



# CITY OF MORRO BAY PLANNING COMMISSION MEETING AGENDA

Veteran's Memorial Building  
Regular Meeting 6:00 p.m.

209 Surf Street, Morro Bay  
Tuesday February 16, 2010

Nancy Johnson - Chairperson  
Vice-Chairperson - Gerald Luhr  
Commissioner - Michael Lucas  
Commissioner - John Diodati  
Commissioner - Jamie Irons  
Bruce Ambo - Secretary

- I. CALL MEETING TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. ACCEPTANCE OF AGENDA
- V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

A. Oral Report

VI. PUBLIC COMMENT:

Members of the audience wishing to address the Commission on matters other than scheduled hearing items may do so when recognized by the Chairman, by standing and stating their name and address. Comments should be limited to three minutes.

VII. CONSENT CALENDAR

- A. Approval of minutes from hearing held on January 19, 2010
- B. Approval of minutes from hearing held on February 1, 2010

VIII. 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.

IX. FUTURE AGENDA ITEMS

- A. Downtown Visioning (Planning Commission Subcommittee).
- B. Restrictions/rules on installing gates on driveways for residential and commercial properties.

- C. Research information on allowing front porches within the front setback.
- D. Presentation from Rob Livick, City Engineer, on the Pedestrian Plan.
- E. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

**X. PUBLIC HEARINGS**

- A. **Site Location:** 485 South Bay Blvd.  
**Applicant:** Wayne Colmer  
**Request:** Coastal Development Permit #CP0- 110, Conditional Use Permit #UP0-070, and Vesting Tract Map # S00-038. The applicant requests a Precise Plan approval (continued item) of the final details of the project, including modifications required by the California Coastal Commission. The applicant proposes a Planned Unit Development including 17 detached single-family homes, two of which would be affordable units. Open space areas totaling approximately 48,342 square feet or 35% of the site, is proposed for preservation. Access and utilities will be provided via a private roadway. The site is located within the Coastal Commission Appeal Jurisdiction.  
**Recommended CEQA Determination:** Mitigated Negative Declaration has been prepared.  
**Staff Recommendation:** Conditionally approve.  
**Staff Contact:** Kathleen Wold, Senior Planner, 772-6211
  
- B. **Site Location:** 560 Embarcadero  
**Applicant:** Phil and Maureen Kispersky  
**Request:** Conditional Use Permit #UP0-191 & Coastal Development Permit #CP0-065 Amendment request for modification of fence height within front yard and exterior side yard setback areas and exception to front and side yard setbacks through the Planned Development (PD) overlay zone. This site is located within the Coastal Commission Appeals Jurisdiction.  
**Recommended CEQA Determination:** Categorically Exempt, Class 5, Section 15305.  
**Staff Recommendation:** Deny the request.  
**Staff Contact:** Genene Lehotsky, Associate Planner, 772-6270

*The above 560 Embarcadero project is being rescheduled to a future Planning Commission meeting due to an additional application and associated noticing that is required.*

**XI. OLD BUSINESS**

- A. Current Planning Processing List/Advanced Work Program.

**XII. NEW BUSINESS**

**XIII. ADJOURNMENT**

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on Monday, March 1, 2010 at 6:00 p.m.

**PLANNING COMMISSION MEETING PROCEDURES**

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Public Services Office at 955 Shasta Avenue, during normal business hours, Mill’s ASAP, 495 Morro Bay Boulevard, or Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Planning 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:

**This Agenda is available for copying at Mills Copy Center and at the Public Library**

1. The Planning Department 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.

**RULES FOR PRESENTING TESTIMONY**

Planning 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 testimony must observe the following rules:

1. When you come to the podium, first identify yourself and give your place or residence both orally and on the sign in sheet at the podium. Commission meetings are audio and video tape-recorded and this information is required for the record.
2. Address your testimony to the Chair. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
3. Keep your testimony brief and to the point. Speak about the proposal and not about individuals. On occasion, the Chair may place time limits on testimony: Focus testimony on the important parts of the proposal: do not repeat points made by others. Please, no applauding or making comments from the audience during the testimony of others.
4. Written testimony is encouraged so they can be distributed in the packets to the Planning Commission. However, letters are most effective when presented at least a week in advance of the hearing. Written testimony provided after the staff reports are distributed and up to the meeting will also be distributed to the Planning Commission but there may not be enough time to fully consider the information. Mail should be directed to the Public Services Department, attention: Planning Commission Secretary.

**APPEALS**

If you are dissatisfied with any aspect of 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. The appeal form is available at the Public Services Department and on the City’s web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant’s favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 and the City Zoning Ordinance. 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.

**HEARING IMPAIRED:** There are devices for the hearing impaired available upon request at the staff’s table.

**COPIES OF VIDEO, CD:** Copies of the video recording of the meeting may be obtained through AGP Video at (805) 772-2715, for a fee.

**ON THE INTERNET:** This agenda may be found on the Internet at: <http://www.morro-bay.ca.us/planningcommission>

**This Agenda is available for copying at Mills Copy Center and at the Public Library**

CITY OF MORRO BAY  
PLANNING COMMISSION  
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Morro Bay Veteran's Hall  
Regular Meeting, 6:00 p.m.

209 Surf Street  
Tuesday, January 19, 2010

Chairperson - Nancy Johnson

Vice-Chairperson - Gerald Luhr      Commissioner - Michael Lucas  
Commissioner - Jamie Irons          Commissioner - John Diodati

Bruce Ambo - Secretary

I. CALL MEETING TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Jamie Boucher led the pledge.

III. ROLL CALL

Staff Present: Bruce Ambo, Kathleen Wold, Genene Lehotsky and Jamie Boucher.

IV. ACCEPTANCE OF AGENDA

MOTION: Agenda accepted as presented.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Ambo reported at the January 11, 2010 meeting, City Council:

- Approved a Resolution for Recreation & Parks to apply for Proposition 84 funds for Master Planning the Teen Center/Skate Park
- Adopted a Resolution to lower the Parking-in-Lieu fees at 600 Embarcadero to \$4000/space
- Approved a recruitment/hire for an Administrative/Housing Programs Coordinator
- First Reading: Ordinance establishing a Local Business Preference Program for local vendors
- Presentation of 2009 Water Report
- Termination of Water Agreement with Roandoak
- Presented 2009 Trolley Season Performance
- Discussed Water Quality testing in Morro Bay's drinking water

At the upcoming meeting on January 25, 2010 Ambo said City Council will:

- Adopt the Mid-year Budget adjustments
- Adopt the Ordinance establishing a Local Business Preference Program
- Proposed changes to the Stormwater Management Plan
- Discuss unmet bike needs
- Discuss water reclamation options
- Discuss alternative biosolids management options
- Update on Fire Station 53 construction and funding

Mr. Ambo also provided the dates for the Joint City Council/Planning Commission meeting which will be on Monday, March 15<sup>th</sup> and Monday, November 15<sup>th</sup>. It is anticipated that the Joint Meeting will precede the scheduled Planning Commission meeting.

VI. PUBLIC COMMENT - None

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on January 4, 2010

MOTION: Luhr/Irons 2<sup>nd</sup> to approve the minutes as presented.

VOTE: 5 – 0

VIII. 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.

IX. FUTURE AGENDA ITEMS

- Downtown Visioning (Planning Commission Subcommittee).
- Restrictions/rules on installing gates on driveways for residential and commercial properties.
- Research information on allowing front porches within the front setback.
- Presentation from Rob Livick, City Engineer, on the Pedestrian Plan.
- Presentation from Dan Doris, Building Official, on Graywater systems.
- Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues

X. PUBLIC HEARINGS

Continued from the January 4, 2010 Planning Commission Meeting

A. **Site Location:** 612 Agave Drive

**Applicant:** Cathy Novak

**Request:** Tentative Parcel Map #S00-101 and Coastal Development Permit #CP0-321 subdividing one parcel into three parcels along with a subdivision exception request to include the square footage of the access easement into the overall lot square footage. This site is located outside the Coastal Commission Appeals Jurisdiction.

**Recommended CEQA Determination:** Categorically Exempt, Class 32, Section 15332.

**Staff Recommendation:** Conditionally approve.

**Staff Contact:** Genevieve Lehotsky, Associate Planner, 772-6270

Lehotsky presented the staff report.

Johnson asked if the Commission had questions for staff.

Johnson opened the Public Hearing asking the applicant or their agent to address the Commission.

Cathy Novak, representing the applicant, gave a presentation.

Roger Ewing urged the Planning Commission to deny this project as it would set precedent.

Jack McCurdy questioned many points of the staff report.

Johnson asked if there were any other questions for the applicant's representative, Cathy Novak.

Johnson asked if there were any other questions for staff.

Lucas asked whether the way it was designed is fitting given the context of the surrounding neighborhood. Lucas also asked what the maximum square footage size of residences that would be permissible based on the lot sizes.

Lehotsky responded that according to how it was proposed with the previous parcel map and how the turnaround is located on this parcel, it was fitting. The applicant prepared a site plan of the size of residence that could potentially be allowed on those sites and it came out to approximately 1,400 square feet per residence for two sites and 1,900 square feet for the third.

Lucas continued with his concern over having a series of lots under consideration with both a gross and net square footage associated with them and doubts they are the maximum build-out; sees a difference between what they are seeing and what could be built there and the impact of what the development would be relative to the possible structures. There should possibly be some square footage modifications especially to upper story areas within small areas like this.

Lehotsky, responded that staff only has sketches that the applicant provided which all are compliant with the City's setbacks and all the development standards for these particular sites.

Lucas stressed his concern that there is a much larger structure that we could potentially be approving tonight.

Johnson added that it was her understanding that if the Commission were to grant this exception to a parcel map, the Commission can set a limit to the size of the structures.

Seeing no further comment, Johnson closed the public hearing.

The Planning Commission discussed precedent setting actions, private street concerns, low cost housing needs, square footage limitations of the upper floors, and infill growth.

**MOTION:** Luhr/Lucas 2<sup>nd</sup> to accept the Parcel Map (MB 09-0091) and Coastal Development Permit to subdivide one lot into 3 lots at 612 Agave Drive; to accept the findings included in exhibit A and B with the addition that the gross living square footage allowed in each unit be 2000 square feet with the second floor being no more than 80% of the first floor square footage; a gate may not be placed on Agave Street; and, any other amendments to the tentative map come back to the Planning Commission.

**VOTE:** 3-2 (Diadoti and Irons opposed)

- B. **Site Location:** 2300 Main St.  
**Appellant:** Grant Crowl; **Applicant:** Michael Del Puppo  
**Request:** Appeal of Minor Use Permit #UP0-255 which approved the conversion of a commercial unit to a residential unit. This site is located outside the Coastal Commission Appeals Jurisdiction.  
**Recommended CEQA Determination:** Categorically Exempt, Class 3, Section 15303.  
**Staff Recommendation:** Deny the Appeal.  
**Staff Contact:** Genene Lehotsky, Associate Planner, 772-6270

Lehotsky presented the staff report.

Johnson asked if the Commission had questions for staff.

Irons asked what the normal requirement for storage for this many units is. Ambo responded saying that this is a legal non-conforming existing mixed use building which means the only analysis staff goes thru is to ensure that the uses are allowed.

Johnson asked whether or not the space has already been converted to a living space or is that what they are requesting to do. Lehotsky responded that it has already been converted and based on a code enforcement complaint; staff then gave the applicant the ability to remove the use or go thru the minor use permit process.

Diodati brought up that fact that the appeal form doesn't state that you can further appeal to the City Council; Ambo replied that all Planning Commission decisions are appealable to the City Council.

Lucas hypothetically asked, if the remaining retail spaces request minor use permits as well, thus making this building potentially 100% residential occupancy, would that have any impact on how future projects would be reviewed. Lehotsky stated that the Local Coastal Plan allows for these projects to be reviewed on a case by case basis; this is an existing building with the intent of mixed use; should a project of that nature come before staff then staff feels that they would want upgrades to the project site and it would have to be looked at, at that time.

Diadoti asked whether the applicant has paid all fees and/or fines levied for the existing non-permitted unit. Lehotsky was unsure how the payment occurs for code compliance. Ambo said that they are complying with the City's requirements by removing the use or abating the violation. Diadoti went on to ask staff's interpretation of the "during the implementation phase" – what is the intent of the word "implementation". Ambo stated that our Zoning Ordinance is called the Local Coastal Implementation Plan – in staff's opinion, implementation means "we are 'implementing' as we speak every time we consider something".

Lucas asked whether there was anything in our zoning changes at the Coastal Commission that would affect any of the regulations that we are looking at with this project. Lehotsky responded that the updated Zoning Ordinance would require a Conditional Use Permit which would then be hard by the Planning Commission instead of being processed at a staff level permit process.

Luhr asked for clarification on the zoning: we have an SP zoning which requires 50% mixed use; we have an R4 which can be all residential; we have City Council direction which says it should be 50% commercial with residential either being second floor or to the rear of a mixed use property; what takes precedent?

Ambo replied that staff administers the code by trying to find the balance - we place more weight by taking analysis of case by case uses – given that it's an existing mixed use building, it's a conversion of one approved mixed use to another approved mixed use with an existing mixed use building.

Lehotsky added that since it does have an SP Overlay Zone within combining mixed use overlay zone section of the Ordinance it does say that there is 50% of commercial that is to be devoted to a project with an exception of the Local Coastal Plan; if the Local Coastal Plan has something different in regard to the mixed uses, then that's what you would go with. The overall regulatory document is the Local Coastal Plan and its Mixed Use Area F which states that the projects are reviewed on a case by case basis.

Lucas proposed a hypothetical – if the remaining retail would move to residential, then we had another parcel come up for review on Main Street in this kind of zone and they would say there is a precedent for the mixed uses all being residential, are we required to ask them to put retail in that subdivision? Ambo responded absolutely.

Johnson opened public hearing asking the applicant or their agent to address the Commission.

Appellant Grant Crowl, gave his presentation.

Chuck Reasor also gave a presentation supporting the appellant's position.

Cathy Novak, representing the applicant, gave a presentation.

Dorothy Cutter expressed concern about losing both parking spaces as well as retail spaces.

Bill Martony spoke that this location was originally his mother-in-laws; she too had a struggle with filling the commercial spots and as such "bootlegged" in residential units. He didn't feel the location was viable for heavy commercial.

