazardous materials would not pose a substantial risk. However, there is the potential for spills to occur at the project site, which would potentially affect sensitive areas. Mitigation, including preparation of a

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

Spill Prevention Control and Countermeasure Plan, is recommended to avoid the potential for incidental exposure; therefore, potential impacts would be less than significant.

- c. The project would not be located within 0.25 mile of a school and does not propose to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. Impacts would be less than significant.
- d. The project site is not located on a known hazardous materials site. No impacts would occur.
- e. The project site is not located within an airport land use plan or within two miles of a public airport. No impacts would occur.
- f. The project site is not located within the vicinity of a private airstrip. No impacts would occur.
- g. Based on the location of the project site, construction of the proposed project would not conflict with any regional evacuation or emergency response plan.
- h. The project is proposed adjacent to an urban setting, and is not in a high fire risk area. The project would be served by the City Fire Department, and the applicant would comply with standard practices during construction to minimize the potential for incidental fires, including inspection of equipment. The project would not expose people or structures to a significant risk of fire, and impacts would be less than significant.

**Mitigation and Residual Impact:**

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

*HAZ/mm-1      Prior to issuance of grading permits, a Spill Prevention Control and Countermeasure Plan shall be developed and submitted to the City for approval. The plan shall identify hazardous materials to be used during construction and operation, and shall identify procedures for storage, distribution, and spill response. The plan shall specifically address potential spill events into the adjacent beachfront area. Equipment refueling shall be done in non-sensitive areas and such that spills can be easily and quickly contained and cleaned up without entering the existing stormwater drainage system or creek. The plan shall include procedures in the event of accidents or spills, identification of and contact information for immediate response personnel, and means to limit public access and exposure. Any necessary remedial work shall be done immediately to avoid surface or ground water contamination.*

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

**Monitoring:**

The applicant shall be responsible for implementing the approved Spill Prevention Control and Countermeasure Plan. The City Engineer or his designee shall conduct periodic inspections to verify compliance.

9. HYDROLOGY/WATER QUALITY  Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?		X		

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?			X	
d.	Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f.	Otherwise substantially degrade water quality?			X	
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j.	Inundation by seiche, tsunami, or mudflow?				X

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

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

The project site is located adjacent to the beach, immediately east of coastal sand dunes. A pedestrian access trail and small parking area is to the north of the property within 40-50 feet. Alva Paul Creek (also referred to as unnamed creek) is approximately 200 feet to the north of the project site. The drainage is within the Federal Emergency Management Agency Flood Insurance Rate Map Zone AE (areas subject to inundation by the one percent annual chance flood event [100 year flood zone]). The Pacific Ocean is located to the west and a pedestrian beach access trail

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

owned by State Parks is located to the north of the property. No development or encroachment is proposed in the area of beach access.

**Impact Discussion:**

- a. The project site is located on beachfront property. As discussed in Section 4 (Biological Resources), Section 6 (Geology and Soils), and Section 8 (Hazards/ Hazardous Materials), construction of the project may result in erosion or the accidental release of fuels, oils, or other materials, which may discharge into the adjacent beach area. Mitigation is recommended to address these potential impacts. Based on implementation of recommended best management practices and mitigation measures addressed in Section 4 (Biological Resources) and Section 9 (Hydrology/Water Quality), no violations of any water quality standards or waste discharge requirements are expected. Impacts would be less than significant.
- b. The proposed project would utilize City water supplies, which are estimated to be sufficient to meet project demands (refer to Section 17, Utilities and Service Systems, below). No depletion of groundwater supplies or effects on groundwater recharge would result. Impacts would be less than significant.
- c. The project would disturb approximately 8,000 square feet and would increase pervious surfaces at the location with development of a residence and garage, paving and other infrastructure. Based on the size and location of the development, it would not substantially alter the existing drainage pattern on the site. Based on the location and size of the project, and implementation of drainage management features, potential impacts to erosion and siltation would be less than significant. The project would be required to comply with the City's adopted Stormwater management program which contains requirements for LID to further reduce impervious surfaces and associated increased runoff. With implementation of these measures, impacts would be less than significant.
- d. Refer to c., above. The project would not substantially increase runoff which would result in flooding on- or off-site. Impacts would be less than significant with implementation of the recommended mitigation measures.
- e. Refer to c., above. The project would contribute additional runoff and would be subject to Part 1 and Part 2 low impact development (LID) requirements pursuant to the City's Stormwater Management Program. Based on the size of the project, no substantial increase in capacity or additional sources of runoff would occur. With implementation of recommended mitigation measures, impacts would be less than significant.
- f. The proposed project is not anticipated to substantially degrade water quality. The development of a single family residence will result in an increase in runoff but would not substantially increase runoff which would degrade water quality substantially. With implementation of recommended mitigations measures, impacts would be less than significant.
- g. The project is not within FEMA's 100-year flood hazard area. According to the Flood Insurance Rate Map for San Luis Obispo County, California, the site is not located within a 100-year flood zone AE with a flood elevation of 12 feet (NAVD 88 datum) to the north of the property along the mouth of Alva Paul Creek (also referred to as unnamed creek) up to 18 feet at the point where Beachcomber Drive intersects with the creek. The finish floor elevation of the residence is approximately 38 feet in this location. Therefore, no significant impacts would occur.
- h. Refer to g) above. The project is not within the FEMA 100-year flood hazard area, and would not redirect or impede any flood flows. Impacts would be less than significant.
- i. The project does not place structures or people in a high flood hazard area and is not within an area that would be affected by a levee or dam failure. Impacts would be less than significant.
- j. The project is located in an area subject to inundation by tsunami, similar to existing adjacent residences. Tsunamis along the Morro Bay coastline are relatively rare. Because the project site is located adjacent to the

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

beach, a potential hazard from tsunamis exists. However there is no established methodology to predict recurrence intervals of tsunamis. The last known tsunami warning occurred in the mid-1960’s. Although the sand dunes offer some protection from tsunamis, past history suggests that the project site is still vulnerable to large tsunamis. As discussed in the Safety Element of the General Plan, the most feasible protection in the event of a tsunami is a warning system and evacuation plan. The warning is handled by the United States Weather Service and the Safety Element outlines safety preparedness measures. Therefore, the hazard presented by tsunamis is less than significant when approved safety measures are adhered.

**Mitigation and Residual Impact:**

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

*HWQ/mm-1      Prior to issuance of grading permits, the applicant shall provide a Drainage Report prepared by a Registered Civil Engineer. The Drainage Report shall conform to Stormwater Management for New and Redevelopment Projects within the City of Morro Bay in the July 2011 amendment to the City Standard Drawings and Specifications\*. Specifically, this project shall meet the requirements of the following Parts:*

- a.    Part 1: Protection of Water Quality - Exempt*
- b.    Part 2: Runoff Volume Controls (LID) - Tier 2 requirements*
- c.    Part 3: Peak Runoff Flow Control – All requirements*

*HWQ/mm-2      Prior to issuance of grading and building permits, the applicant shall provide a standard erosion and sediment control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.*

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

**Monitoring:**

Monitoring shall be conducted by Building and Engineering staff as necessary to ensure development is proceeding consistent with the final grading and drainage plan.

10. LAND USE AND PLANNING  Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

**Environmental Setting:** The project is located within northern Morro Bay and zoned Single Family Residential (R-1) in the S.2A overlay district, and within the City’s coastal permitting jurisdiction. The existing residence is an allowed use in the R-1 zoning district.

**Impact Discussion:**

- a. The proposed project proposes residential development consistent with surrounding land uses. The project would not divide an existing community and impacts would be less than significant.
- b. As noted in Section 4 (Biological Resources), the project site is subject to the Coastal Act, including the City’s General Plan and LCP Policies. The LCP requires that further biological review be performed where environmentally sensitive habitat is suspected. Due to the mapped ESH approximately 200 feet to the north of the property, a Biological Report was conducted (V.L. Holland, 2013) to assess biological conditions on and adjacent to the property. Based on the disturbed nature of the habitat, lack of significant ecological function, and incorporation of mitigation measures, the project may be found consistent with the City’s LCP; this final determination would be made by the City Planning Commission and potentially the City Council.

Implementation of the project would require ground disturbance, potentially creating fugitive dust, which may result in a nuisance affecting adjacent sensitive receptors (residents). Mitigation is recommended to reduce the potential for dust, and subsequent effects. This mitigation is incorporated in Section 3 Air Quality).

- c. There are no habitat conservation plans or natural community conservation plans that apply to the project site. No impacts would occur.

**Mitigation and Residual Impact:**

The project is not expected to result in any potentially significant impacts to land use and planning. LCP consistency determinations will be made by the City Planning Commission and/or the City Council. Mitigation is identified that would address potential impacts (refer to respective resource sections). After implementation of these measures, residual impacts would be less than significant.

**Monitoring:**

Compliance will be verified by the City Public Services Department through review of project plans and onsite inspection.

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

**Environmental Setting:** According to the California Geological Survey, this area of the City is comprised of Quaternary deposits (marine and sand deposits). The General Plan and the Division of Oil, Gas, and Geothermal

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

Resources do not delineate any resources in the area. Further, the State Mining and Geology Board has not designated or formally recognized the statewide or regional significance of any classified mineral resources in the County of San Luis Obispo.

**Impact Discussion: a.-b.)** The proposed site is not designated a site with mineral resources, therefore no mineral resources will be lost.

**Mitigation and Residual Impact:** The site is not designated as a mineral resource in Morro Bay will not be substantially impacted by the new single family residence, therefore no mitigation is required.

**Monitoring:** Not applicable.

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

**Environmental Setting:** The most significant source of noise to the project is from traffic or transportation. The City’s General Plan Noise Element threshold for traffic noise exposure is 60dB for most land uses. The City’s Zoning Ordinance also contains noise limitations and specifies operational hours, review criteria, noise mitigation, and requirements for noise analyses. Sensitive receptors within the vicinity of the project include residential uses surrounding the site.

The City of Morro Bay Noise Element states that residential land uses in areas with exterior noise levels above 60 decibels (dBA) may only be permitted after implementation of noise protective mitigation measures in compliance with the Noise Element. Mitigation measures are also required if interior noise levels exceed 45 dBA. The proposed project would be located approximately 850 feet from State Route 1, which would be the primary noise-generator in the area. Based on review of the City’s Noise Element Noise Contour Map, the site is outside of a noise impacted area due to its location in an existing residential neighborhood. The site is located 850 feet west of State Route 1, or three City blocks, which would provide an approximate 5 decibel reduction in the noise level (City of Morro Bay Noise Element 1993).

**Impact Discussion:**

- a. Construction activities associated with the proposed project would generate increased noise levels due to the use of heavy construction equipment and vehicles. Development of the proposed project would likely expose surrounding areas to temporary noise levels that exceed those established in the Noise Element. This effect would be short-term, however, and would be limited to daytime hours pursuant to City policy. Residences are designated as noise sensitive by the General Plan. Noise levels of 60 dB are acceptable for outdoor activity areas and 45 dB for indoor areas. Exterior noise levels will be less than 60 dB when attenuation

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

afforded by intervening buildings or property fencing is taken into account. Interior noise levels of less than 45dB will be achievable with standard building materials and construction techniques. Short-term construction impacts would be less than significant.

- b. The proposed project would result in some groundborne vibration and noise during the short-term construction phase. These potential impacts would be short-term and limited to daytime hours consistent with City policy. Impacts would be less than significant.
- c. Implementation of the project would generate approximately 9.6 average daily trips, which would not substantially increase noise levels in the immediate area. Use of the residential area would generate operational noise; however, the increase would not result in a substantial permanent increase in the ambient noise level, due to existing residential and transportation-related noise in the immediate area. The impact would be less than significant.
- d. The project would create temporary increased in noise levels in the project vicinity above those existing without the project due to construction activities (refer to a. and b., above). However, potential increased would not differ from those typically associated with similar development projects, and activities would be conducted in compliance with existing City policy. Impacts would be less than significant.

**Mitigation and Residual Impact:**

Impacts related to Noise will have less than significant impact.

**Monitoring:**

Not applicable.

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

**Environmental Setting:** The project site is currently undeveloped and is currently not occupied by permanent residents. The City of Morro Bay has a population of 10,234 based on data from the 2010 Census. The population has remained relatively constant over the last decade, down approximately 1.1 percent from 10,350 in 2000 (California Department of Finance, Table E-4).

The San Luis Obispo County Council of Governments (SLOCOG) allocates housing production goals for the County and incorporated cities based on their fair share of the region’s population and employment, which is outlined in the SLOCOG 2013 Regional Housing Needs Plan. The Plan designated a Regional Housing Needs Allocation (RHNA) of 155 of the total 4,885 countywide housing units to the City of Morro Bay over the 2014-2019 planning period. The City’s 2014 Housing Element showed the City’s capacity to accommodate all 155 allocated units, and a remaining surplus of lands suitable to develop as many as 450 additional units (City of Morro Bay 2014-2019 Housing Element).

INITIAL STUDY AND CHECKLIST -- LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

**Impact Discussion:**

- a. Implementation of the project would have no effect on existing housing, and would not displace any people. No impacts would result.
- b. Refer to a., above. No impacts would result.
- c. The project proposes development of one single-family residence within the City, which would induce negligible population growth in the area. However, this growth is consistent with that anticipated in the Land Use Element, Zoning Code and build out under the General Plan. Infrastructure is in place to meet the anticipated growth and impacts would be less than significant.

**Mitigation and Residual Impact:**

The project is not expected to result in any potentially significant impacts to population or housing and no mitigation measures are necessary.

**Monitoring:**

None required.

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

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

According to the California Department of Finance, the City of Morro Bay's population in 2010 was 10,234 and San Luis Obispo County's population was 269,637. SLOCOG published an updated Long Range Socio-Economic Projections Report in August 2010, updating population projections in the county after accounting in the dramatic downturn in the economy and adjusting population projections accordingly. The report projects the City population to grow by 8.1 percent to 11,350 by 2035.

The City of Morro Bay is served by the Morro Bay Police and Fire Departments and the San Luis Coastal Unified School District. The project site is located in a Moderate Fire Hazard Zone on the County of San Luis Obispo safety maps.

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

There are two schools within the City, Del Mar Elementary School and Morro Bay High School. The San Luis Coastal Unified School District is operating at acceptable capacities at all grade levels. Elementary schools are currently operating at approximately 82.5 percent capacity, and serving 3,409 students. Middle schools serve approximately 1,071 students and are operating at 69.1 percent capacity. High schools within the district are the closest to reaching their capacity levels, and currently serve approximately 2,493 students at 93.4 percent capacity (County of San Luis Obispo 2013). High school capacity levels have been designated a Level of Severity II, which means enrollment projections are estimated to reach school capacity with five years.

**Impact Discussion:**

- a. The proposed project would result in the addition of one residential unit in the City, and may cause a minimal to negligible increase in demand for City services, including fire and police protection.

The project involves residential growth consistent with levels anticipated at build out under the City’s General Plan and Zoning Code. The City has capacity and infrastructure in place to facilitate the residential use planned for this area. The project is not located within a moderate fire hazard risk area and is not expected to generate demand on police services above the level generally utilized for surrounding residential uses. The proposed project would not alter the existing services currently provided by the City, and no new or physically altered facilities would be required. The project’s incremental effect on existing services would be mitigated through payment of standard development fees. Impacts would be less than significant.

- b. Refer to a., above. Impacts would be less than significant.
- c. Schools within Morro Bay are currently operating at acceptable levels. With an average household size of 2.1 (calculated by dividing the total City population by total number of housing units), it could be estimated that the development of 1 residential unit could result in the addition of one school aged child to local schools. Schools within the district would be capable of meeting this additional demand. Impacts would be less than significant.
- d. Recreational facilities are discussed in Section 15, below. Impacts would be less than significant.
- e. The proposed project is not expected to result in any significant adverse impacts on any other governmental services within the City or San Luis Obispo County. Impacts would be less than significant.

**Mitigation and Residual Impact:**

The project is not expected to result in any potentially significant impacts to public utilities and therefore no mitigation measures are necessary.

**Monitoring:** Not applicable.

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

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

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

**Impact Discussion: a-b)** The City of Morro Bay has adequate recreation facilities to accommodate the construction of a single family residence and the associated recreational needs. The Recreation and Parks Department upgrades the facilities as funds become available, therefore the addition of a single family residence will not lead to the substantial physical deterioration of facilities or require additional facilities. In addition, a pedestrian public access trail and small parking area leading to the beach is north of the property within approximately 40-50 feet.

**Mitigation and Residual Impact:** The recreation facilities in Morro Bay will not be substantially impacted by the new single family residence, therefore no mitigation is required.

**Monitoring:** Not applicable.

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

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

**Impact Discussion: a., b., d., e., f.)** The single family residence is proposed in a developed residential neighborhood with existing roads, alternative transit and emergency services with access already in place to service the new

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

residential development. The development of this lot will not require designing new roads or construction of new roads that would increase hazards in the area as the site is already serviced by Beachcomber an existing street.

c.) The City of Morro Bay does not have an airstrip, therefore the project will not result in a change in air traffic patterns, increase traffic levels or change the location.

**Mitigation and Residual Impact:** Transportation and circulation of Morro Bay will not be substantially impacted by the new single family residence, therefore no mitigation is required.

**Monitoring:** Not applicable.

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

**Environmental Setting:**

The City receives water from a variety of sources: groundwater from the Morro Creek and Chorro Creek underflows, converted water through the City’s desalination facility, and state water via the Chorro Valley pipeline (refer to Table 3 below). The desalination facility also treats brackish water from the Morro Creek underflow for nitrate removal. The desalination facility provides water when the State Water Project pipeline undergoes annual maintenance. The City has an allocation from the State Water Project, including a drought buffer amount.