Steve Samis feels it's important for the City to be looking at best uses for commercial property. The City needs to look at the viability for uses of properties so that we have a "Living City vs. a Dead City"; look at all options available - everybody has a right to make a living. In addition, he feels there is ample parking at this site.

Johnson asked if the Commission had questions for the applicant or the appellant.

Luhr asked Novak who converted this particular unit. Novak wasn't sure although she did state that Building Official Dan Doris told her there was minimal amount of worked necessary to make the conversion – a smoke alarm and a closet – everything else was already there.

Seeing no further comment, Johnson closed the public hearing

The Planning Commission discussed concerns with commercial vs residential site ratios, payment of fees (permit and fines), parking (covered parking, handicapped parking and proper number of spaces), covered/secured garbage bins, and adequate on-site storage facilities.

MOTION: Diadoti/Lucas 2<sup>nd</sup> to deny the Appeal by adopting a motion including the following actions:

Adopt the Findings for Approval included as Exhibit "A" of the staff report for the Minor Use Permit, including the CEQA Categorical Exemption based on the Site Plan dated April 3, 2009, subject to the conditions of Approval included as Exhibit "B" of the staff report. In addition, in Exhibit A – finding #3 that the project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay in the North Main Street Specific Plan based on the analysis and discussion in the attached staff report and a condition, that staff will review and ensure that there is a well screened trash enclosure for the facility as well as the current storage unit to remain storage for the tenants until such time the use changes.

VOTE: 4-1 (Luhr opposed)

## XI. OLD BUSINESS

- A. Current Planning Processing List/Advanced Work Program - in the 2<sup>nd</sup> meeting in February or 1<sup>st</sup> meeting in March:
  - >Black Foothill Villas
  - >Morro Mist
  - >Big House Ordinance coming thru as a Code Amendment
  - >Satellite antennas
- B. Climate Action Packet

XII. NEW BUSINESS

A. None

XIII. ADJOURNMENT

Johnson adjourned the meeting at 9:03 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, February 1, 2010 at 6:00 p.m.

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Nancy Johnson, Chairperson

ATTEST:

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Bruce Ambo, Secretary

CITY OF MORRO BAY  
PLANNING COMMISSION  
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

City of Morro Bay Community Center  
Regular Meeting, 6:00 p.m.

1001 Kennedy Way, Morro Bay  
Monday, February 1, 2010

Chairperson - Nancy Johnson

Vice-Chairperson - Gerald Luhr  
Commissioner - Jamie Irons

Commissioner - Michael Lucas  
Commissioner - John Diodati

Bruce Ambo - Secretary

I. CALL MEETING TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Dan Doris led the pledge.

III. ROLL CALL

Johnson asked that the record show all Commissioners were present.

Staff Present: Bruce Ambo, Kathleen Wold, Dan Doris and Kay Merrill.

IV. ELECTION OF CHAIR AND VICE-CHAIR

Luhr nominated Johnson for Chair and Lucas 2<sup>nd</sup> VOTE: 5-0

Johnson nominated Luhr and Lucas 2<sup>nd</sup> VOTE: 5-0

V. ACCEPTANCE OF AGENDA

MOTION: Agenda accepted as presented.

VI. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Ambo reported at the January 25, 2010 meeting, City Council:

- Heard about the proposed schedule for the 2010/2011 budget
- Expressed an interest in goal setting with the budget process
- Adopted an ordinance establishing a local business preference program
- Heard an update on Fire Station 53 Funding
- Discussed consideration of placing a TOT (Transient Occupancy Tax) on the November ballot
- Listened to a presentation from the 4<sup>th</sup> of July Committee to file a fee waiver
- Listened to Councilman Noah Smukler's presentation on water reclamation alternatives
- Heard a presentation regarding the unmet bike needs from the Bike Committee
- Discussed Council Sub-Committee internal appointments

At the upcoming meeting on February 8, 2010 Ambo said City Council will:

- Consider the approval of the Budget Calendar
- Hear a status report on water usage
- Hear from the City Attorney regarding medical marijuana dispensaries in the City
- Hear a presentation from the Economic Vitality Corporation on the SLO Regional Airport
- Consider recommendations from the Citizens Oversight Committee for Proposition Q, the local sales tax

Johnson asked if there were any questions

- Luhr asked about the unmet bike needs and about a County bike path. Ambo stated there are proposals from SLOCOG (San Luis Obispo Council of Governments) and the City Engineer will have more information in the future Planning Commission meetings.
- Johnson asked if there would be public input for the goal setting for the proposed budget. Ambo said yes, it will be a public meeting
- Diodati asked if the bike plan presentation was going to be a final bike plan. Ambo replied no, the Planning Commission is part of the process.

VII. PUBLIC COMMENT - None

VIII. CONSENT CALENDAR - None

IX. 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.

Dan Doris, the City's Building Official, gave a presentation on Graywater Systems highlighting the following:

- Doris defined graywater
- The State of California's Housing and Community Developments developed new regulations which has a four-tier approach for the plumbing code
- City Council adopted a green building incentive program which gives a rebate on the building and plan check fee and a graywater rebate

Johnson asked if the Commission had questions.

- Diodati asked if the high water level test is part of the building permit fee, could staff do it or do you have to hire somebody to do it? Doris stated the owner is responsible for the testing. He clarified all new construction requires a soil report and some areas require a geotechnical report.
- Doris defined graywater for Johnson and stated graywater booklets are available at Public Services and information is on the website.

X. FUTURE AGENDA ITEMS

- A. Downtown Visioning (Planning Commission Subcommittee).
- B. Restrictions/rules on installing gates on driveways for residential and commercial properties.
- C. Research information on allowing front porches within the front setback.
- D. Presentation from Rob Livick, City Engineer, on the Pedestrian Plan.
- E. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

XI. PUBLIC HEARINGS

A. **Site Location:** 221 Main Street

**Applicant:** Dan Yates

**Request:** Conditional Use Permit #UP0-279 for a 178 square foot addition of living space and Parking Exception #AD0-048 for an open tandem parking space. This site is located within the Coastal Commission Appeals Jurisdiction.

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

**Staff Recommendation:** Conditionally approve.

**Staff Contact:** Kathleen Wold, Senior Planner, 772-6211

Wold presented the staff report.

Johnson asked if the Commission had questions for staff.

- Wold clarified that an increase of not more than 10,000 sq.ft. qualifies for a CEQA exemption.
- Luhr asked about the public easement access. Wold responded the applicant would address that issue.
- Irons asked if there is common access easement for the driveway. Wold responded yes.
- Diodati wanted clarification on the number of bedrooms and bathrooms. Wold stated 2 bedrooms and 3 bathrooms.
- Wold clarified the enclosed garage is 9ft. x 21ft. and the tandem space is 9ft. x 20ft.
- Lucas expressed concern because this project is only 25% of lot coverage and an enclosed tandem parking garage would not be possible because it would impact the easement. Wold stated that is correct.
- Luhr asked about retaining walls that are failing. Doris stated the walls would be repaired.

Johnson opened Public Hearing

Bob Crizer (representing the applicant) presented the project.

Johnson asked the Commission if they had questions for Crizer.

- Irons asked if the pedestrian access way is public or private. Crizer responded it is private and clarified there is a common driveway easement.
- Crizer clarified the boat slips are held as a master lease agreement between Crizer and the City and Crizer has long-term leases with the residents.
- Crizer clarified it is the owners responsibility to have easement access for parking for the residents.
- Dorothy Cutter stated she disliked the project and requested the Commission to deny it.
- Bill Martony expressed concern that the project will block sunlight coming into his property.

Hearing no further public comments, Johnson closed Public Hearing

At Luhr's request, Johnson re-opened the Public Hearing

Luhr asked about shortening the room to allow more sunlight for Martony. Dan Yates (applicant) responded the drawings were revised to allow more sunlight.

Hearing no further public comments, Johnson closed Public Hearing.

Commission and staff discussed the history of this property and parking issues.

MOTION: Luhr to conditionally approve the project, Diodati 2<sup>nd</sup>

VOTE: 3-2 (Lucas and Johnson opposed)

## XII. OLD BUSINESS

- A. Current Planning Processing List/Advanced Work Program
- B. 2009 Annual Water Report

## XIII. NEW BUSINESS

- A. None

## XIV. ADJOURNMENT

Johnson adjourned the meeting at 7:42pm to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Tuesday, February 16, 2010 at 6:00 p.m.

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Nancy Johnson, Chairperson

ATTEST:

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Bruce Ambo, Secretary



# Memorandum

**TO:** PLANNING COMMISSION

**DATE:** February 9, 2010

**FROM:** KATHLEEN WOLD, SENIOR PLANNER

**SUBJECT:** 485 SOUTH BAY STREET, APPROVAL OF PRECISE PLAN FOR THE BLACK HILL VILLAS RESIDENTIAL SUBDIVISION, INCLUDING 17 RESIDENTIAL LOTS AND 1 OPEN SPACE LOT AT 485 SOUTH BAY BLVD, (S00-038/UP0-070/CP0-110)

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## **RECOMMENDATION:**

Staff recommends the Planning Commission conditionally approve the Precise Plan by adopting a motion including the following action(s):

Approve the Precise Plan for Vesting Tentative Tract Map (S00-038) Conditional Use Permit (UP0-070) and Coastal Development Permit (CP0-110 previously approved by the Coastal Commission) subject to the Findings and Conditions included as Exhibits A & B and the site development plans and related information, on file with the Public Services Department and reviewed at the August 21, 2006 Planning Commission hearing.

## **BACKGROUND**

At the August 21, 2006 public hearing, the Planning Commission considered the Concept Plan and Mitigated Negative Declaration for the proposed project. The Planning Commission voted 3-1-1, which was in effect a “non-action”, (under the previous Subdivision Ordinance a 2/3 majority vote was required for the Planning Commission to recommend approval of an alternative subdivision design to the City Council). The applicant subsequently appealed the “non-action” decision to the City Council. At the November 13, 2006 public hearing, the City Council approved the Concept Plan for the proposed development with additional Conditions of Approval requiring: 1) tree replacements be completed at a ratio of 2-1 with credit given for dead trees, 2) that 20% of the trees planted shall be of a species that support raptor habitat, and 3) that a full signal be placed at the Quintana Road/South Bay Boulevard intersection.

Since the Council’s approval, the California Coastal Commission (CCC) took jurisdiction over the project’s Coastal Development Permit and the following review occurred:

- On appeal of the Coastal Development Permit (CDP), the CCC reviewed the project on November 16, 2007 and found a substantial issue was raised with respect to the proposed project's consistency with the City of Morro Bay Local Coastal Plan (LCP) and took jurisdiction over the CDP application.
- At their March 6, 2008 meeting, the CCC took action to approve the project, finding that if properly refined the proposal could be found adequate to protect resources consistent with the LCP.
- At their April 11, 2008 hearing the CCC adopted revised findings and special conditions to reflect their March 6, 2008 action. Specifically, modifications would include: 1) a 50-foot stream/ESHA setback, 2) a 40-foot Black Hill Natural Area setback, 3) a 25-foot height limitation, 4) protection of most of the raptor habitat, 5) riparian enhancement/replanting, and 6) other related measures (see Attachment E).
- At their December 10, 2008 hearing the CCC denied an appeal of their approval of the CDP, in which the appellant challenged the ethics of the applicant's business model. The CCC found the issue to be irrelevant to their review.

The applicant then pursued a Precise Plan approval with detailed project plans to implement the Concept Plan approved by the City Council on November 13, 2006. On February 16, 2009 the Precise Plan went to the Planning Commission for approval and after taking public testimony it was the decision of the Planning Commission to continue the item. The Commission also gave specific direction to the applicant regarding additional information that was needed to continue review of the project as well as general comments on the project. The following is the direction given and the applicant's response:

- Provide a conceptual landscape plan, excluding restoration areas. Include information on the number of trees that will be removed and an estimation of replacement trees.

*Conceptual landscape Plans, excluding the Restoration Area are attached. In the 12/12/03 survey: 25 trees were identified as dead, unhealthy or sucker growth; 23 healthy trees that are existing and alive will be removed from the site; 15 trees will be saved (note, the saved trees include 7 added by the Coastal Commission). The Landscape Plan required 34 new trees to be planted on-site in the front and rear yards and common area of the development, plus additional 200 plus unit of shrubs and high grasses. The Conditions of Approval require a 2 to 1 tree replacement of the 48 trees to be removed from the development. A total of 96 replacement trees will be required onsite: thirty-four of the trees are identified as being planted in front and rear yards; the remaining 62 trees will be planted in the Restoration Area.*

- Provide floor plans and elevations of all four sides of the various building types.

*Colored elevations and floor plans have been submitted.*

- Provide a color and material board depicting the color pallets, rock veneer styles, roof type, color and other relevant architectural features.

*The applicant has submitted a color board which includes different rock and veneer styles, roof colors, stucco colors, etc.*

- Provide details of all fencing, retaining walls and the acoustic wall.  
*All exposed retaining walls will be constructed using tan, earth-toned split face block. Conventional vertical retaining walls will be constructed on walls located within 10 feet of the side yard of homes (referenced as D-D). Gravity retaining walls will be constructed in other areas. The wall along the western property line adjacent to the State park (referenced as A-A) will be 6 feet tall with a rough, unpainted concrete finish on the park side and an earth-toned finish on the east side, per the Coastal Commission Conditions. Vinyl privacy fencing 42" to 60" tall will be installed along the side yards of each home and along the property line with the mobile home park (referenced as E-E). Open rail white vinyl fencing (referenced as C-C) or wire fencing (referenced as B-B) will be used on top of exposed retaining walls requiring fall protection. Photos of the fence materials are included in Exhibit A (References can be found on page 2 of 3 of the Vesting Tentative Tract Map)*
- Provide proposed language for on-going monitoring of project conditions, which will be incorporated into the CC&R's through the Conditions of Approval.

*Exhibit B contains the proposed language that will be added to the CC&Rs to provide on-going monitoring and maintenance of required conditions.*

- Provide details and location of all street furniture, including mailboxes, lighting fixtures, pavement treatments, etc. The Planning Commission was interested in determining if mailboxes could be located near loading zone for the convenience of future residents.

*The Tentative Tract Map shows locations of mailboxes and light fixtures. Exhibit C provides photographs of typical bollard low wattage light fixtures and mailboxes proposed. No pole mounted lights are proposed. Street will be constructed with standard asphalt.*

- Provide a height analysis identifying individual building heights from average natural grade.

*The Tentative Tract Map, sheet 2 of 3, provides a table identifying building heights from average grade.*

- Identify building setbacks.

*Building setbacks are identified on sheet 2 of 3 on the Tentative Tract Map.*

- Provide information regarding any proposed energy efficiency measures that will be utilized.

*Building materials specifications for energy efficient features have not yet been finalized; however, we plan on every home being Energy-Star rated. Tankless, high efficiency water heaters will be used. Bio-swailes will be constructed in a side yard of each home.*

- Combined height of any retaining walls and fences shall not exceed 6-feet in height.

*Retaining wall heights are shown in detail on sheet 3 of the Tentative Tract Map. There are no combination retaining and privacy walls that are visible from public areas that are over 6 feet in height. There are combination retaining and privacy walls in back yard areas that exceed 6 feet that are not visible from public areas. These fences and walls are screened by the homes.*

- Explore the feasibility of undergrounding PG&E overhead wires that cross over the Black Hill Natural Area.

*The applicant contacted Bob Burke at PG & E who indicated that the cost for undergrounding the P G & E distribution lines on the State Park Property or relocating the lines on the development's property and then under-grounding the lines to exceed \$250,000.*

- Explore providing access path through the open space area and a gate into the Black Hill Natural Area.

*A maintenance trail is planned to be located near the development's entrance for access to the riparian areas. The State Park Department prohibits a formal trail access point to the Black Hill Natural Park area from the property. A gated opening in the perimeter wall will be provided for PG & E and Fire Department access to the State Park*

- City Council Conditions of Approval include a requirement to provide two to one replacement for removal of living trees, specifying that 20% of the replacement trees must be species that provide the appropriate height for raptor habitat. The applicant needs to demonstrate compliance with this condition or provide an explanation of why another replacement program is environmentally preferable.

*The will be 48 trees removed. Replacement of 96 trees are required of which 34 will be located in front and rear yards and 62 in the Riparian habitat. Twenty percent of more of the trees planted in the Riparian restoration area will be suitable as Raptor habitat.*

- Also, include a requirement to install four-way signalization and signalized pedestrian crosswalk at the intersection of Quintana Road and South Bay Blvd. Either amend the project plans to include the signal and crossing, or provide a traffic study by a County-approved traffic engineer evaluating the impacts of these improvements and providing recommendations for the appropriate mitigation of traffic impacts generated by the proposed project.

*Extensive traffic impact studies were completed by TPG Consultants that provided recommended traffic mitigation measures for this development. Their findings conclude that the current traffic at Quintana and South Bay Blvd does not meet the required warrants for a new signal. The traffic report also provides statistical evidence that the additional traffic generated from the new subdivision does not create enough traffic to trigger warrant thresholds to justify a new signal. The project will add less than 2% to peak hour traffic at the intersection in question.*

- City Council Conditions of Approval include a requirement to provide a schedule re-evaluating the health of all trees on the property.

*A tree inventory report dated 12-12-03 is available for review*

**DISCUSSION:**

In order to approve the Precise Plan (PP), the Planning Commission must determine that the Precise Plans is in substantial conformity with the Concept Plan. City regulations allow the Planning Commission to consider revisions from the approved Concept Plan, provided that any changes would not raise new substantial issues with respect to the project’s consistency with the General Plan, Local Coastal Plan, and/or original CEQA review.

Since the Planning Commission and Council’s review of the project, California Coastal Commission (CCC) direction has resulted in rearrangement of the site plan to better address site constraints and natural resources. The CCC assumed jurisdiction over the Coastal Development Permit (CDP) as a result of an appeal, and is the final approval body of that permit. Below is a summary of project changes:

	<b>Previous Design</b>	<b>Revised Design</b>
<b>Unit Mix</b>	17 single-family homes	17 single-family homes
<b>Affordable Units</b>	2 single-family homes	2 single-family homes
<b>Open Space Area</b>	41,412 (30% of site area)	48,342 (35%)
<b>On-site Parking</b>	34 covered & 6 uncovered	34 covered & 17 uncovered
<b>Single-Family Lot Size</b>	2,848.7 - 4,430.9 square feet	1,972.5 - 4,443.5 square feet
<b>Private Road &amp; Home Locations</b>	Along the center of the site, with houses located on either side	Along the perimeter of the site, creating a buffer between the homes and riparian/natural areas

Precise Plan Requirements:

Precise Plan review is intended to allow for the detailed review of property improvements and uses, and the subdivision proposal. Because the CCC has taken over jurisdiction of the CDP, review of resource protection, mitigation, and landscaping will be reviewed and conditioned by that superior agency. The following issues which remain within the purview of the City are now being brought back to the Planning Commission for Precise Plan review as required by Section 17.40.030G:

1. **Requirement:** Total development plan showing the precise dimensions and locations of proposed structures, buildings, streets, parking, yards, pathways, open spaces and other public or private facilities.

*Discussion:* In order to comply with the mandated 50-foot stream/ESHA setback, 40-foot Black Hill Natural Area setback, and avoidance of most of the raptor habitat, the applicant has been required to revise the alignment of the private driveway and arrangement of the lots. The private driveway has been relocated to the northeastern side of the site, separating the residential lots from both the riparian area to the north, and the Black Hill Natural Area to the east. Individual lot sizes and dimensions, parking and access are as shown on the attached plans.

2. **Requirement:** Architectural elevations of all buildings and fencing, showing colors and materials of construction.

*Discussion:* Three residential building designs are provided. Each of the designs accommodates a two-story single-family dwelling with an attached garage and covered entries. Home sizes range from 1,227 square feet to 1,661 square feet, plus slightly oversized two-car garages. Exterior materials include a mixture of horizontal and vertical “wood” siding, stucco, and rock veneer. Other details include multi-pane windows, painted window trim and fascia boards, decorative vent covers and shutters, and composite shingle roofs. As shown on the photo simulations, colors include several muted earth tones, including various shades of beige, brown, and taupe, which will blend into the surrounding natural environment.

3. **Requirement:** Landscaping plan showing plant materials, type and size of plants, and method of maintenance.

*Discussion:* In taking over the CDP, the CCC assumed control over site landscaping and riparian habitat enhancement. Key components of the Riparian Enhancement Plan include identification and retention of existing native riparian trees and plants; removal and control of all non-native and invasive species, and; restoration and enhancement of degraded riparian and buffer areas through planting of native trees, shrubs, and understory plant species. Also specified in the plans are requirements for ongoing maintenance, annual monitoring, and

documentation of the successful attainment of performance criteria. The final revised plan and monitoring requirements are subject to review and approval of the CCC.

The primary revision to the draft plan involves the proposed plant palette, and the elimination of horticultural varieties for all native species endemic to Morro Bay. An additional requirement of the CCC is that a multi-tiered canopy of native trees and plants be used in the restoration/enhancement, including species capable of greater canopy heights to be capable of providing screening of the residential development from Highway 1 and Quintana Road.

4. **Requirement:** Engineering plans showing site grading and amount of cut and fill, including finished grades and proposed drainage facilities.

*Discussion:* Although the project will require regrading of the majority of the developable portion of the site, the finish floor elevations will be fairly similar to existing average elevations. As is shown on page 2 of the project plans, finish floor elevations of the individual lots differ from existing conditions from extremes of 3.4 feet below existing elevation to 1.0 feet above existing elevation. A total of 5,100 cubic yards of material will be cut, with 1,700 cubic yards remaining on the site as fill.

5. **Requirement:** Proposed site uses or activities.

*Discussion:* The project includes the development on 17 single-family residential dwellings, and associated on and off-site improvements.

6. **Requirement:** Miscellaneous plans as appropriate showing ESH mitigation plans, site lighting, visual quality, etc., as necessary to evaluate the proposal.

*Discussion:* The CCC assumed jurisdiction of restoration, enhancement and mitigation plans, site lighting, noise attenuation, tree protection, and landscaping and irrigation. The issues have been summarized above, and CCC direction is described in great detail in the CCC staff report, finding and conditions (Attachment E). The applicant has provided a photo simulation of the proposed project looking southwest from northbound Highway 1. By superimposing the proposed homes you can see the extent that they are visible above the adjacent mobile home park, and the relatively minor impact that they have on views of the Black Hill Natural Area.

7. **Requirement:** Tentative tract map.

*Discussion:* The Vesting Tentative Tract Map includes 17 residential lots and one common/open space lot. Lot areas are as follow:

Lot Number	Lot Area (square feet)	House Plan Type
1	3,109.4	1 (1461 sq ft)
2	2,689.2	1 (1461 sq ft)

3	2,831.3	1 (1461 sq ft)
4	3,260.0	1 (1461 sq ft)
5	3,354.9	2 (1715 sq ft)
6	3,576.2	2 (1715 sq ft)
7	1,972.5	3 (1232 sq ft) Affordable unit
8	2,596.5	1 (1461 sq ft)
9	3,247.4	2 (1715 sq ft)
10	2,443.0	1 (1461 sq ft)
11	3,606.0	2 (1715 sq ft)
12	4,443.6	2 (1715 sq ft)
13	3,838.4	2 (1715 sq ft)
14	2,593.4	1 (1461 sq ft)
15	2,436.0	1 (1461 sq ft)
16	2,436.0	1 (1461 sq ft)
17	2,747.7	3 (1232 sq ft) Affordable Unit
18	80,070.0 (39,743.2 Riparian Habitat Area & Buffer + 9,598.4 Raptor Habitat Area + 30,728.4 Access)	N/A

**ISSUES:**

During the City Council review of the project an issue arose concerning traffic at the intersection of Quintana and South Bay Blvd, it was the decision of the City Council to add an additional condition to the project requiring placement of a full signal at Quintana Road/South Bay Boulevard intersection upon completion of the project. This condition was brought up during the Planning Commission review of the Precise Plan. In response to direction from the Commission the applicant updated the project's traffic study. A copy of the executive summary is attached for your review. The study indicates that a very small incremental amount of traffic is generated by the project and therefore the traffic generated by the project does not meet the State warrants for a traffic signal. Staff has reviewed the traffic study and concurs with this finding. However, the condition was placed on the project by the City Council and it cannot be altered or removed by the Planning Commission. The additional traffic information has been provided so that the Planning Commission may comment on this condition if it chose to do so. It should be pointed out that while the condition has been placed on this project to install the traffic signal the project would only bare its incremental share of the cost of the signal. Because the incremental share would be minor the bulk of the cost would be the burden of the City. The cost of the signal is estimated (TPG Consulting) to be between \$175,000 to \$200,000.

**CONCLUSION:**

Staff believes that the modified project is consistent with the General Plan and LCP, acknowledges and protects on-site ESHA and raptor habitat, provides adequate buffer from the

adjacent State Park natural area, and respects the LCP designated significant view shed. With the recommended conditions of approval, staff recommends that the Commission approve the Conditional Use Permit and Vesting Tentative Map, and forward the project to the CCC for final review of the Coastal Development Permit.

**ATTACHMENTS:**

Attachment A - Findings for Approval  
Attachment B - Conditions of Approval  
Attachment C - Revised Plans and Supplemental Information  
Attachment D- Planning Commission February 17, 2009 staff report  
Attachment E-Planning Commission February 17, 2009 minutes  
Attachment F - City Council minutes of November 13, 2006  
Attachment G - CCC Action Summary and Conditions of Approval  
Attachment H –Traffic Study Executive Summary, dated January 2010

**ENCLOSURES:**

Full Size Plan Sets  
Photo Rendering of Home Designs  
Photo Simulation from NB Highway 1

The various studies, reports, and previous City and California Coastal Commission Reports are available for review at the Public Services Department.

**ATTACHMENT A: FINDINGS**

**California Environmental Quality Act (CEQA)**

- A. That for purposes of the California Environmental Quality Act, Case No. S00-038/UP0-070/CP0-110) had a Mitigated Negative Declaration approved. Any impacts associated with the proposed development will be brought to a less than significant level through the Mitigations contained in this document and placed as conditions of approval on the project.

**Subdivision Map Act Findings**

- B. As conditioned, the proposed map to create seventeen residential lots and a common open space lot is consistent with the General Plan and Coastal Land Use Plan because residential development is allowed under the land use designation and zoning & subdivision ordinance, and as designed will not impact sensitive resources on the site.
- C. As conditioned, the design and improvements to create Black Hill Villas subdivision is consistent with the General Plan and Coastal Land Use Plan because public and private

improvements will be constructed to meet the needs of the development, while respecting and enhancing sensitive resource areas.

- D. As conditioned, the site is physically suitable for the type and density of development proposed because the residential uses and associated improvements have been designed in consideration of the environmental constraints on the site.
- E. As conditioned, the design of the subdivision and related improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because sensitive resource areas will be avoided and enhanced.
- F. The design of the subdivision and improvements will not cause serious public health problems.
- G. The design of the subdivision and related improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because all such easements shall be retained with the proposed project.
- H. As conditioned, the design, architectural treatment, and general appearance of the homes, associated improvements, and open space areas are in keeping with the character of the surrounding area, and will not be incompatible with the uses permitted in the surrounding areas and zoning district.
- I. The City has available adequate water to serve the proposed subdivision enforced at the time of approval of the Vesting Tentative Parcel Map pursuant to the certified Water Management Plan and General Plan LU-22.1.
- J. The project represents innovative design in protecting existing resources on the site while providing housing at the density allowed for the site by the General Plan.
- K. The proposed project will provide a more desirable and livable community than the minimum requirements; Create a better community environment in keeping with the single-family residential nature of the area; Reduce the danger of erosion.
- L. The deviations from typical property development standards allow for an innovative project design and provision of a quality residential community and preservation of environmental resources which could not otherwise have been provided for on the site.

### **Conditional Use Permit Findings**

- M. The project is an allowable use in its zoning district and is consistent with the General Plan for the City of Morro Bay.
- N. The establishment, maintenance, or operation of the residential development will not be detrimental to the health, safety, comfort or general welfare of the persons residing or working in the neighborhood, as the project is consistent with all applicable zoning and plan requirements.

O. As conditioned, the project will comply with all applicable City regulations and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

**P. Precise Plan Findings**

As conditioned, the precise plan approval is consistent with the General Plan and requirements of the Zoning Ordinance.