Water use in the City has remained relatively steady over the past 10 years (as has the City’s population), ranging from 1,317 afy in 2009-2010 at its lowest, to 1,475 afy in 2003-2004 at the highest (refer to Table 4 below).

**Table 3. City of Morro Bay Water Supply**

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

Water Provider	Morro Bay Water Demand		
	Source	2010-2011 afy	2011-2012 (afy)
City of Morro Bay	Subsurface flow – potable	87	15
	BWRO subsurface <sup>1</sup>	*	76
	State Water	1,136	1,149

Source: County of San Luis Obispo, Annual Resource Summary Report 2010-2012  
 \* No data received  
<sup>1</sup>BRWO: Brackish Water Reverse Osmosis

Table 4. City of Morro Bay Total Water Use (acre feet/year)

1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
1,372	1,417	1,437	1,423	1,475	1,400	1,384	1,420	1,369	1,317	1,223	1,240

\*Source: County of San Luis Obispo, Annual Resource Summary Report 2010-2012

Based on information provided by the City for preparation of the County Resource Management System’s 2010-2012 Annual Resources Summary Report, single-family residential water use in 2012 was approximately 46,316 gallons. The City’s water rates are relatively high (the second highest rates in the county), with an average single family unit paying \$66.90 per month.

The City shares a wastewater treatment plant with the Cayucos Sanitary District, located in Morro Bay near the Morro Bay power plant. The wastewater treatment plant currently has one of the few secondary treatment waivers in the state, which allows the plant to dispose of primary-treated sewage through an outfall to the ocean. The waiver is being phased out over the next several years, as the plant is upgraded to provide tertiary treatment. At that level of treatment, the wastewater effluent could be recycled to augment the City’s water supply.

As of 2012, the City’s sewer treatment facility was operating at approximately 56 percent capacity (County of San Luis Obispo 2013). Average daily dry weather flows for 2012 were 1.154 million gallons per day (mgd). The facility’s current daily capacity is 2.06 mgd. Wet weather flows are much higher (averaged approximately 2.6 mgd in 2010 and peaked at approximately 6.0 mgd). However, the system has sufficient detention capacity to hold these additional flow amounts and release flows consistent with the 2.06 mgd biological capacity. The City and Cayucos are in the process of upgrading the facility. After the expansion, the facilities capacity would be approximately 1.5 mgd, a reduced capacity that has been adjusted to account for new population and flow projections for both communities over a 20 year planning period (Bruce Keogh, personal communication, November 4, 2011). Additional information can be found in the Facility Master Plan, and specifically the Facility Master Plan – July 2010 Amendment 2, which are located on the City’s website, at <http://www.morro-bay.ca.us/index.aspx?NID=352>.

The City contracts with Morro Bay Garbage Service to provide residential and commercial garbage, recycling, and green waste collection services for Morro Bay. All of the City’s waste is taken to Cold Canyon Landfill. Cold Canyon is located approximately five miles south of the City of San Luis Obispo on State Route 227. Total capacity at the landfill is 10.9 million cubic yards, and the County is currently conducting environmental review for a proposal to expand the existing facility and services. Currently, about 75 percent of the landfill’s capacity is filled.

**INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence**

CASE NO. #CP0-365

DATE: September 18, 2014

**Impact Discussion: a.-c., e.)** The proposed project is a single family residence on a vacant parcel will not create substantial new amounts of waste water. The WWTP exceeds the regulatory standards for effluent and the house is not a use that would create toxic wastewater that would require additional treatment nor will it exceed wastewater treatment requirements. The current waste water treatment plant has the capacity to accommodate the new house.

**d.)** The City of Morro Bay has adequate water units for a new single family house, as the use is not a water intensive use. The water units are calculated every year and the City has not exceeded the water unit allocation in recent years as the City has limited new development.

**f.-g.)** The landfills in San Luis Obispo County have the capacity to accommodate the solid waste for the proposed new house.

**Mitigation and Residual Impact:** Utilities and service systems will not be substantially impacted by the wastewater and solid waste of the new single family residence, therefore no mitigation is required.

**Monitoring:** Not applicable.

**IV. INFORMATION SOURCES:**

**A. City / County / Federal Departments Consulted :**

**B. General Plan**

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

**C. Other Sources of Information**

X	Field Work / Site Visit	X	Flood Control Maps
X	Calculations	X	Zoning Maps
X	Project Plans / Description	X	Soils Maps / Reports
	Traffic Study	X	Plant Maps
X	Records	X	Archeological Maps
X	Grading Plans	X	Other: County of San Luis Obispo Air Pollution Control District, CEQA Air Quality Handbook, adopted December 2012
X	Elevations /Architectural Renderings	x	City of Morro Bay Municipal Code and Zoning Ordinance
X	Published Geological Maps	x	City of Morro Bay Local Coastal Plan
X	Topographic Maps	x	City of Morro Bay Stormwater Management Plan, June 2011
X	AG Preserve Maps		

**D. References**

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

California Department of Conservation, Division of Land Resource Protection. 2013. *Farmland Monitoring and Mapping Program – San Luis Obispo County Important Farmland Map 2010*.

California Department of Toxic Substances Control. Envirostor.  
<http://www.envirostor.dtsc.ca.gov/public/>. Accessed September 9, 2014.

California Department of Conservation. Hazards Mineral Resources Education Library Publications – <http://www.consrv.ca.gov/cgs/minerals/mlc/Pages/index.aspx>; Accessed September 9, 2014.

County of San Luis Obispo Air Pollution Control District. 2012. CEQA Air Quality Handbook.

County of San Luis Obispo Air Pollution Control District. 2012. GHG Thresholds for CEQA.

County of San Luis Obispo Air Pollution Control District. 2001. Clean Air Plan.

County of San Luis Obispo. March 12, 2013. Annual Resource Summary Report 2010-2012.

Department of Finance. 2011. Table E-4, Population Estimates, 2001-2010. Available at:  
<http://www.dof.ca.gov/research/demographic/reports/estimates/e-4/2001-10/view.php>.  
Accessed on: September 9, 2014.

GeoSolutions, Inc., July 7, 2011. Soils Engineering Report

Applied EarthWorks, Inc., Cultural Resources Inventory, February 2012.

V.L. Holland, Ph.D., Biological Report, March 5, 2013.

V.L. Holland, Ph.D., Biological Report Addendum, Pacific Coast Western Snowy Plovers, August 6, 2014.

SWCA Environmental Consultants, Morro Shoulderband Snail Protocol Survey Report for the Parcel at 3093 Beachcomber Drive, Morro Bay, San Luis Obispo County, California, February 2014.

U.S. Department of the Interior, Non-Federal No Take Request Concurrence Letter, April 14, 2014.

U.S. Fish & Wildlife Service, Julie Vanderwier, email correspondence regarding Morro Shoulderband Snail no-take concurrence, June 5, 2013.

Earth Systems Pacific. August 8, 2014. Geologic Assessment and Bluff Determination Report.

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

Federal Emergency Management Agency (FEMA). November 16, 2012. Flood Insurance Rate Map, San Luis Obispo County, California and Incorporated Areas. Panel 06079C0813G.

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

**V. MANDATORY FINDINGS OF SIGNIFICANCE (Section 15065)**

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Potential to degrade:</b> Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
<b>Cumulative:</b> 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	
<b>Substantial adverse:</b> Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**Impact Discussion:**

**Potential to Degrade.** The proposed project would not substantially degrade or threaten the quality of the environment, habitat or populations of any fish or wildlife species, or important examples of California history or prehistory. Potential adverse effects to the environment associated with development of the project include impacts to ESH, coastal vegetation, coastal wildlife, and water quality. Mitigation measures have been proposed to mitigate for potential impacts. Refer to Sections 4 (Biological Resources) and 6 (Geology and Soils) for additional information.

**Cumulative.** Project-specific impacts, when considered along with, or in combination with, other impacts, do not rise to a level of significance. Project impacts are limited and no substantial cumulative impacts resulting from other projects were identified.

**Substantial Adverse.** The project does not have environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly. Project impacts are limited and standard mitigation measures would be incorporated that would reduce any potential impacts to a less than significant level.

**VI. DETERMINATION**

On the basis of this initial evaluation:

The Public Services Director has found that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.



INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

The Public Services Director has found 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.

The Public Services Director has found that the proposed project MAY have limited and specific significant effect on the environment, and a **FOCUSED ENVIRONMENTAL IMPACT REPORT** is required.