## **ATTACHMENT B: CONDITIONS OF APPROVAL**

### **STANDARD CONDITIONS**

1. This permit is granted for the residential development and associated improvements described in the staff report and the on plans received by the Public Services Department on November 19, 2009 (“Exhibit C” of the staff report). The approval is modified, however, by the following Conditions of Approval:
2. **Inaugurate Within Two Years:** If the approved use is not established within two (2) years of the effective date of this approval, this approval will automatically become null and void. However, upon written request by the applicant prior to the expiration date of this approval, up to two (2) one-year time extensions may be granted. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. **Changes:** Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an amendment subject to Planning Commission review.
4. **Compliance with the Law:** All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval. This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. **Hold Harmless:** The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. **Compliance with Conditions:** The applicant’s establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. **Water Saving Devices:** Prior to final occupancy clearance, water saving devices shall be installed in the project in accordance with the policies of the Morro Bay Coastal Land Use Plan and as approved by the Building Official.

8. Screening of Equipment/Utility Meters/Fencing: All roof-mounted air conditioning, or heating equipment, vents, ducts and/or utility meters shall be screened from view from adjoining public streets in a manner approved by the Director of Public Services. Prior to building permit issuance, the approved method of screening shall be shown on the project plans.
9. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. daily, unless an exception is granted by the Director of Planning & Building pursuant to the terms of this regulation.
10. Utility Services: All water and sewer impact fees shall be paid at the time the building permit is issued.
11. Property Line Verification. It is owner's responsibility to verify lot lines. Prior to foundation inspection the lot corners shall be staked and setbacks marked by a licensed professional.
12. CBC & UBC Compliance. The entire project, including all setbacks and openings in exterior walls, shall comply with the Building Code, as determined by the Building Official.
13. Zoning Compliance. Proposed fencing on the site shall be shown on plans submitted for a building permit and shall comply with zoning regulations including Chapter 17.49 Community Housing Project Regulations, Residential Conversions and Demolitions.
14. Park In-lieu Fee. Prior to recordation of the Final Map requirements of the City of Morro Bay for dedication of land for park purposes and/or payment of fee-in-lieu thereof shall be met (MBMC Section 16.16.030).

### **PUBLIC WORKS CONDITIONS**

15. Sewer Master Plan Impact Fee: Prior to the issuance of a building permit, the Applicant/Developer shall pay to the City an impact fee toward the construction of municipal sewer improvements as determined by the Engineering Division in accordance with the Sewer System Master Plan.
16. Tract Map: \$1,100 fee. The City Master Fee Schedule requires the Applicant/Developer pay a Tract Map Fee of \$1,100 + direct costs for checking, inspection, and other provided work performed by contracted engineering services. The final map shall be furnished on Mylar and in electric format. The files need to be in the format of .dwg or .dxf. PDFs are not required but may be submitted in addition to confirm record of original drawings. The Applicant/Developer shall submit a current title report.
17. Traffic Engineering Study Report: A fee shall be paid proportionate to the project impacts. Applicant/Developer shall submit a traffic engineering report analyzing the increased traffic volumes resulting from this project. The report shall also include circulation within the tract: an analysis of the proposed project entrance considering sight distance, the proposed driveway slope, lighting and turn lane requirements; street striping on Quintana and on South Bay Blvd.'s; and a recommendation for the location of a public transit waiting facility.

18. Public Improvements: \$404 Plan Check Fee + additional costs. Public Improvements are required as set forth in MBMC Section 14.44. Pursuant to Chapter 12.04 all improvement work shall conform to the City's Standard Drawings and Specifications. Prior to map recordation the Applicant/Developer shall: (1) submit \$404 Plan Fee with public improvement plans designed by a civil engineer registered in California. Existing improvements may remain except for portions in need of repair, or which do not meet City standards. (2) Include the City's general notes on the improvement plans. (3) Submit cost estimates calculated on the City's Engineering Estimate Worksheet. (4) Complete the City's Reimbursement Agreement, the City's Improvement Agreement and its insurance requirements. (5) Deposit a financial security with the City in the amount of 150% of the estimated construction cost of the public improvements. (6) Acquire encroachment permits. Prior to project completion sign off by Public Works, as built drawings shall be furnished on Mylar and in electronic format CD. The files need to be in the format of .dwg or .dxf. PDFs are not required but may be submitted in addition to confirm record of original drawings. The Applicant/Developer shall pay any additional costs incurred for Public Works staff services, which exceed two site visits/inspections, and four total hours for plan check, office/counter meetings, telephone, copies, email, etc. The City will prepare an invoice for additional costs, which shall be paid prior to final occupancy sign-off of the project.
19. Public Improvement & Grading Plans Submittal: The Public Improvement Plans shall be titled as such and submitted to the Engineering Division of the Public Services Department. The Improvement plans shall be separate of the Grading Plans. The Grading, Drainage, and Retaining Wall Plans shall be submitted to the Building Department for their approval and issuance of a "Grading or Building Permit". It is acceptable to provide the Grading and Drainage plans for the City Engineer's information only, but they will be reviewed and approved by the Building Department.
20. Water Pressure Reducer: Applicant/Developer shall install a pressure reducer on private property for each proposed home.
21. Street Tree: A street tree(s) planting area shall be installed at the back of sidewalk in a semi circle (3' radius) formed into back of sidewalk. The circle shall extend 1' into the back of sidewalk and there shall be at least a 5' wide sidewalk width from there to the curb. Install per B-12 Planting Detail, but precast cover and support structure shall be omitted and the planter location to be at back of sidewalk.
22. Oil-Water Separator: To reduce pollution to creek, bay and ocean waters, the Applicant/Developer shall install oil-water separator/isolators on site between all drainage water inlets and the street gutter. Inlet and/or outlet structure design shall address silt and hydrocarbon containment and be approved by the City.
23. Sewer Lateral For New Structures: A dedicated sewer lateral is required for each proposed single-family unit.
24. Sewer Backwater Valve: A sewer backwater valve shall be installed into each lateral on site to prevent a blockage or maintenance of the private or municipal sewer main from causing damage. (MBMC 14.24.070)

25. Repair & Replacement of Public Improvements: Prior to project completion the Applicant/Developer shall repair curb, street, sewer line, water line, or any public improvements which were damaged as a result of construction operations for this project.
26. Erosion and Sedimentation Control Plan: The Tentative Map shall make reference to control measures for protection against erosion of adjacent property and prevent sediment or debris from entering adjacent properties, waterway, or ecologically sensitive area. Such control also serves as an aid in meeting the National Pollutant Discharge Elimination System (NPDES) Permit Program as Authorized by the Clean Water Act and administered by the State of California. The Plan shall be approved by the City prior to building permit issuance.
27. Flood Hazard Permit and Development: The National Flood Insurance Program Rate Map for the City of Morro Bay, prepared by FEMA, identifies a portion of the Applicant/Developer's project as being in a Special Flood Hazard Area 100 year flood Zone. Prior to Public Works approval of the Grading Plan, the following below shall be met:
  - a. A FEMA approved Conditional Letter of Map Amendment.
  - b. Submit the required fee, which is currently \$171, for Flood Hazard Development (Morro Bay Municipal Code Section 14.72, Flood Damage Protection)
  - c. Permits and approvals required for projects with a creek may include State Department of Fish and Game #1601, and Federal Corps of Engineers #404, Water Quality Control Board Certification and State Coastal Zone Management Act compliance. It is the Applicant/Developer's responsibility to obtain all necessary permits.

### **PLANNING CONDITIONS**

28. Covenants, Codes and Restrictions (CC&Rs) or maintenance agreements shall be submitted with the final Tract Map for review and approval by planning staff and the City Attorney. An easement over each lot will also be provided for the common open space area. The Tract Map, easement and CC&Rs shall clearly indicate the common open space area. The CC&Rs shall include clear provisions for the continued maintenance of the common open space area and shall include provisions for the City to force maintenance of common area if the owners of the parcels fail to do so voluntarily. CC&Rs shall also restrict all landscaping, fencing and buildings throughout the project to continued consistency with plans hereby approved, unless otherwise approved by the Planning Commission or staff.
31. Colors and Materials: Construction documents submitted to the City for building permit review shall be reviewed by the Public Services Department to ensure compliance of all exterior colors, materials, and fencing materials as approved on the attached Exhibit(s). All other colors and materials not so specifically approved may be approved by the Director according to the following objectives: achieve compatibility with colors and materials used in the on-site improvements; achieve compatibility with the architectural design of the improvements; achieve compatibility with surrounding land uses and environmental features, and to preserve the character and integrity of the area.
32. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities including electrical, telephone and cable television shall be installed underground.

33. Common Driveway Access and Maintenance: An easement or covenant consistent with Section 17.44.030 E shall be recorded for all parcels to have access to the common driveway and backing areas over parcels to allow for access to the parking provided. The easement or covenant shall include the responsibilities of maintaining the roadway.
34. Exterior Lighting: Construction documents submitted to the City for building permit review shall include complete details of all exterior lighting for review and approval by the Public Services Department. All exterior lighting shall be minimum height and wattage necessary for safety purposes, but shall not unduly illuminate surrounding sensitive receptors, and shall be consistent with Coastal Development Permit conditions.
35. Landscape and Irrigation Plan: Prior to the issuance of a building permit, a landscaping plan, prepared and stamped by a licensed Landscape Professional, (i.e., Landscape Architect, Architect, or Landscape Contractor) consistent with Coastal Development Permit requirements shall be submitted for review and approval by the Public Services Department. Said plan shall include a planting plan showing the species, number, size, and location of all plant materials. An irrigation plan shall include the proposed method and location of irrigation.
36. Timing of Landscaping: Prior to issuance of a final Certificate of Occupancy, all required plantings, groundcover and irrigation systems required by the conditions of the Coastal Development Permit shall be installed to the satisfaction of the Public Services Department.
38. Conditions of Approval on Building Plans: Construction documents submitted to the City for building permit review shall include the final Conditions of Approval e 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.
39. The applicant is required to pay the Department Fish and Game fee for a Negative Declaration filing of De minimus Impact Finding along with a fee of \$1,275 to the County Clerk. The funds shall be made payable to the "County of San Luis Obispo" and delivered to the Public Services Department within five days of the approval. The funds will be forwarded along with the Environmental Determination to the County Clerk in accordance with California Code of Regulation Title 14, Division 1, Subdivision 3, Chapter 4, Section 753.5. Filing the Notice of Determination along with the fee is required within 10 days of the project approval and has the effect of starting a 30-day statute of limitations period for challenges to the decision in place of 180-day period otherwise in effect.

### **FIRE CONDITIONS**

40. The project shall conform to all applicable requirements of the Uniform Building Code and Uniform Fire Code, including fire hydrants and any additional requirements deemed necessary, to the satisfaction of the Fire Chief. The Fire Chief shall be satisfied prior to the issuance of a building permit and prior to occupancy of the building.
41. The project shall provide three fire hydrants, at Fire Department approved locations.
42. The project shall be marked for no parking in access ways, as required by the Fire Department.

43. The project proponent shall coordinate with the Fire Department to determine if additional access gates in the masonry wall are feasible. The developer shall add such walls as determined feasible and necessary for adequate fire protection.

#### **PLANNING COMMISSION/**

44. The following additions conditions shall be incorporated in to the final design of the project:
- a. Provide a note on the plans along the property line between the State Park and the Cul de sac "no fencing."
  - b. Provide a schedule re-evaluating the health of all trees on the property.
  - c. Add a signalized pedestrian crosswalk across South Bay Blvd.

#### **CITY COUNCIL CONDITIONS:**

44. Provide a 2 to 1 replacement of removed trees that are alive on the landscape plan and determine if any additional trees can be saved. 20% of the replacement trees must be species that provide the appropriate height for raptors approx. 60 feet high.
45. Upon completion of the project a full signal shall be placed at the Quintana Road/South Bay intersection.

#### **ENVIRONMENTAL CONDITIONS**

*On June 15, 2006, the City of Morro Bay acting as the lead CEQA agency completed an initial study for the project that concluded that, with the addition of mitigation measures, the project would not have significant environmental impacts. Subsequent to the City action, the California Coastal Commission (CCC) provided review and analysis of the land use proposal, which has been certified by the Secretary of Resources as being the function equivalent of environmental review under CEQA. The CCC reviewed relevant coastal resource issues with the proposal, and has adopted modifications to avoid and/or lessen any potential for adverse impacts to said resources. Said mitigation measures adopted by the City Council, and as modified by the CCC shall include:*

46. All California Coastal Commission Conditions of Approval adopted on April 11, 2008, and incorporated herein by reference and as enumerated in Attachment E, except as modified by the California Coastal Commission in their review and adoption of the Coastal Development Permit.

#### **48. BIOLOGICAL:**

- a. A habitat enhancement plan for area within the floodplain shall be required. The five existing cypress trees located along Quintana Road shall be left in place to create a stand of trees of mixed height and age class. Details of the enhancement plan should be coordinated among the developer, the project landscape architect, City staff and a raptor biologist.
- b. Future tree removal and commencement of construction activities should be withheld until a field survey has been preformed and a determination is made the completion of fledging period has ended, if fledging birds are present.
- c. A survey of the site by a qualified biologist prior to tree removal to determine if active nests are present shall be required.

- d. A concurrence authorization is obtained from the USFWS stating that the project will not result in the take of the regulated variety of the MSS. If USFWS concurrence is not granted then a Habitat Conservation Plan (HCP) will be required prior to construction.
- e. A concurrence authorization is obtained from the USFWS stating that the project will not result in the take of the California red-legged frog. Otherwise the following mitigations are required, the mitigation measures are suggested even if the concurrence determination is granted:
  - 1. Grading and grubbing activities should occur only during the dry season (generally June 15 to October 15).
  - 2. Applicant should retain a qualified biologist to conduct a pre-activity survey for California red-legged frogs and/or MSS prior to the initiation of site work.
  - 3. The applicant and contractors should employ Best Management Practices (BMPs) during grading and construction.
  - 4. The applicant should provide restoration of the small floodplain and drainage channel on the lower section of the parcel using native riparian plants and trees. This should be coordinated with the habitat enhancement plan.
- f. If on-site refueling is necessary then it should be conducted at the upland location way from the drainage channel and floodplain.

**Monitoring:** Public Services staff shall ensure that the applicant has obtained a qualified biologist and review the habitat enhancement plan. PS staff will review the concurrence determination by USFWS and/or the HCP.

#### 49. CULTURAL RESOURCES:

- a. Archaeological monitoring of all grubbing, demolition, and excavation activities in the development area by a qualified archaeologist and Native American. Collection of historic and prehistoric cultural remains deemed significant and if necessary, analysis of any features encountered including but not limited to historic refuse dumps and diagnostic prehistoric habitation deposits.
- b. Selection and processing of prehistoric marine shell for radiocarbon dating.
- c. The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with grading activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98.