The Public Services Director has found 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 : Cindy Jacinth, Associate Planner

Cindy Jacinth  
Signature

September 18, 2014  
Initial Study Date

Cindy Jacinth  
Printed Name

On behalf of Rob Livick, Public Services Director  
City of Morro Bay

\_\_\_\_\_  
Lead Agency

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

## VII. ATTACHMENTS

### Attachment “A”

#### SUMMARY OF REQUIRED MITIGATION MEASURES

##### AESTHETICS:

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

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

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

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

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

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

##### Monitoring:

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

##### AIR QUALITY

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

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

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

**AQ Impact 2 Construction activities associated with development of the proposed project could generate dust that could be a nuisance to adjacent sensitive receptors.**

- AQ/mm-2* Prior to issuance of grading and construction permits, the applicant shall include the following notes on applicable grading and construction plans, and shall comply with the following standard mitigation measures for reducing fugitive dust emissions such that they do not exceed the APCD's 20 percent opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402) as follows:
- a) Reduce the amount of disturbed area where possible;*
  - b) Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;*
  - c) All dirt stockpile areas should be sprayed daily as needed;*
  - d) Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;*

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

- e) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- f) All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g) All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- h) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
- j) Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l) All PM10 mitigation measures required shall be shown on grading and building plans; and
- m) The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

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

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

After implementation of these measures, residual impacts related to air quality would be less than significant.

**BIOLOGICAL RESOURCES**

**BIO Impact 1 Development of the project could indirectly affect the pedestrian beach access trail to the north of the site, coastal and shoreline habitat to the west, and special-status species and wildlife in the proximity to the west and north of the property.**

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

- BIO/mm-1* Prior to issuance of construction permits, the applicant shall submit documentation verifying designation of a qualified biological monitor for all biological resources measures to ensure compliance with Conditions of Approval and mitigation measures. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) daily and weekly compliance reporting; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. Monitoring shall be at a frequency and duration determined by the affected natural resource agencies, which may include the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, Regional Water Quality Control Board, California Coastal Commission, U.S. Fish and Wildlife Service, and the City of Morro Bay.
- BIO/mm-2* Prior to the initiation of construction, the environmental monitor shall conduct environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of sensitive habitats and animal species in the immediate area. Topics of discussion shall include: general provisions and protections afforded by the Endangered Species Act; measures implemented to protect special-status species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communications; and procedures to be implemented in the event a special-status species is observed in the work area.
- BIO/mm-3* Prior to the initiation of construction, the applicant's contractors and the environmental monitor shall coordinate the placement of project delineation fencing throughout the work areas. The environmental monitor shall field fit the placement of the project delineation fencing to minimize impacts to sensitive resources. The project delineation fencing shall remain in place and functional throughout the duration of the project. During construction, no project related work activities shall occur outside of the delineated work area.
- BIO/mm-4* Prior to issuance of grading and construction permits, the applicant shall submit grading, construction, and landscape plans incorporating the following measures, for review and approval by the City Environmental Coordinator. The plan shall be implemented concurrent with or immediately following construction. The plan shall include, but not be limited to the following measures:
- a.* Prior to any construction activities, the coastal dune scrub area shall be demarcated with highly visible construction fencing or staking for the benefit of contractors and equipment operators.
  - b.* Restoration of surface contours through minor grading and seeding native vegetation may be required to reduce the erosion potential and provide temporary cover during and after construction.
  - c.* Non-native and invasive species shall not be permitted onsite. For a list of noxious weeds and appropriate plant materials, please refer to the following sources: the California Invasive Plant Council website at [www.cal-ipc.org](http://www.cal-ipc.org) and the County of San Luis Obispo's approved landscape plant list. Substitutions may be allowed, but shall be approved by a qualified botanist.
  - d.* The north and west perimeters of the site shall utilize native species characteristic of the coastal dune scrub and native grassland habitat in the area. Landscaping around the house and to the east and south shall utilize drought tolerant, non-invasive species.
  - e.* The final landscape plan shall be reviewed and approved by a qualified botanist prior to review and approval by the City Environmental Coordinator.
  - f.* A sediment and erosion control plan shall be prepared that specifically seeks to protect the coastal dune scrub to the west of the construction site. Erosion control measures shall be implemented to prevent runoff from the site. Silt fencing, straw bales, and/or sand bags shall be used as well as other methods to prevent erosion and sedimentation of the drainage

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

*channel. The plan shall specify locations and types of erosion and sediment control structures and materials that would be used on-site during construction activities. Biotechnical approaches using native vegetation shall be used as feasible. The plan shall also describe how any and all pollutants originating from construction equipment would be collected and disposed.*

- i. Current Best Management Practices (commonly referred to as BMPs) shall be utilized to minimize impacts to the native habitat areas onsite. Washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing of equipment, tools, roads, etc. shall not be allowed in any location where the tainted water could affect the drainage and adjacent beach's sensitive biological resources.*

**BIO Impact 2      Development of the project could impact coastal dune scrub habitat.**

*BIO/mm-5      Prior to the initiation of construction, the coastal dune scrub area shall be temporarily fenced during the entire phase of construction to assure no disturbances to coastal dune scrub habitat occur.*

**BIO Impact 3      Development of the project could impact Morro Shoulderband snail (MSS) and Morro blue butterfly.**

*BIO/mm-6      Prior to issuance of a building permit a continuous silt fence shall be installed along the northern and western property boundaries. The fence shall delineate the work zone on site to preclude accidental egress into the dune scrub habitat located on the adjacent properties. The fencing shall also be intended to serve as a passive barrier to potential travel of MSS from the adjacent dune scrub habitat into the work zone. The fencing shall also serve to assure there is no disturbance of Morro blue butterfly within the silver dune lupine west of the property. The fence shall remain place throughout the duration of the project until final inspection clearance by the Morro Bay Planning Division.*

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

**Monitoring:**

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

**CULTURAL RESOURCES**

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

*CR/mm-1      Prior to issuance of a grading or building permit, the applicant shall submit to the City of Morro Bay Public Services Department, Planning Division an Archaeological Monitoring Plan for review and approval. The plan shall include, at minimum:*

- a. Archaeological and Native American monitoring of all initial site disturbance and during all earthmoving and excavation activities, including trenching within the right of way for*

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

*utility installation/connection. Archaeological and Native American monitors shall be approved by the City.*

- b. A list of all personnel involved in the monitoring activities.*
- c. Clear identification of what portions of the project (e.g., phases, areas of the site, types of activities) would require monitoring.*
- d. Description of how the monitoring shall occur.*
- e. Description of monitoring frequency.*
- f. Description of resources expected to be encountered.*
- g. Description of circumstances that would result in work stoppage or diversion in the case of discovery at the project site.*
- h. Description of procedures for stopping or diverting work at the project site and notification procedures.*
- i. Description of monitoring reporting procedures.*
- j. Contracts for monitoring services shall be signed and executed.*

*CR/mm-2 In the event that intact and/or unique archaeological artifacts or historic or paleontological resources are encountered during grading, clearing, grubbing, and/or other construction activities associated with the proposed project involving ground disturbance, all work in the immediate vicinity of the find shall be stopped immediately, the onsite archaeological and Native American monitors shall be notified, and the monitors would be empowered to redirect work in the immediate vicinity to another location while the finds are evaluated and significant impacts, if any, are mitigated.*

*CR/mm-3 In the unlikely event that human graves are encountered, all work within 30 meters (100 feet) of the discovery shall halt and the San Luis Obispo County Coroner shall be notified immediately. At the same time, the archaeological monitor shall be contacted to evaluate the situation. If human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will designate a Most Likely Descendant who will work with the property owner and the City to determine the most appropriate disposition of the remains.*

*CR/mm-4 Upon completion of all monitoring and mitigation activities, and prior to final inspection or occupancy, whichever occurs first, the Applicant shall submit to the City of Morro Bay Planning Division a report summarizing all monitoring and mitigation activities and confirming that all recommended mitigation measures have been met.*

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

**GEOLOGY/SOILS**

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

## INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

*GS/mm-1 The project shall incorporate all recommendations contained within the soil report prepared by Geosolutions dated July 7, 2011. Prior to issuance of any building permit, the applicant shall demonstrate to the Planning Division that all recommendations (depending on the type of foundation either slab or raised) have been incorporated into the plans submitted for a building permit.*

*GS/mm-2 Prior to issuance of grading and construction permits, the applicant shall prepare a drainage and erosion control plan to reduce the potential for erosion and down-gradient sedimentation both during construction and for the life of the project. Grading and construction plan shall include measures to prevent and avoid spills or spread of dangerous materials and clean-up procedures in the event of a spill. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with the erosion control plan.*

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

**Monitoring:**

Design plans shall be inspected and approved by the City Engineer to ensure compliance with the requirements of the Geologic Report. Erosion control plans shall be submitted to the City Environmental Coordinator for review and approval, in consultation with the City Engineer. Monitoring or inspection of construction activities shall occur as needed to ensure compliance with design plans and the drainage and erosion control plan. Restoration actions shall be monitored on a quarterly basis for a period of three years (minimum) to ensure successful stabilization. Monitoring reports shall be submitted on a quarterly basis to the City Environmental Coordinator for a minimum of three years, until the City has determined that site restoration has stabilized the adjacent slope.