**Monitoring:** The applicant in the event of a discovery of human remains shall notify planning & Building staff. P&B staff shall ensure that any finds are evaluated by an approved cultural resource professional and that any required mitigation is completed.

#### 50. GEOLOGY/SOILS:

- a. The applicant shall provide project-specific soils and geotechnical reports required by the Building Official. Project design and construction shall be consistent with recommendations contained in soils and geology reports, as required by the Building Official.

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

**51. HAZARDS/ HAZARDOUS MATERIALS:**

- a. The applicant shall install fire sprinklers and fire hydrants to the satisfaction of the Fire Chief.
- b. The applicant shall work with the Fire Department to meet the intent of the code requirement to buffer around the structures.

**Monitoring:** Public Services and Fire Department staff shall ensure that plans are consistent with the building and fire codes prior to the issuance of a building permit and during subsequent site inspections.

**52. HYDROLOGY/WATER QUALITY:**

- a. The applicant shall file the paperwork for a conditional letter of map revision (CLOMR-F and LOMA) with FEMA to register the detail study conditions to determine the 100-year flood level.
- b. Prior to the issuance of building or grading permits, the applicant shall submit an erosion control plan. The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area. Such control also serves as an aid in meeting the National Pollutant Discharge Elimination System (NPDES) Permit Program as Authorized by the Clean Water Act and administered by the State of California.
- c. To reduce pollution to creek, bay and ocean waters, the Applicant/Developer shall install an oil-water separator/isolator on site between all drainage water inlets and the street gutter. Inlet and/or outlet structure design shall address silt and hydrocarbon containment and be approved by the City.
- d. The applicant and development team shall utilize best management practices and include low impact development techniques to the maximum extent possible.

**Monitoring:** Public Services staff along with FEMA shall concurred with analysis prior to grading permit issuance. PS staff shall review the erosion control plan and ensure compliance with all NPDES requirements.

**53. NOISE:**

- a. Project construction within 500 feet of any existing residences shall be limited to the hours of 7 a.m. to 7 p.m. on Monday through Sunday and all large construction equipment will be equipped with “critical” grade noise mufflers. Engines will be tuned to insure lowest possible noise levels. Back up “beepers” will also be tuned to insure lowest possible noise levels. All necessary measures to muffle, shield or enclose construction equipment shall be implemented in order to insure that noise levels at the property line of the nearest parcels do not exceed 75 dBA.

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

**54. TRANSPORTATION/CIRCULATION:**

- a. Traffic impact fees shall be paid proportionate to the net percentage increase in peak hour traffic flows generated by the proposed project.
- b. Roadway improvements shall be made at the intersection of Quintana and South Bay Blvd. Particular attention shall be made to widening South Bay Blvd for turning lanes including all striping, signing, and delineations as required and approved by the City Engineer.
- c. Improvements for site distance along eastbound Quintana.
- d. Two Bus turn-outs; one located south of existing turnout on Quintana and one relocated on South Bay Blvd. where the school district currently drops off and picks up.
- e. A pedestrian path shall be installed that allows pedestrians to cross the narrow box culvert along South Bay Court that links to the new bus turnout.
- f. A D/G community path shall be installed that runs along Quintana from the driveway of South Bay Court to the intersection of South Bay Blvd.
- g. In order to maintain a safe condition while construction activity occurs the applicant shall work with the City Engineer to determine what specific improvements shall be completed before grading and construction activity begins.

**Monitoring:** Public Services staff shall ensure all improvements and traffic impact fees are paid prior to the issuance of a building permit.

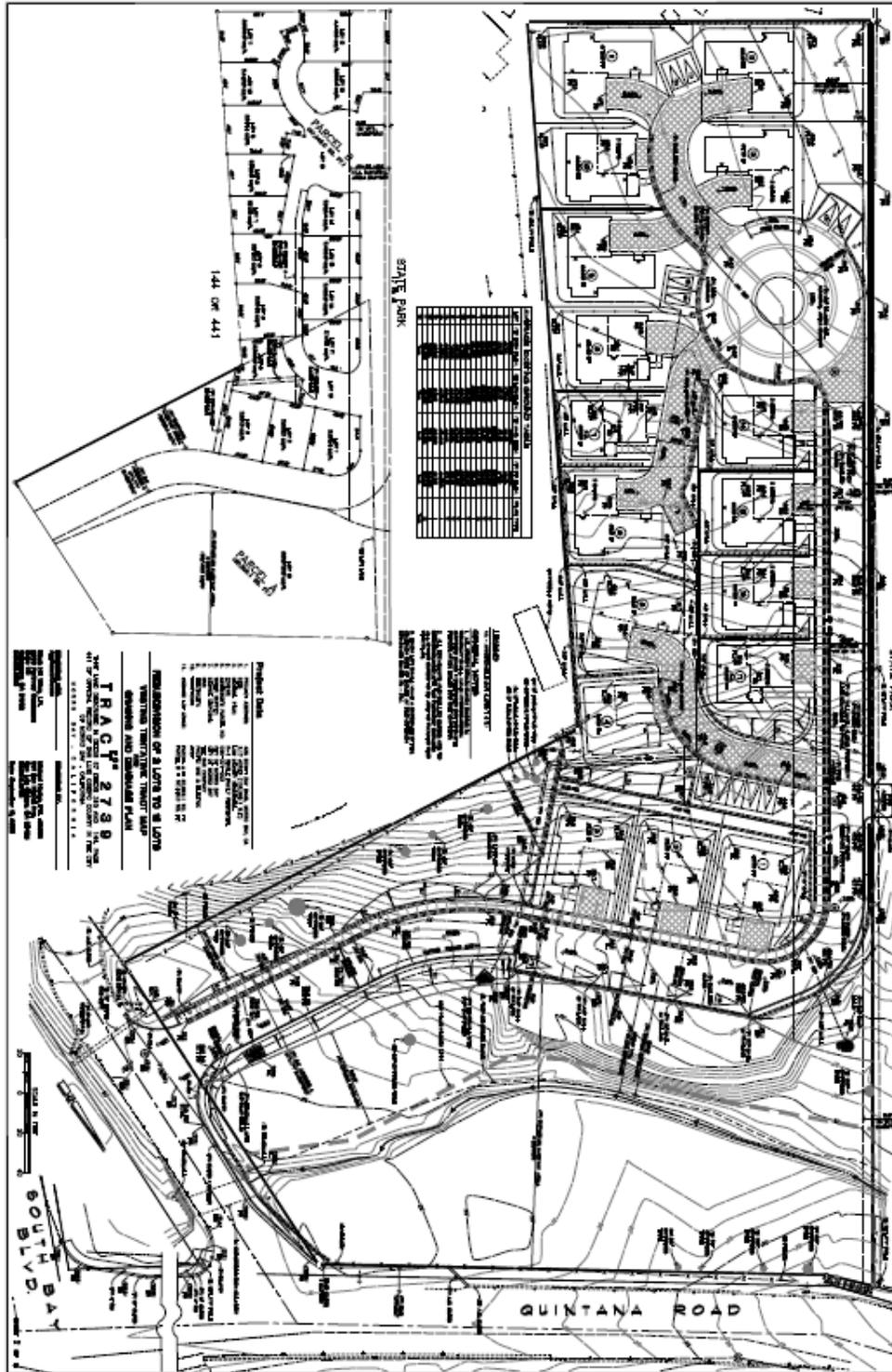
**55. FIRE CONDITIONS:**

- a. Provide approved numbers (addresses) in such a position as to be plainly visible and legible from the street fronting the property. Lettering shall be a minimum of 5" high on a contrasting background. [UFC, Sec. 901.4.4] *Add note on plans.*
- b. Provide NFPA 13-D automatic fire sprinklers. Submit all plans and specification sheets for the fire sprinkler system to the Building Department for review and approval prior to installation. The sprinkler system shall be in accordance with NFPA Standard 13-D, including garage coverage. Please provide the following standard information on the plans:
  1. Owners name, north arrow, occupancy of each room and make of fire sprinklers proposed.
  2. Provide manufacturers literature/cut-sheets indicating UL approval for all valves, hangers, sprinkler heads, alarm devices, gauges, etc.
  3. The fire sprinkler contractor shall do their own static water pressure test and show the information on the plans.
  4. Please indicate on the plans where proposed utilities/appliances are located. Will these appliances effect the location or temperature rating of any fire sprinklers?
  5. Provide a symbol index on the plan for future reference.
  6. Please include a 10% water pressure reduction in the hydraulic design of the fire sprinkler system.
  7. Show location of inspector's test on the plans.
  8. Comply with manufactures maximum and minimum clearances from walls to sprinkler heads.
- c. The project shall conform to all applicable requirements of the Uniform Building Code and Uniform Fire Code, including fire hydrants and any additional requirements deemed necessary, to the satisfaction of the Fire Chief. The Fire Chief shall be satisfied prior to the issuance of a building permit and prior to occupancy of the building.

**Monitoring:** Public Services and Fire Department staff shall ensure that plans are consistent with the building and fire codes prior to the issuance of a building permit and during subsequent site inspections.







485 South Bay Blvd



Lot Design

485 South Rav Blvd



Home Elevations

Three architectural elevation drawings of houses are shown side-by-side. The first drawing is labeled '3-A' TRADITIONAL and shows a two-story house with a gabled roof, a large front porch with a garage door, and a stone-textured lower level. The second drawing is labeled '1-B' TRADITIONAL and shows a similar two-story house with a gabled roof and a front porch. The third drawing is labeled '2-A' CRAFTSMAN and shows a two-story house with a gabled roof, a front porch, and a stone-textured lower level. Each drawing includes some landscaping like trees and shrubs.

TRADITIONAL "3-A"

TRADITIONAL "1-B"

CRAFTSMAN "2-A"

BASEMAN  
LACON  
142-2927

■ **BLACK HILLS VILLAS** ■  
City of Morro Bay, California

Colmer Development

485 South Rav Blvd



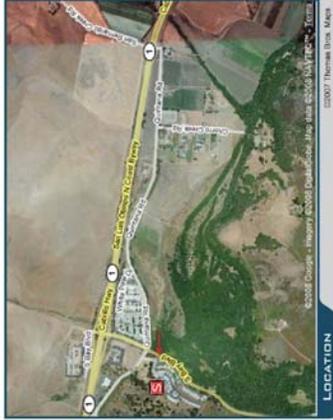
Photo Simulation  
View 1

**TRACT 2739**  
**BLACK HILL VILLAS**  
SOUTH BAY BOULEVARD & QUINTANA ROAD MORRO BAY, CA 93442

**ARTISTIC ENGINEERING**  
AESims.com  
(877)945385

VIEW 2

**LOCATION**



**EXISTING**



**PROPOSED**



PROPOSED HOUSING TRACT  
PROPOSED MONTEREY PINES

**PROPOSED** LOOKING WEST FROM SOUTH BAY BOULEVARD

ACCURACY OF PHOTO SIMULATIONS BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANTS.



# TRACT 2739 BLACK HILL VILLAS

SOUTH BAY BOULEVARD & QUINTANA ROAD MORRO BAY, CA 93442

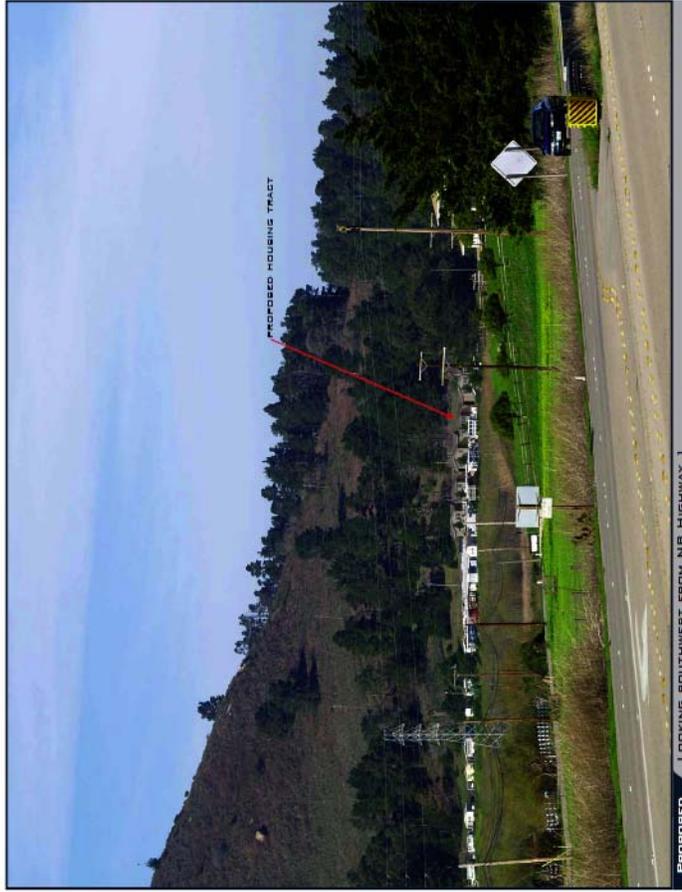
VIEW 1



LOCATION



EXISTING



PROPOSED

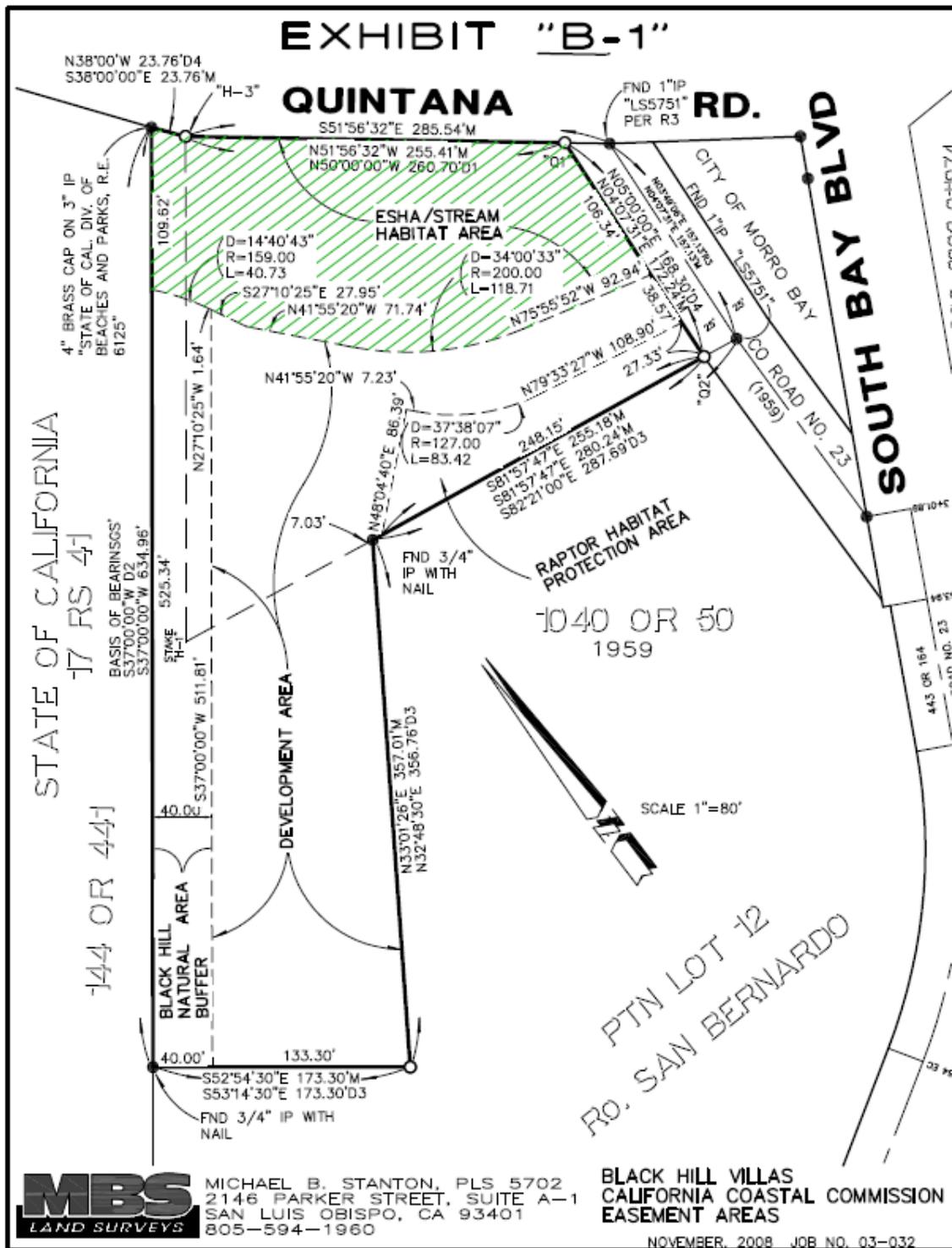
LOOKING SOUTHWEST FROM NB HIGHWAY 1

RENDERING OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

485 South Bay Blvd



Photo Simulation

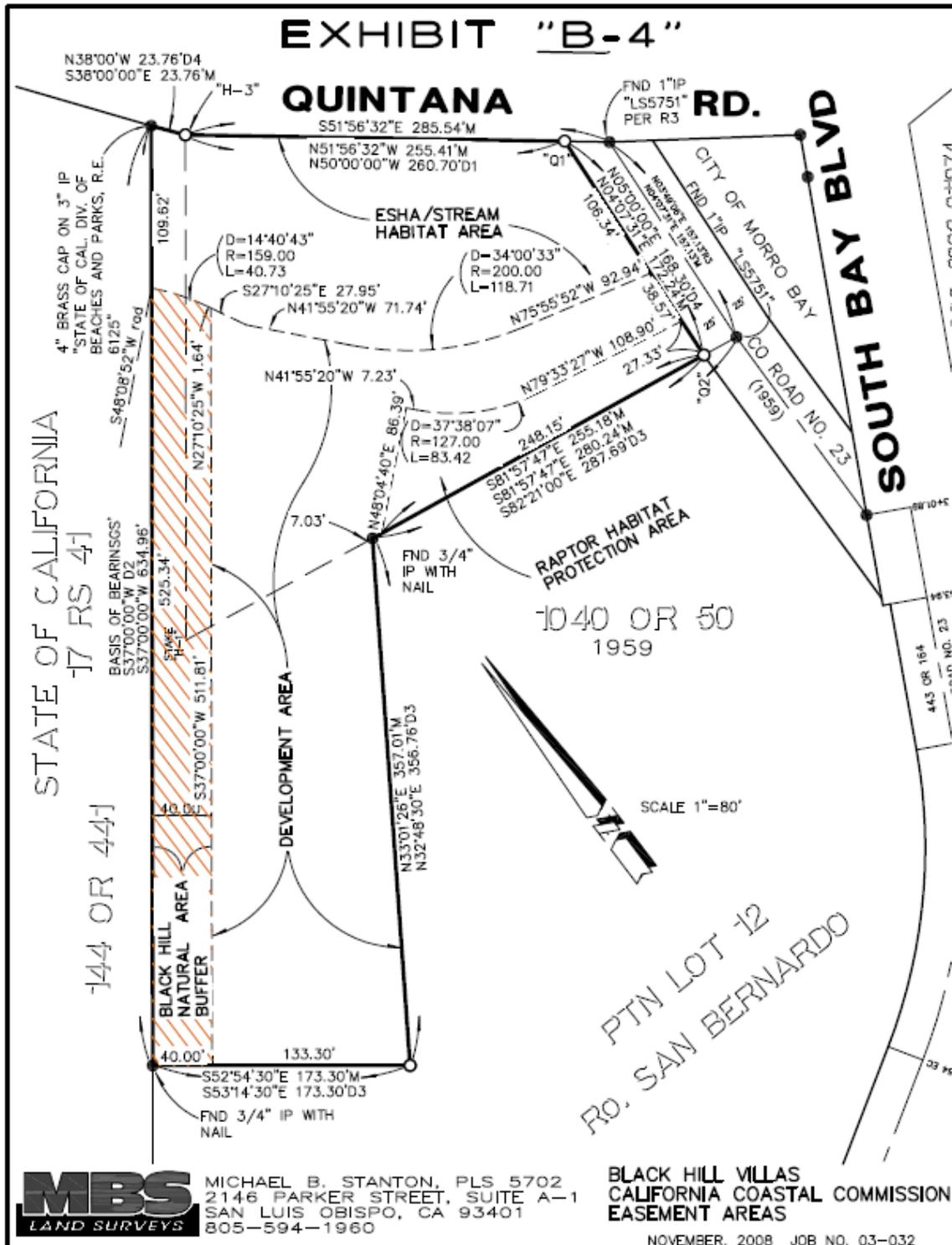


485 South Bay Blvd



ESHA/Stream Habitat Area





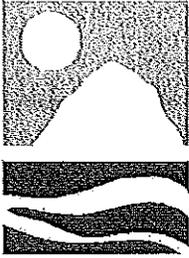
485 South Bay Blvd



...



# ATTACHMENT D



AGENDA NO: <u>XI-A</u>
Meeting Date:
Action:

## Memorandum

**TO:** PLANNING COMMISSION

**DATE:** February 17, 2009

**FROM:** JAIME HILL, ASSOCIATE PLANNER

**SUBJECT:** APPROVAL OF PRECISE PLAN FOR THE BLACK HILL VILLAS RESIDENTIAL SUBDIVISION, INCLUDING 17 RESIDENTIAL LOTS AND 1 OPEN SPACE LOT AT 485 SOUTH BAY BLVD, (S00-038/UP0-070/CP0-110)

### RECOMMENDATION:

Staff recommends the Planning Commission conditionally approve the precise plan by adopting a motion including the following action(s):

Approve the Precise Plan for S00-038/UP0-070/CP0-110 subject to the Findings and Conditions included as Exhibits A & B and the site development plans and related information, on file with the Public Services Department and reviewed at the August 21, 2006 Planning Commission hearing.

### DISCUSSION:

The applicant is requesting Precise Plan approval of detailed project plans to implement the Concept Plan approved by the City Council on November 13, 2006. In order to approve the Precise Plan (PP), the Planning Commission must determine that the Precise Plans is in substantial conformity with the Concept Plan. City regulations allow the Planning Commission to consider revisions from the approved Concept Plan, provided that any changes would not raise new substantial issues with respect to the project's consistency with the General Plan, Local Coastal Plan, and/or original CEQA review.

Since the Planning Commission and Council's review of the project, California Coastal Commission (CCC) direction has resulted in rearrangement of the site plan to better address site constraints and natural resources. The Planning Commission should discuss the revisions to the project, and determine if they are acceptable. As described further in the project background section below, the CCC assumed jurisdiction over the Coastal Development Permit (CDP) as a result of an appeal, and will be the final approving body of that permit. The Planning Commission should discuss the revised site plan, and determine if the manner in which the applicant responded to the CCC's direction is appropriate. Below is a summary of project changes:

	Previous Design	Revised Design
Unit Mix	17 single-family homes	17 single-family homes
Affordable Units	2 single-family homes	2 single-family homes
Open Space Area	41,412 (30% of site area)	48,342 (35%)
On-site Parking	34 covered & 6 uncovered	34 covered & 17 uncovered
Single-Family Lot Size	2,848.7 - 4,430.9 square feet	1,972.5 - 4,443.5 square feet
Private Road & Home Locations	Along the center of the site, with houses located on either side	Along the perimeter of the site, creating a buffer between the homes and riparian/natural areas

Background:

At the August 21, 2006 public hearing, the Planning Commission considered the Concept Plan and Mitigated Negative Declaration for the proposed project. The Planning Commission voted 3-1-1, which was in effect a “non-action”, (under the previous Subdivision Ordinance a 2/3 majority vote was required for the Planning Commission to recommend approval of an alternative subdivision design to the City Council). The applicant subsequently appealed the “non-action” decision to the City Council. At the November 13, 2006 public hearing, the City Council approved the Concept Plan for the proposed development with additional Conditions of Approval requiring: 1) tree replacements be completed at a ratio of 2-1 with credit given for dead trees, 2) that 20% of the trees planted shall be of a species that support raptor habitat, and 3) that a full signal be placed at the Quintana Road/South Bay Boulevard intersection.

Since the Council’s approval, the project has been reviewed by the CCC and judiciary as follows:

- On appeal of the Coastal Development Permit (CDP), the CCC reviewed the project on November 16, 2007 and found a substantial issue was raised with respect to the proposed project’s consistency with the City of Morro Bay Local Coastal Plan (LCP) and took jurisdiction over the CDP application.
- At their March 6, 2008 meeting, the CCC took action to approve the project, finding that if properly refined the proposal could be found adequate to protect resources consistent with the LCP.
- At their April 11, 2008 hearing the CCC adopted revised findings and special conditions to reflect their March 6, 2008 action. Specifically, modifications would include: 1) a 50-foot stream/ESHA setback, 2) a 40-foot Black Hill Natural Area setback, 3) a 25-foot height limitation, 4) protection of most of the raptor habitat, 5) riparian enhancement/replanting, and 6) other related measures (see Attachment E).
- At their December 10, 2008 hearing the CCC denied an appeal of their approval of the CDP, in which the appellant challenged the ethics of the applicant’s business model. The CCC found the issue to be irrelevant to their review.

- On June 17, 2008 the Superior Court of the State of California found in favor of the project proponent and dismissed a lawsuit instigated by "Save the Park," which argued that the CDP was issued in conflict with the adopted LCP.

Precise Plan Requirements:

Now that all appeals and legal challenges to the project have been exhausted and found in favor of the applicant, the project has returned to the City for review of the Precise Plan. Precise Plan review is intended to allow for the detailed review of property improvements and uses, and the subdivision proposal. Because the CCC has taken over jurisdiction of the CDP, review of resource protection, mitigation, and landscaping will be reviewed and conditioned by that superior agency. The following issues which remain within the prevue of the City are now being brought back to the Planning Commission for Precise Plan review as required by Section 17.40.030G:

1. **Requirement:** Total development plan showing the precise dimensions and locations of proposed structures, buildings, streets, parking, yards, pathways, open spaces and other public or private facilities.

*Discussion:* In order to comply with the mandated 50-foot stream/ESHA setback, 40-foot Black Hill Natural Area setback, and avoidance of most of the raptor habitat, the applicant has been required to revise the alignment of the private driveway and arrangement of the lots. The private driveway has been relocated to the northeastern side of the site, separating the residential lots from both the riparian area to the north, and the Black Hills Natural Area to the east. Individual lot sizes and dimensions, parking and access are as shown on the attached plans.

2. **Requirement:** Architectural elevations of all buildings and fencing, showing colors and materials of construction.

*Discussion:* Three residential building designs are provided. Each of the designs accommodates a two-story single-family dwelling with an attached garage and covered entries. Home sizes range from 1,227 square feet to 1,661 square feet, plus slightly oversized two-car garages. Exterior materials include a mixture of horizontal and vertical "wood" siding, stucco, and rock veneer. Other details include multi-pane windows, painted window trim and fascia boards, decorative vent covers and shutters, and composite shingle roofs. As shown on the photo simulations, colors include several muted earth tones, including various shades of beige, brown, and taupe, which will blend into the surrounding natural environment.

3. **Requirement:** Landscaping plan showing plant materials, type and size of plants, and method of maintenance.

*Discussion:* In taking over the CDP, the CCC assumed control over site landscaping and riparian habitat enhancement. Key components of the Riparian Enhancement Plan include identification and retention of existing native riparian trees and plans; removal and control of all non-native an invasive species, and; restoration and enhancement of degraded riparian and buffer areas through planting of native trees, shrubs, and understory plant species. Also specified in the plans are requirements for ongoing maintenance, annual monitoring, and documentation of the successful

attainment of performance criteria. The final revised plan and monitoring requirements are subject to review and approval of the CCC.

The primary revision to the draft plan involves the proposed plant palette, and the elimination of horticultural varieties for all native species endemic to Morro Bay. An additional requirement of the CCC is that a multi-tiered canopy of native trees and plants be used in the restoration/enhancement, including species capable of greater canopy heights to be capable of providing screening of the residential development from Highway 1 and Quintana Road.

4. **Requirement:** Engineering plans showing site grading and amount of cut and fill, including finished grades and proposed drainage facilities.

*Discussion:* Although the project will require regrading of the majority of the developable portion of the site, the finish floor elevations will be fairly similar to existing average elevations. As is shown on page 2 of the project plans, finish floor elevations of the individual lots differ from existing conditions from extremes of 3.4 feet below existing elevation to 1.0 feet above existing elevation. A total of 5,100 cubic yards of material will be cut, with 1,700 cubic yards remaining on the site as fill.