**HAZARDS AND HAZARDOUS MATERIALS**

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

*HAZ/mm-1 Prior to issuance of grading permits, a Spill Prevention Control and Countermeasure Plan shall be developed and submitted to the City for approval. The plan shall identify hazardous materials to be used during construction and operation, and shall identify procedures for storage, distribution, and spill response. The plan shall specifically address potential spill events into the adjacent beachfront area. Equipment refueling shall be done in non-sensitive areas and such that spills can be easily and quickly contained and cleaned up without entering the existing stormwater drainage system or creek. The plan shall include procedures in the event of accidents or spills, identification of and contact information for immediate response personnel, and means to limit public access and exposure. Any necessary remedial work shall be done immediately to avoid surface or ground water contamination.*

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

**Monitoring:**

The applicant shall be responsible for implementing the approved Spill Prevention Control and Countermeasure Plan. The City Engineer shall conduct periodic inspections to verify compliance.

INITIAL STUDY AND CHECKLIST – LaPlante Single Family Residence

CASE NO. #CP0-365

DATE: September 18, 2014

**HYDROLOGY AND WATER QUALITY**

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

*HWQ/mm-1*      *Prior to issuance of grading permits, the applicant shall provide a Drainage Report prepared by a Registered Civil Engineer. The Drainage Report shall conform to Stormwater Management for New and Redevelopment Projects within the City of Morro Bay in the July 2011 amendment to the City Standard Drawings and Specifications\*. Specifically, this project shall meet the requirements of the following Parts:*

- a. Part 1: Protection of Water Quality - Exempt*
- b. Part 2: Runoff Volume Controls (LID) - Tier 2 requirements*
- c. Part 3: Peak Runoff Flow Control – All requirements*

*HWQ/mm-2*      *Prior to issuance of grading and building permits, the applicant shall provide a standard erosion and sediment control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.*

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

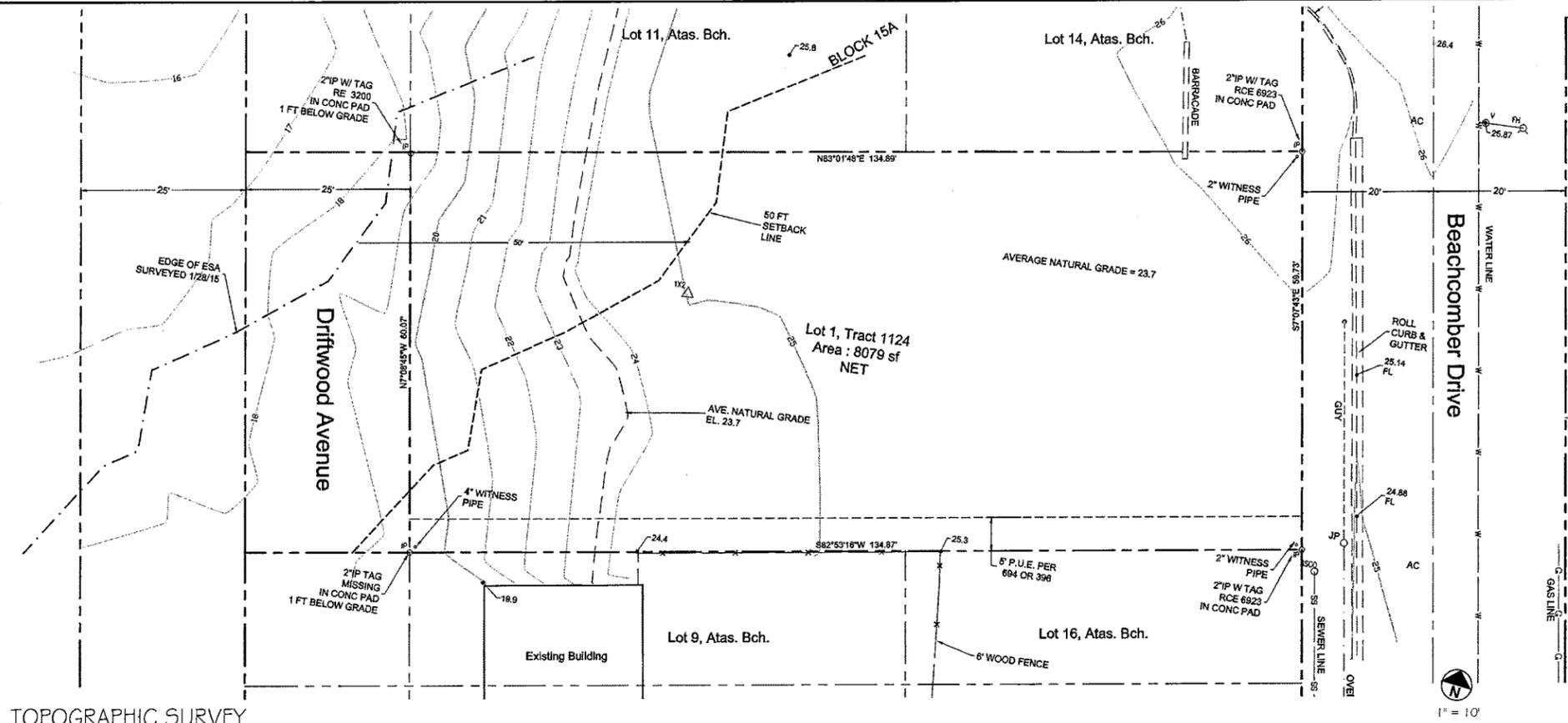
**Monitoring:**

Monitoring shall occur as necessary to ensure development is proceedings consistent with the final grading and drainage plan.

**Acceptance of Mitigation Measures by Project Applicant:**

  
Applicant

9/15/14  
Date



- LEGEND**
- EXISTING CONTOUR
  - PROPERTY LINE
  - FENCELINE
  - WEELINE
  - ▭ EXIST. BUILDING
  - EDGE OF PAVEMENT
  - TP TOP OF PAVEMENT
  - FS FINISHED SURFACE
  - EG EXISTING GRADE
  - TC TOP OF CURB/TOP OF CONCRETE
  - WM WATER METER
  - WV WATER VALVE
  - JP JOINT POLE
  - SMH SEWER MANHOLE
  - SSCO SEWER CLEAN OUT
  - FH FIRE HYDRANT
  - FF FINISHED FLOOR
  - PM PARKING METER
  - EM ELECTRIC METER
  - GV GAS VALVE
  - GM GAS METER
  - AC ASPHALT CONCRETE
  - CONC CONCRETE
  - TKL TOP OF WALL
  - HB HOSE BIB

**NOTES:**

BOUNDARY IS SHOWN BASED UPON A BOUNDARY SURVEY PERFORMED 6/10/11.

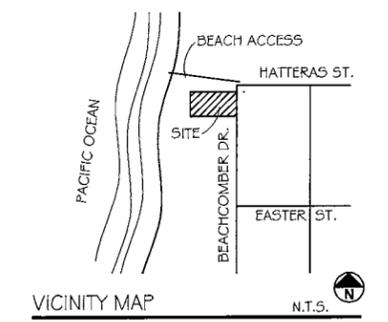
BASIS OF BEARINGS IS THE SOUTHERLY LINE OF LOT 1, TRACT 1124 WHICH BEARS N 82°53'18" E BETWEEN FOUND MONUMENTS PER 12 MB 42.

A CURRENT TITLE REPORT SHOULD BE REFERENCED FOR ANY EASEMENTS NOT SHOWN ON THIS MAP.

**BENCHMARKS:**

CITY OF MORRO BAY BENCH MARK NO. A116, A BRASS CAP SET ON THE TOP OF A BRIDGE ABUTMENT ON THE EAST SIDE OF MAIN STREET AT LONG, N 35° 23.886, LAT. W 120° 51.711. ELEVATION: 38.573 NAVD 88.

- SHEET INDEX**
- T.1 TOPOGRAPHIC & SITE PLAN; PROJECT DATA
  - A.1 FLOOR & LANDSCAPE PLAN, SCHEDULES
  - A.2 ELEVATIONS



**PROJECT DATA**

ADDRESS: 3093 BEACHCOMBER DRIVE  
MORRO BAY  
065-120-001

A.P.N.: R-1; S.2A OVERLAY

ZONING: R-1; S.2A OVERLAY

OWNER: PAUL & JOANNE LaPLANTE  
1935 NORTHWOOD RD.  
NIPOMO, CA 93444

APPLICANT: JOHN K CONSTRUCTION  
110 DAY ST.  
NIPOMO, CA 93444  
(805) 440-4033

PROJECT: 3295 S.F. SINGLE-FAMILY RESIDENCE  
519 S.F. 2-CAR GARAGE

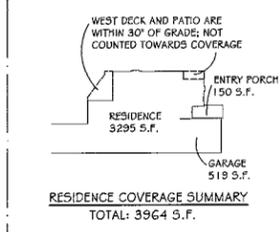
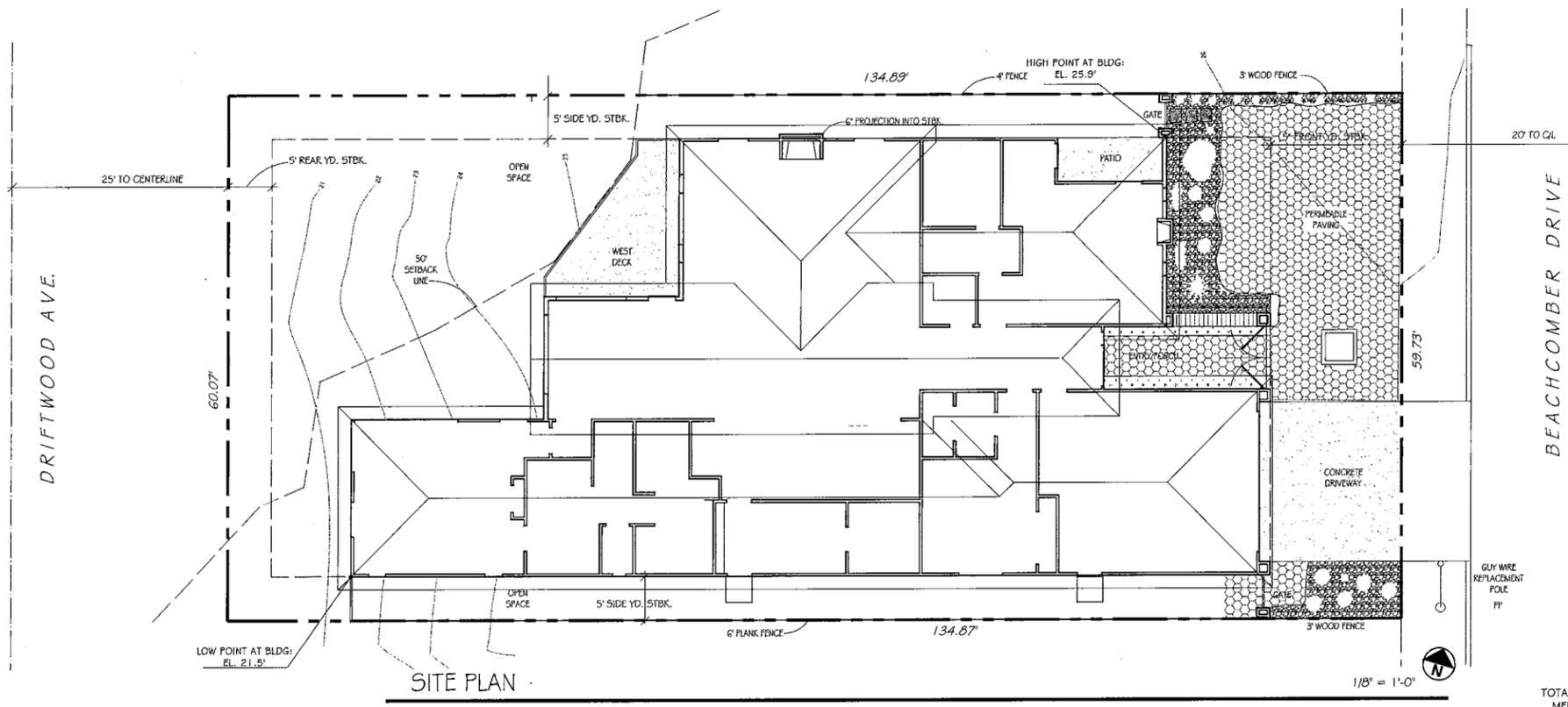
MAX. HT. 16'-10" ABOVE AVE. NATURAL GRADE

PARKING: 2 COVERED

LOT AREA: 8,079 S.F.

ARCHITECT: JEROME WHITE  
131 1/2 N. L ST.  
LOMPOC, CA 93436  
(805) 450-1100

SURVEYOR: WILLIAM R. DYER  
153 N. 8th ST, SUITE B  
GROVER BEACH, CA 93483  
(805) 481-1223



**AREA CALCULATION**

AREA	S.F.	%
RESIDENCE (including GARAGE) (519)	3814	47.2
OPEN SPACE	2635	32.6
DRIVEWAY	320	3.9
DECK & PATIO	250	3.1
ENTRY PORCH	150	1.9
PERMEABLE PKG.	740	9.2
LANDSCAPING	170	2.1
TOTAL LOT AREA	8079	100.0

TOTAL LOT COVERAGE 3964 S.F. (49.06%)  
MEETS MAX. 50% LOT COVERAGE REQ'T.

TOTAL IMPERMEABLE COVERAGE  
HOUSE, DRIVEWAY, DECKS, ENTRY PORCH = 4534 S.F. (56.1%)

JOHN K CONSTRUCTION, INC.  
110 DAY ST.  
NIPOMO, CA 93444  
(805) 440-4033

**La Plante Residence**  
3093 BEACHCOMBER DRIVE  
MORRO BAY, CA.

TOPOGRAPHIC SURVEY  
SITE PLAN  
PROJECT DATA  
DATE: 9.22.15  
REVISION DATE:

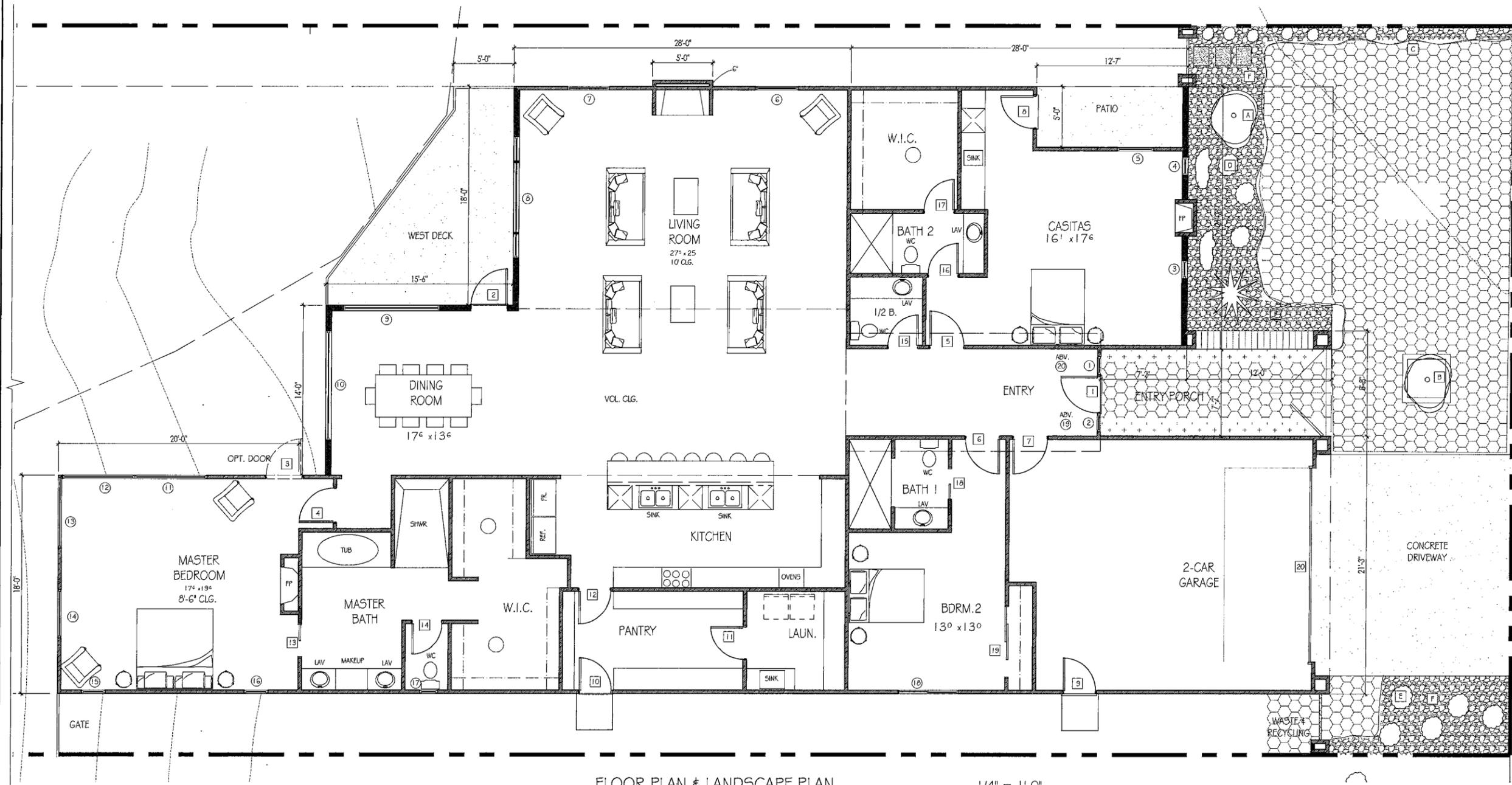
T.1

DOOR SCHEDULE					
#	WIDTH	HEIGHT	THK.	TYPE	REMARKS
1	3'-0"	7'-0"	1 3/8"	SC	DECORATIVE ENTRY
2	↓	8'-0"	↓	FR	TEMP. GLAZING
3	↓	7'-0"	↓	SC	OPTIONAL
4	2'-10"	6'-8"	↓	↓	TEMP. GLAZING
5	↓	↓	↓	↓	↓
6	↓	↓	↓	↓	↓
7	↓	↓	↓	↓	↓
8	2'-8"	↓	↓	↓	↓
9	↓	↓	↓	↓	↓
10	↓	↓	↓	↓	↓
11	↓	↓	↓	↓	POCKET
12	↓	↓	↓	↓	↓
13	↓	↓	↓	↓	↓
14	2'-6"	↓	↓	↓	↓
15	↓	↓	↓	↓	↓
16	↓	↓	↓	↓	↓
17	↓	↓	↓	↓	POCKET
18	↓	↓	↓	↓	↓
19	6'-0"	↓	↓	↓	BYPASS
20	16'-0"	↓	7'-0"	↓	SECTIONAL, GLAZED TOP PANELS