5. **Requirement:** Proposed site uses or activities.

*Discussion:* The project includes the development on 17 single-family residential dwellings, and associated on and off-site improvements.

6. **Requirement:** Miscellaneous plans as appropriate showing ESH mitigation plans, site lighting, visual quality, etc., as necessary to evaluate the proposal.

*Discussion:* The CCC assumed jurisdiction of restoration, enhancement and mitigation plans, site lighting, noise attenuation, tree protection, and landscaping and irrigation. The issues have been summarized above, and CCC direction is described in great detail in the CCC staff report, finding and conditions (Attachment E). The applicant has provided a photo simulation of the proposed project looking southwest from northbound Highway 1. By superimposing the proposed homes you can see the extent that they are visible above the adjacent mobile home park, and the relatively minor impact that they have on views of the Black Hills Natural Area.

7. **Requirement:** Tentative tract map.

*Discussion:* The Vesting Tentative Tract Map includes 17 residential lots and one common/openspace lot. Lot areas are as follow:

Lot Number	Lot Area (square feet)	House Plan Type
1	3,109.4	1
2	2,689.2	1
3	2,831.3	1
4	3,260.0	1
5	3,354.9	2

6	3,576.2	2
7	1,972.5	3: Affordable Unit
8	2,596.5	1
9	3,247.4	2
10	2,443.0	1
11	3,606.0	2
12	4,443.6	2
13	3,838.4	2
14	2,593.4	1
15	2,436.0	1
16	2,436.0	1
17	2,747.7	3: Affordable Unit
18	80,070.0 (39,743.2 Riparian Habitat Area & Buffer + 9,598.4 Raptor Habitat Area + 30,728.4 Access)	N/A

Staff believes that the modified project is consistent with the General Plan and LCP, acknowledges and protects on-site ESHA and raptor habitat, provides adequate buffer from the adjacent State Park natural area, and respects the LCP designated significant viewshed. With the recommended conditions of approval, staff recommends that the Commission approve the Conditional Use Permit and Vesting Tentative Map, and forward the project to the CCC for final review of the Coastal Development Permit.

**ATTACHMENTS:**

- Attachment A - Findings for Approval
- Attachment B - Conditions of Approval
- Attachment C - Revised Plans and Supplemental Information
- Attachment D - City Council minutes of November 13, 2006
- Attachment E - CCC Action Summary and Conditions of Approval

**ENCLOSURES:**

- Full Size Plan Sets
- Photo Rendering of Home Designs
- Photo Simulation from NB Highway 1

The various studies, reports, and previous City and California Coastal Commission Reports are available for review at the Public Services Department.

# ATTACHMENT E

CITY OF MORRO BAY  
PLANNING COMMISSION  
SYNOPSIS MINUTES

AGENDA ITEM NO: VII-B  
DATE: March 2, 2009  
ACTION: Approved

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building  
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay  
Tuesday, February 17, 2009

Chairperson Nancy Johnson  
Vice-Chairperson Bill Woodson  
Commissioner Gerald Luhr  
Commissioner Michael Lucas  
Commissioner John Diodati  
Bruce Ambo, Secretary

## I. CALL MEETING TO ORDER

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

## II. PLEDGE OF ALLEGIANCE

Ambo led the Pledge of Allegiance.

## III. ROLL CALL

All Commissioners are present.

Staff Present: Bruce Ambo, Jaime Hill, Kathleen Wold, Rob Schultz and Kay Miller.

## IV. ELECTION OF CHAIR AND VICE CHAIR

- Luhr nominated Johnson for Chair, Lucas 2<sup>nd</sup> the motion. VOTE: 5-0
- Lucas nominated Woodson for Chair, Luhr 2<sup>nd</sup> the motion. No vote was necessary because Johnson was elected Chair
- Lucas nominated Woodson for Vice-Chair, Luhr 2<sup>nd</sup> the motion. VOTE: 5-0

## V. ACCEPTANCE OF AGENDA

Luhr questioned the project being under litigation. Ambo responded staff's recommendation was not based on the history of this project or the appeal process. Ambo stated this issue would be addressed/corrected in the staff presentation.

MOTION: Woodson/Luhr 2<sup>nd</sup> to accept the agenda as presented. VOTE: 5-0

## VI. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

- Ambo stated written communication was received from Cynthia Holly regarding Item #1, which was discussed earlier during the Acceptance of Agenda

At the February 9, 2009 meeting Ambo stated City Council:

- Did not authorize hiring a half-time position in the Recreation and Parks Department because the City is under a hiring freeze. Recreation and Parks Staff will go back to Council to identify the service level implications.
- Heard a report from the Citizen's Oversight Committee, the Measure Q Committee, Council and Staff and agreed to a budget adjustment from Measure Q Funds. \$50,000 was shifted to the Storm Water Management Program.
- Discussed Morro Bay Tourism Business Improvement District, which will return to Council for adoption of a resolution.
- Adopted a resolution to increase the Transient Occupancy Tax (TOT) by 2%, which will come back to Council on February 23, 2009.

Johnson asked Commission if they had any questions for staff.

- Lucas asked if we had any problems with storm water during the last week with all the rain? Ambo responded the roundabout had some minor drainage problems but it's a design problem and is being worked on. Ambo also stated the erosion control held up well around town during the storm.
- Ambo introduced Kathleen Wold (Senior Planner). Wold spoke briefly about her planning experience to the Commission.
- Ambo clarified to Commission the TOT is a 2% increase. The tax will go from 10% to 12% and 2% will be allocated to the Morro Bay Tourism Business Improvement District to promote tourism in Morro Bay.
- Ambo and Schultz clarified all hotels, motels and lodging in Morro Bay are taxed the TOT. Vacation rentals and recreational vehicles are excluded at this time; however, Council has directed staff to include vacation rentals within the next year to be taxed the TOT.

## VII. PUBLIC COMMENT

- Gary Ream thanked the Commission for working with him on the Planning Commission and it was a pleasure to serve the community and to work with staff.
- Commission asked Peter Risley to come back at Public Hearing to speak because the project he wanted to discuss is on the Agenda.

## VIII. CONSENT CALENDAR

### A. Approval of minutes from hearing held on February 2, 2009

The Commission discussed several items that were reviewed at the last Planning Commission Meeting and Commission needed clarification on what was actually said at the meeting and what was reflected in the minutes. Ambo informed the Commission there are complete audio and video recordings of the Planning Commission Meetings and are available from the City upon request. Ambo also stated what is said at the meetings has to be accurately recorded and the meeting will be reviewed and the minutes will be changed if necessary. Woodson made a motion to accept the minutes as written, Luhr 2<sup>nd</sup> for discussion. Schultz clarified the conditions must be in the motion and the minutes will be reviewed to confirm what was discussed and put into the motion, corrections regarding the fence, solar ready and word choice distinguishing "reconstruct" or "replacement" of the sidewalk. Minutes will be reviewed and corrected if necessary.

MOTION: Woodson, Luhr 2<sup>nd</sup> to approve minutes as written or revised. VOTE: 4-0  
Johnson abstained, as she was absent from the meeting.

## IX. PRESENTATIONS – None

## X. FUTURE AGENDA ITEMS

- A. Planning Commission interpretation on decks in the front yard setback and what elements are allowed on them.
- B. Gates on the Embarcadero Boardwalk
- C. Storm Water Retention Presentation
- D. Presentation on Measure D

Ambo will check with the Harbor Director in regards to giving a presentation on Measure D.

## XI. PUBLIC HEARINGS

A. **Site Location:** 485 S. Bay Blvd in the R-2 District

**Applicant:** Wayne Colmer

**Request:** Precise Plan approval. The Concept Plan has already been approved. The Precise Plan is the approval of the final details of the project, including modifications required by the California Coastal Commission. The applicant proposes a Planned Unit Development including 17 detached single-family homes, two of which would be affordable units. Open space areas totaling approximately 48,342 square feet or 35% of the site, is proposed for preservation. Access and utilities will be provided via a private roadway.

**CEQA Determination:** A Mitigated Negative Declaration was adopted by City Council on November 13, 2006.

**Staff Recommendation:** Conditionally approve the project.

**Staff Contact:** Jaime Hill, Planner, 772-6270.

Jaime Hill presented the staff report.

Planning Commission discussed and reviewed the Precise Plan for the proposed Planned Unit Development. The Commission provided specific direction on additional information that would be needed to continue review of the project, as well as direction on project features and wants the following addressed:

### Information Needed:

- Provide a conceptual landscape plan, excluding restoration areas. Include information on the number of trees that will be removed and an estimation of replacement trees.
- Provide floor plans and elevations of all four sides of the various building types.
- Provide a color and material board depicting the color pallets, rock veneer styles, roof type, color and other relevant architectural features.
- Provide details of all fencing, retaining walls and the acoustic wall.
- Provide proposed language for on going monitoring of project conditions, which will be incorporated into the CC&R's through the Conditions of Approval.
- Provide details and location of all street furniture, including mailboxes, lighting fixtures, pavement treatments, etc. The Planning Commission was interested in determining if mailboxes could be located near loading zone for the convenience of future residents.
- Provide a height analysis identifying individual building heights from average natural grade.
- Identify building setbacks.
- Provide information regarding any proposed energy efficiency measures that will be utilized.

Direction:

- Combined height of any retaining walls and fences shall not exceed 6-feet in height.
- Explore the feasibility of under grounding PG&E overhead wires that cross over the Black Hill Natural Area.
- Explore providing access path through the open space area and a gate into the Black Hill Natural Area.
- City Council Conditions of Approval include a requirement to provide two to one replacement for removal of living trees, specifying that 20% of the replacement trees must be species that provide the appropriate height for raptor habitat. Need to demonstrate compliance with this condition or provide an explanation of why another replacement program is environmentally preferable.
- Also, include a requirement to install four-way signalization and signalized pedestrian crosswalk at the intersection of Quintana Road and South Bay Blvd. Either amend the project plans to include the signal and crossing, or provide a traffic study by a County-approved traffic engineer evaluating the impacts of these improvements and providing recommendations for the appropriate mitigation of traffic impacts generated by the proposed project.
- City Council Conditions of Approval include a requirement to provide a schedule re-evaluating the health of all trees on the property.

Johnson opened the Public Hearing asking the applicant or their agent to address the Commission.

- Wayne Colmer, representing the applicant, addressed concerns brought up by Commission. He stated he is sure this project will be appealed. The lawsuit that was filed after the Coastal Commission Hearings was filed by a group called "Save the Park" represented by Betty Winholtz.
- Peter Risley (citizen of Morro Bay) read part of a letter from Cynthia Holly. The letter stated the court has not ruled on this case and so the lawsuit is proceeding against the Coastal Commission and the project has not returned to the City from the Coastal Commission. On behalf of Save the Park we are asking the Planning Commission to not act on this project until the court rules on it.

Seeing no further comment, Johnson closed the Public Hearing

Discussion regarding the lawsuit continued between the Commission and Mr. Colmer's Attorney, Marshall Ochilski. Legal actions are against the Coastal Commission who took jurisdiction on the Coastal Development Permit. The City does not have jurisdiction over this. The Planning Commission has authority over the Precise Plan. Therefore, approval of the Precise Plan is not affected by the lawsuit.

The Commission discussed the additional information that would be needed to continue review of the project, as well as direction on project features, which are listed in detail in the Public Hearings Section.

MOTION: Woodson/Luhr 2<sup>nd</sup> to move to Indefinite Motion. VOTE: 5-0.

## XII. OLD BUSINESS

### A. Current Planning Processing List

XIII. NEW BUSINESS

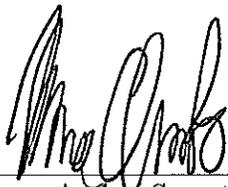
A. None

XIV. ADJOURNMENT

Johnson adjourned the meeting at 8:58 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, March 2, 2009 at 6:00 p.m.

  
\_\_\_\_\_  
Nancy Johnson, Chairperson

ATTEST:

  
\_\_\_\_\_  
Bruce Ambo, Secretary

# ATTACHMENT F

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING - NOVEMBER 13, 2006

~~A-9 CITY COUNCIL ANNUAL REGULAR MEETING SCHEDULE FOR 2007;  
(ADMINISTRATION)~~

~~MOTION: Councilmember Winholtz moved the City Council maintain the second meeting in July and November each year.~~

~~The motion died for lack of a second.~~

~~MOTION: Councilmember DeMeritt moved the City Council approve Item A-9 of the Consent Calendar. The motion was seconded by Councilmember Peirce and carried with Councilmember Winholtz voting no. (4-1)~~

~~A-10 CITY RESPONSE TO PORTIONS OF THE 2005/2006 SAN LUIS OBISPO COUNTY GRAND JURY REPORT; (CITY ATTORNEY)~~

~~Councilmember DeMeritt requested clarification on the timing of this item.~~

~~City Manager Robert Hendrix stated the Council's response was overlooked and it will be taken care of with the approval of this item.~~

~~MOTION: Councilmember DeMeritt moved the City Council approve Item A-10 of the Consent Calendar. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)~~

~~Mayor Peters called for a break at 7:05 p.m.; the meeting resumed at 7:15 p.m.~~

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 APPEAL OF THE PLANNING COMMISSION'S NO ACTION DECISION FOR A VESTING TENTATIVE TRACT MAP, VARIANCE, CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR PROPOSED CLUSTER SUBDIVISION OF 17 RESIDENTIAL LOTS & ONE OPEN SPACE LOT; (PUBLIC SERVICES)

Senior Planner Mike Prater stated on August 21, 2006, the Planning Commission considered the proposed application for a proposed cluster subdivision of 17 residential lots and one open space lot at a regularly scheduled public hearing. After considering public testimony, the Planning Commission voted 3-1-1, which did not give the project a 2/3 vote for approval, and therefore the decision is considered as no action taken. The project would require City Council action regardless of the appeal nature because creating five or more parcels under this type of design requires City Council action with majority approval. Mr. Prater recommended the City Council approve the appeal, adopt the Mitigated Negative Declaration, and approve the project.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING -- NOVEMBER 13, 2006

Wayne Colmer, appellant/applicant, stated he has appealed the no action decision made by the Planning Commission, and contends the project could be interpreted to qualify as meeting the regulations for both cluster design and a community housing project. He stated the City Council should evaluate the project under both criteria. If the Council finds the project meets the criteria under one or the other or both then the project can be approved. Mr. Colmer noted the objectives for a cluster design warrant a buffering of open space from an area needing preservation, and a community housing project objective is providing an open space area for the project residents' enjoyment.