WINDOW SCHEDULE					
#	WIDTH	HEIGHT	THK.	TYPE	REMARKS
1	1'-6"	7'-0"	↓	↓	↓
2	↓	↓	↓	FIXED	TEMPERED
3	1'-8"	1'-8"	↓	↓	↓
4	↓	↓	↓	↓	↓
5	3'-0"	3'-6"	↓	↓	↓
6	3'-6"	6'-0"	↓	↓	↓
7	↓	↓	↓	↓	↓
8	10'-0"	↓	↓	OXO	(2) 2'-0" CSMT w/ 6'-0" FIX CTR.
9	8'-0"	↓	↓	FIXED	↓
10	8'-0"	9'-6"	↓	↓	↓
11	6'-0"	5'-0"	↓	↓	ARCHED TOP
12	↓	↓	↓	↓	↓
13	↓	↓	↓	↓	↓
14	4'-0"	5'-0"	↓	CSMT	↓
15	2'-0"	4'-0"	↓	↓	↓
16	↓	↓	↓	↓	↓
17	2'-0"	2'-0"	↓	FIXED	↓
18	5'-0"	4'-0"	↓	SL	↓
19	1'-8"	1'-8"	↓	FIXED	HIGH ENTRY WDWS.
20	↓	↓	↓	↓	↓

PLANTING SCHEDULE	
A	DWARF LEMON
B	FRUITLESS DWARF OLIVE
C	RED FOUNTAIN GRASS
D	SUNSET LUCANDENDRA
E	GIANT BIRD OF PARADISE
F	RIVER ROCK GROUNDCOVER (ALTERNATE) CHONDROPETALUM

SCHEDULES



FLOOR PLAN & LANDSCAPE PLAN 1/4" = 1'-0"

JOHN K CONSTRUCTION, INC.  
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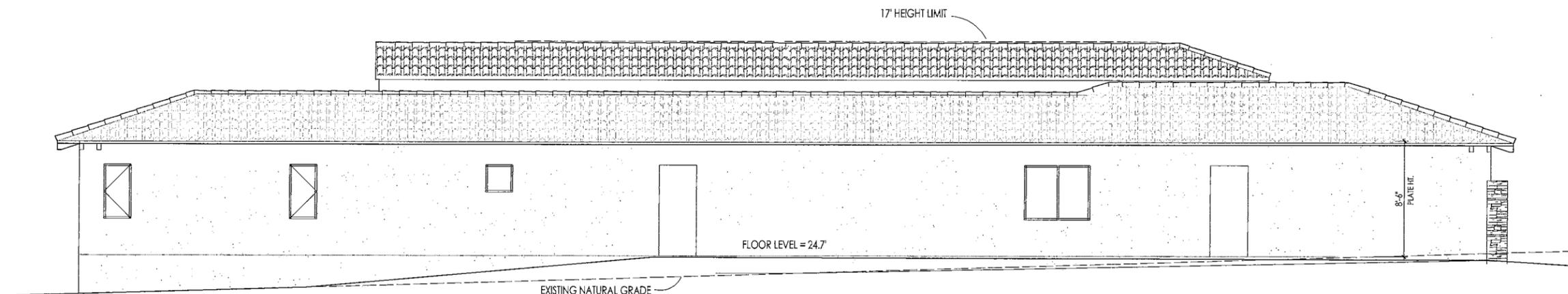
La Plante Residence  
3093 BEACHCOMBER DRIVE  
MORRO BAY, CA.

FLOOR PLAN

DATE: 9.22.15

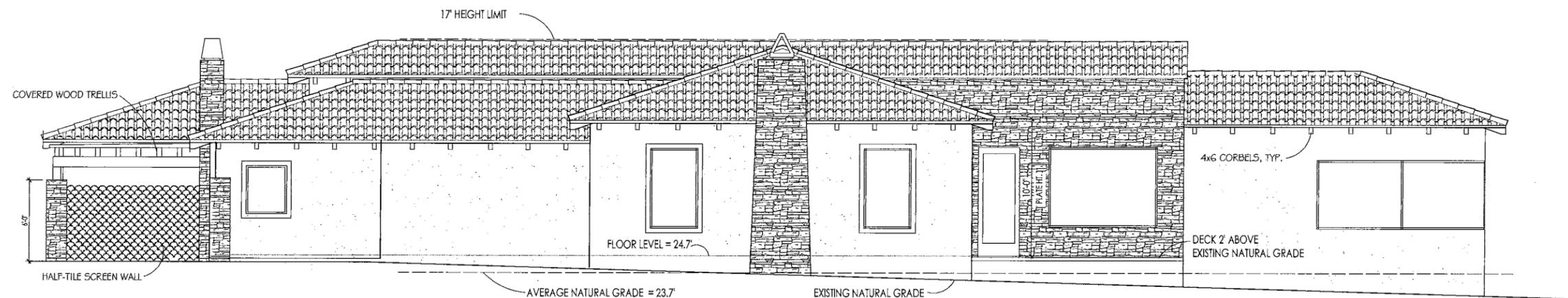
REVISION DATE:

A.1



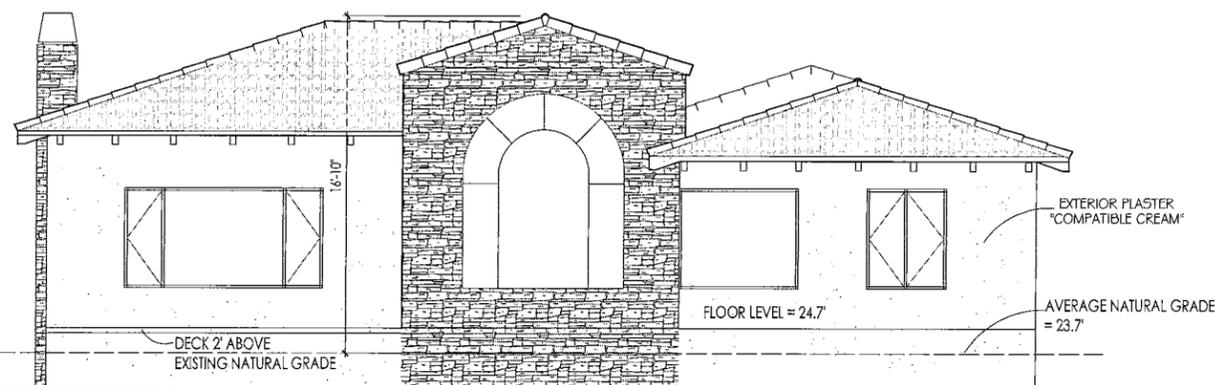
SOUTH

1/4" = 1'-0"



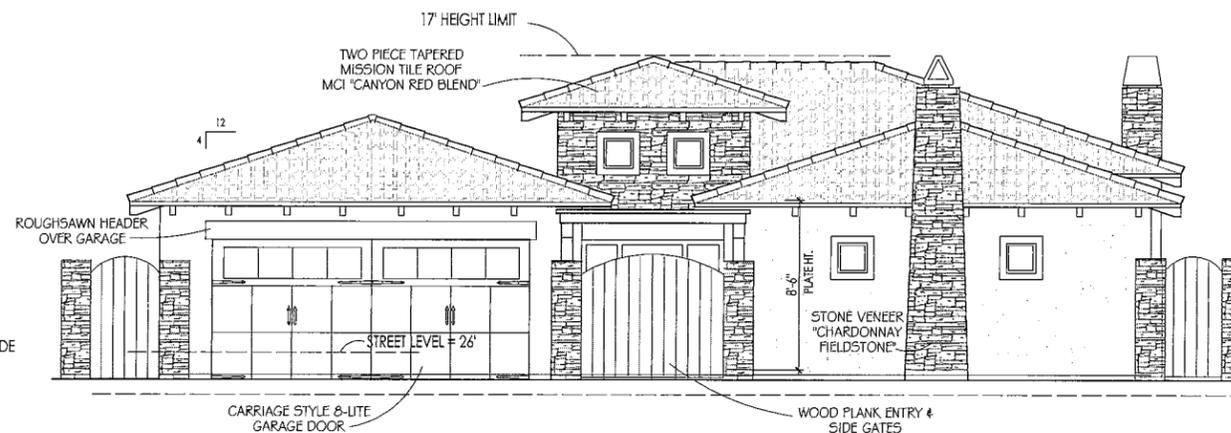
NORTH

1/4" = 1'-0"



WEST

1/4" = 1'-0"



EAST

1/4" = 1'-0"

JOHN K CONSTRUCTION, INC.  
1110 DAY ST.  
NIPOMO, CA 93444  
(805) 440-4033

**La Plante Residence**  
3093 BEACHCOMBER DRIVE  
MORRO BAY, CA.

ELEVATIONS

DATE: 9.22.15

REVISION DATE:

A.2



AGENDA NO: D-1

MEETING DATE: October 20, 2015

## Staff Report

**TO:** Planning Commissioners

**DATE:** October 12, 2015

**FROM:** Cindy Jacinth, Associate Planner

**SUBJECT:** Interpretation of Significant Public Benefit Requirement in Zoning Ordinance and Waterfront Master Plan

### **RECOMMENDATION:**

Staff recommends the Planning Commission review the requirements for Significant Public Benefit as described in the Zoning Ordinance under the Planned Development (PD) overlay zone at 17.40.030 and provide direction for staff to return with an interpretation resolution.

### **BACKGROUND/DISCUSSION:**

At the October 6, 2015 meeting, the Planning Commission directed staff to return with a discussion of the Planned Development (PD) overlay zone's Significant Public Benefit and resolution for interpretation.

The PD overlay zone is found in the City's Zoning Ordinance at MBMC 17.40.030:

The purpose of the planned development overlay zone, is to provide for detailed and substantial analysis of development on parcels which, because of location, size or public ownership, warrant special review. This overlay zone is also intended to allow for the modification of or exemption from the development standards of the primary zone which would otherwise apply if such action would result in better design or other public benefit.

Paragraph D of 17.40.030 describes the general development standards for the PD overlay which state that:

"...The standards for development within a PD overlay zone shall be those of the base zoning district, provided however, that standards may be modified by the planning commission or city council as they relate to: building heights; yard requirements; and minimum lot area for dwelling units in the density range provided that any specific design criteria of the general plan and coastal land use plan, applicable to the property, is not exceeded. For those areas of the city which are covered by the waterfront master plan, all new development projects requiring discretionary permits (conditional use permits, etc.) shall be consistent with the design guidelines contained in Chapter 5 of the waterfront master plan.

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

Prepared By:   CJ  

Department Review:   SG

**include, but are not limited to improved or innovative site and architectural design, greater public or private usable open space and provisions of housing for the elderly or low/moderate income families, provision of extraordinary public access, provision for protecting environmentally sensitive habitat (ESH) areas, but in all cases these provisions shall meet the coastal land use policies.” (emphasis added).**

The Waterfront Master Plan (WMP) Chapter 5 Design Guidelines also establish criteria standards to assist in evaluating the quality of a design submitted. These design criteria specify when findings of significant public benefit are required under categories of required view corridors, and building heights that exceed 17 feet.

The WMP also requires that a finding of significant public benefit shall be made by the City Planning staff or the Planning Commission during the review process in cases of granting of heights greater than 17 feet on the west side of the Embarcadero pursuant to the Planned Development Overlay Zone requirements.

As stated above, the PD overlay language states that modifications of standards are only permitted with a finding of significant public benefit. The Zoning Ordinance attempts to illustrate examples of what is significant public benefit and cites **including, but not limited to:**

- 1. improved or innovative site and architectural design.**
- 2. greater public or private usable open space and provisions of housing for the elderly or low/moderate income families.**
- 3. provision of extraordinary public access.**
- 4. provision for protecting environmentally sensitive habitat (ESH) areas**

Many past projects approved by the City which relied on the PD overlay allowance to modify or deviate from development standards were found to have provided significant public benefit under item #3 above – provision of extraordinary public access. Of these projects, staff has reviewed the records of such approvals and has included below four of these example for the Commission’s reference.

<b>Address</b>	<b>Case No.</b>	<b>Approval date</b>	<b>Brief description</b>	<b>Exception Requested &amp; Public Benefit Offered:</b>
501 Embarcadero	UP0-020	2/21/2006	Demolition/ Reconstruction of mixed-use 2 story retail commercial	Project including 2 story building exceeding 17 feet height (22 feet proposed).  <u>Project benefits</u> included 80% of roofs sloping with 4:12 pitch; view corridor between buildings; significantly smaller lot coverage than allowed (21% vs. 70%); provision of public viewing platform area (30’ x 32’) and improved

				pedestrian circulation
575-591 Embarcadero		8/27/2007- 3/30/2010	6 unit hotel and 2 unit commercial building	<p>Project included 2 story 25 foot building.</p> <p><u>Project benefits</u> included 2 public restrooms; benches, bicycle racks, trash receptacle and interpretive sign on public view deck.</p> <p>The reconstruction of a public view deck, 2 public restrooms and a 27 ft. wide view corridor, through the project connecting to a public lateral access boardwalk, with interpretive sign.</p>
801-833 Embarcadero	UP0-212	9/2/2008- 9/22/2008	Demolition/ Reconstruction of a proposed Conference Center ( <i>permits expired/not built</i> )	<p>Project included 2 story building exceeding 17 feet height (25 foot). 2008 PC Staff report also notes proposed view corridor of 38' where 50' was required.</p> <p><u>Project benefits</u> included 4:12 pitch roofs, including elevator shaft not to exceed max height limit of 25 feet; incorporation of public plaza within the 25 foot wide view corridor.</p>
1185-1215 Embarcadero	UP0-058	5/12/2008- 8/25/2015	Phased multi-year approval for new floating docks and commercial demo/reconstruct	<p>Project included 2 story building exceeding 17 feet.</p> <p><u>Project benefits</u> included providing 4:12 pitch roofs, including elevator shaft not to exceed maximum height limit (at 25-feet), incorporating a public view deck and two view corridors totaling (42) foot wide, and restrooms will be available to the public during business hours. Additionally, assistance with the completion of the Harborwalk project, ADA lateral access, floating dock access to the public and pocket park.</p>

It should be noted that of these past project approvals, many of them offered up project amenities that would be required regardless of the PD overlay zone, such as ADA accessibility which is required under State law, view corridor requirements and sloped roof pitches. However, other projects have offered to enhance their proposals through the provision of dedicated public viewing decks, first or second floor, dedication of public restrooms where no purchase is

required; and in the case of 1185-1215 Embarcadero, public access to proposed floating docks where previously no public access had been offered.

Given the examples noted in the table above, the Planning Commission should discuss what constitutes “Significant” public benefit. There seems to be a bit of a disconnect between the impacts where view corridors are reduced from required widths or where use of the top height tier (17’ to 25’) is requested and the public amenities offered up to offset those reductions. Arguably, the “Significant Public Benefit” finding should be based on project amenities that greatly exceed what would otherwise be required. When view corridor reductions are proposed, not only should the project design offset those losses through improved access elsewhere, but the design should also offer substantial improvement over what would otherwise be possible through strict adherence to the development standards. In other words, if the project design is not a noticeable improvement over what would simply result from complying with the minimum requirements then why approve it.

**ZONING ORDINANCE AUTHORITY:**

The Planning Commission is authorized, by the Morro Bay City Zoning Ordinance, (the “Zoning Ordinance”) section 17.48.020, to make interpretations of ambiguities found in the Zoning Ordinance. Pursuant to that section, through a reference to section 17.08.020, the Planning Commission shall consider the following factors as criteria for their determination:

- A. Effect upon the public health, safety and general welfare of the neighborhood involved and the city at large,
- B. Effect upon traffic conditions, and
- C. Effect upon the orderly development of the area in question and the city at large in regard to general planning of the whole community.

**CONCLUSION:**

The Zoning Ordinance attempts to define “significant public benefit” in the PD overlay zone requirements listed at MBMC 17.40.030. A variety of projects in past years have come forward for City approval with various forms of public benefit. However, the requirement is benefit that is significant. Planning Commission shall review the information as presented by staff with discussion as to what is considered to be significant.

Staff recommends that Planning Commission review the information and attachments presented in this staff report and provide direction to staff to return with a resolution for interpretation.

**REFERENCE LINKS:**

- A. Zoning Ordinance Section 17.40.030 – Planned Development Overlay  
[https://www.municode.com/library/ca/morro\\_bay/codes/code\\_of\\_ordinances?nodeId=TI17ZO\\_CH17.40SPTRVOCODISPPL\\_17.40.030PLDEPDOVZO](https://www.municode.com/library/ca/morro_bay/codes/code_of_ordinances?nodeId=TI17ZO_CH17.40SPTRVOCODISPPL_17.40.030PLDEPDOVZO)

B. City Zoning Map

<http://www.morro-bay.ca.us/documentcenter/view/996>

C. Waterfront Master Plan

<http://www.morro-bay.ca.us/documentcenter/view/1061>