Charlie Klaus, TPG Consulting Inc, stated the traffic study analyzed four intersections for two time periods. In addition to evaluating the four study intersections for capacity, queuing analysis was prepared for Quintana Road and South Bay Court, the main shared entrance into the project site and Blue Heron Mobilehome Park. An existing collision history was reviewed for the area along with a geometric evaluation for South Bay Court. A project parking assessment was also prepared. Site-specific design issues have been reviewed by the City Engineer and other staff relative to site distance clearance, driveway width, intersections, and vertical and horizontal geometry of roadway profiles. The creation of a single ingress/egress point with the added trips generated is an acceptable alternative.

Wally McCray reviewed the landscaping plan for this project. He stated the trees would be planted in groups with shrubs and native grasses. Native and/or drought tolerant plant and tree species shall be used to the maximum extent feasible. The landscape plans shall include fencing details, utility meter screening, and screening of the trash enclosure.

Mayor Peters opened the hearing for public comment.

Ray McKelligott stated this project should not be considered until there is a traffic signal installed at the intersection of Quintana Road and South Bay Boulevard. He said the homeowner's association of the Blue Heron Mobilehome Park has been communicating with Wayne Colmer for several years regarding their concerns with his proposed project.

Jim Nance stated Mr. Colmer built a subdivision on Main Street, which turned out to be very dense with large houses being built with little space between them. He also stated this proposed project should require a full signal for both automotive and pedestrian traffic. Mr. Nance stated the developer should pay for the infrastructure costs.

Garry Johnson addressed the need for affordable housing and noted this property should be used for that use.

Bill Davies addressed traffic controls with a bus stop and pedestrian crossing. He said the plan for this project appears to be nice, however large for the site.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 13, 2006

Roger Ewing expressed opposition to this project because there is no public benefit. He said there is no chance that a person on a limited budget could afford to purchase one of these homes.

Mayor Peters closed the public comment hearing.

Councilmember Winholtz stated the 17 trees cut over the last two years were healthy and housed various bird nests. She said the biology is not mitigated properly; the traffic and transportation impacts have not been sufficiently addressed; the density of larger homes on smaller lots is not honoring the R-2 zoning; and, the Zoning Ordinance should be considered where density of a project is concerned.

Councilmember Baxley stated the Negative Declarations are appropriate. He suggested a change to condition #5 to provide a 2-to-1 ratio of trees.

Councilmember DeMeritt stated this is an opportunity and great location to provide affordable housing in the City. She said this proposed project would create a bad fiscal impact for the City. Councilmember DeMeritt stated the lift stations should be upgraded before more housing is built in this area. She also said she would like the open space to be up on the hill and not by the street.

Councilmember Peirce stated it appears there is a sight distance problem with this property. He said the Quintana Road and South Bay Boulevard intersection should require a full traffic signal.

Mayor Peters stated she agrees with the Planning Commission conditions to add a complete traffic signal. She also supports a 2-to-1 ratio for trees.

**MOTION:** Mayor Peters moved the City Council approve the project with the Planning Commission suggestions, with the addition of a 2-to-1 ratio for tree replacement and credit for dead trees; and, when the project is completed a full signal will be placed at the Quintana Road/South Bay Boulevard intersection. The motion was seconded by Councilmember Peirce.

Councilmember Winholtz requested an amendment be made to the landscape plan with a requirement that there must be trees that would have height that is appropriate for raptors.

Mayor Peters amended her motion to include 20% of the trees planted shall provide raptor habitat and will be planted according to the landscape architect's plan; Councilmember Peirce accepted the amendment to the motion.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 13, 2006

VOTE: The motion carried with Councilmember DeMeritt and Councilmember Winholtz voting no. (3-2)

Mayor Peters called for a break at 8:30 p.m.; the meeting resumed at 8:40 p.m.

B-2 RESOLUTION NO. 59-06 ADOPTING INTERIM WASTEWATER FEE INCREASES; (PUBLIC SERVICES)

Capital Projects Manager Bill Boucher stated at the August 28, 2006 meeting, the City Council conducted a public hearing and as a result adopted Resolution No. 39-06 establishing an interim 20% sewer rate increase for all user categories except for single family residential and single family condominium. The City Council further adopted a motion for staff to return with a resolution for those single family categories to incorporate the previously-adopted \$1.50 per month increase in January 2007 plus quarterly 5% increases starting January 2007 to meet the overall 20% increase by fall 2007. Mr. Boucher recommended the City Council conduct a public hearing on this matter and, as a result, determine that the revenue needs of the Wastewater Revenue Fund warrant the established and proposed fee structures, and adopt Resolution No. 59-06 establishing user rates for residential wastewater services.

Mayor Peters opened the hearing for public comment.

Jim Nance stated instead of charging for a minimum of 3 units of water, Council should consider breaking the water use fee for using 1, 2 or 3 units of water. He said people who use less water should receive a break.

Mayor Peters closed the public comment hearing.

MOTION: Councilmember DeMeritt moved the City Council adopt Resolution No. 59-06 establishing user rates for residential wastewater services. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

B-3 REQUEST FOR TENTATIVE TRACT MAP, VARIANC, CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR PROPOSED 6-LOT COMMUNITY HOUSING PROJECT ON THE WEST SIDE OF SUNSET AVENUE, BETWEEN ATASCADERO ROAD AND HILL STREET; (PUBLIC SERVICES)

Senior Planner Mike Prater stated on June 19, 2006, the Planning Commission considered the proposed application for six residential parcels, one common guest parking parcel that allows for four guests parking stalls, and one useable open space parcel at least 3,000 square feet. After considering public testimony, the Commission voted 4-0-1 to

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863

**Adopted**



Appeal Filed: 12/01/2006  
49th day (waived): 1/19/2007  
Substantial Issue found: 11/16/2007  
CDP approved: 3/6/2008  
Staff: Mike Watson  
Staff report prepared: 3/24/2008  
Hearing date: 4/11/2008  
Adopted report: 4/18/2008

**Revised Findings**  
for  
**Appeal/CDP Application A-3-MRB-06-064**

- Appeal number** .....A-3-MRB-06-064, Black Hill Villas
- Applicant**.....Wayne Colmer
- Appellants** .....Commissioners Meg Caldwell and Mary Shallenberger; Roger Ewing and Ray McKelligott
- Local government** .....City of Morro Bay
- Local decision** .....Approved with conditions by the Morro Bay City Council on November 13, 2006 (Coastal Development (CDP) Permit Number CP0-110).
- Project location** .....485 and 495 South Bay Boulevard, between South Bay Boulevard and Quintana Road, the Black Hill Natural Area portion of Morro Bay State Park, and the Blue Heron Mobile Home Park, and adjacent to the Chorro Flats Restoration Area, just over a mile inland from the shoreline in Morro Bay, San Luis Obispo County (APN 066-371-003).
- Project description** .....Subdivision of two parcels (totaling 3.17 acres) into 17 residential parcels and one common area parcel; removal of two existing residential structures; grading and site preparation for new residential sites and new access roads; construction of roads, utility infrastructure, and 17 residential units.
- File documents**.....City of Morro Bay CDP File Number CP0-110; supplemental materials submitted by the Applicant dated April 6, 2007 and December 20, 2007; and City of Morro Bay-certified Local Coastal Program (LCP).
- Staff recommendation** ...Approve with Conditions

**Staff Note**

On March 6, 2008, the Coastal Commission approved, with conditions, a coastal development permit for the project described above. On April 11, 2008, the Commission adopted revised findings and conditions to reflect their March 6, 2008 action. This adopted report represents the Commission's final adopted findings and conditions for this coastal development permit.



**California Coastal Commission**

April 2008 Meeting in Santa Barbara  
Staff: Mike Watson Approved by:

Att. 1 - 4/11/08 Adopted Rpt./Exhs.  
Page 1 of 107

## **Summary of Commission Action**

The proposed project was originally approved by the City of Morro Bay on November 13, 2006, and the City's approval was subsequently appealed to the Coastal Commission. On November 16, 2007, the Commission found a substantial issue was raised with respect to the proposed project's consistency with the City of Morro Bay LCP and took jurisdiction over the CDP application; the Applicant exercised his right to postpone the de novo hearing on the CDP application at that time. Thus, this report and hearing are the culmination of that appeal process, and represent the Commission's CDP application review of the proposed project.

The Applicant proposes to subdivide two existing parcels into 18 lots: 17 residential lots ranging from 3,000 square feet to slightly more than 6,100 square feet in size, and one common area parcel approximately 51,000 square feet in size (to accommodate an access roadway, and also covering a portion of a non-developable area of the site). The Applicant further proposes to develop each residential lot with a residential unit: fifteen detached two-story single family residences (with two car garages) of either 1,400 square feet or 1,600 square feet in size, and two townhouse units each consisting of three bedrooms, two baths, and 1,150 square feet (and that meet the County's standards for affordable units). The proposed project also involves grubbing and grading of the majority of the site, including re-contouring the upper slopes of an intermittent stream and drainage course that traverses the northern edge of the property.

The proposed project raises issues with respect to development within and adjacent to environmentally sensitive habitat areas (ESHAs). The proposed project site includes an unnamed intermittent stream (a tributary to Chorro Creek) and riparian corridor that extends from the northern flank of the Black Hill Natural Area, providing an important link and wildlife corridor between the Black Hill Natural Area and the Morro Bay Estuary. The intermittent stream and associated riparian habitat on the site are ESHA per the LCP. The LCP requires a minimum 100-foot development setback from this ESHA. The project includes subdivision in ESHA; development directly adjacent to the ESHA/stream (slope alteration, grading, and toe protection along the active channel); and residential development within 65 feet of this ESHA area. In addition, some trees have already been removed in this area within the past several years (and without coastal permits). Thus, the proposed project is inconsistent with the LCP's ESHA policies.

The LCP also protects other coastal resources and habitats that are not considered ESHA. Specifically, the LCP requires natural features and vegetation to be preserved to the maximum extent feasible, and protects such coastal resources from significant adverse effects. The site includes a grove of trees (cypress, eucalyptus, pine) that provide habitat for nesting raptors. This raptor nesting area does not meet the ESHA threshold in this case, but it is still protected by the LCP, including the requirement that it be preserved to the maximum extent feasible. The project includes removal of the raptor grove and elimination of this grove as raptor habitat. Thus, the proposed project is inconsistent with the LCP's coastal resource protection policies.

The LCP requires new development adjacent to State Park and recreation lands to be adequately set back to preserve the continuity of the park and to avoid degradation of said park lands. The site is located immediately adjacent to the Black Hill Natural Area, a 300-acre natural preservation area that is part of Morro Bay State Park. Black Hill Natural Area is mostly comprised of coastal sage scrub and



maritime chaparral communities that are ESHA per the LCP, and includes Black Hill itself, which is also categorically ESHA per the LCP. The proposed project includes residential structures within five feet of the Black Hill Natural Area. Such siting raises questions with respect to fire safety and defensible space requirements. State fire rules require a 100-foot buffer; but the state defers to local rules in the City of Morro Bay. City fire rules at the time of project approval required a minimum 30-foot buffer, although these rules are not part of the LCP. State Parks requires 40 feet of defensible space in order to protect State Park land from inappropriate fire buffer manipulation. The trend over time with such rules has been moving towards larger and larger buffers/defensible space requirements, and there is little to indicate that this trend will change in the future.

Given current (and potential future) fire safety standards, including those currently necessitating vegetation removal and reduced fuel zones, placing structures within 5 feet of the Black Hill Natural Area would be expected to lead to fuel modification within the State Park preserve that would degrade this area inconsistent with the LCP. This is the case even with the fire safety measures that are part of the project (sprinklers, fire resistant construction, fire hydrants, etc.). The proposed limited buffer (down to 5 feet) is inadequate to protect the Black Hill Natural Area as required by the LCP, and thus the proposed project is inconsistent with the LCP's hazard avoidance policies, and the other LCP siting and design policies protecting this natural resource.

The LCP requires that development be sited and designed to protect public views "as a resource of public importance" and to be visually compatible and integrated with its surroundings. The LCP specifically designates the Black Hill area as a public viewpoint of significant importance. The project proposes construction of 17 two-story residential units in an LCP designated visually significant and scenic location that is visible from State Highway 1, South Bay Boulevard, and Morro Bay State Park. Without adequate vegetative screening and exterior treatment, the proposed residential development could degrade Highway One views towards the Black Hill Natural Area and the Morro Bay Estuary. Specifically, the upper stories of the proposed residences would extend above existing vegetation and existing structural development and into the view of Black Hill as seen from northbound Highway One (views of the development would be blocked by natural topography when headed southbound). Thus, the proposed project is inconsistent with the LCP's public viewshed policies.

In an effort to address these LCP inconsistencies, the Applicant has recently indicated that he would be willing to pursue a modified project that would pull some development out of the required stream buffer; would mostly avoid the raptor nesting trees; would set residential structures 40 feet from the Black Hill Natural Area; would include some riparian enhancement; and would include tree planting to help screen the residences from Highway 1 views. The Commission finds that the Applicant's proposal, if properly refined, can be found adequate in this case to protect resources consistent with the LCP. Specifically, a 50-foot stream/ESHA setback, a 40-foot Black Hill Natural Area setback, a 25-foot height limitation, protection of most of the raptor habitat, riparian enhancement/replanting, and related measures all form the foundation of an approvable project. Special conditions are applied to thus refine the approvable project, including conditions that:

- Require a minimum development setback of 50 feet for all components of the proposed development including residences, roadway, driveways, sidewalks, and storm water



infrastructure, as measured from the top of the ESHA/stream bank;

- Require avoidance of the most of the raptor grove out to the drip line of its associated trees;
- Require a 40-foot structural setback from the Black Hill Natural Area, within which development not requiring fire buffering could be sited (such as road access, driveways, front yard streetscape, other paved areas, etc.);
- Require restoration of the ESHA/stream and its buffer area as compensatory mitigation for previously removed vegetation and for encroachment of the roadway into the required 100-foot ESHA setback;
- Limit construction of residences to 25 feet in height from natural site grade.
- Require all site drainage to be appropriately filtered and treated to remove typical runoff pollutants prior to its use for on-site irrigation and/or discharge on or off-site;
- Require retention of trees, and planting of trees and other vegetation, to provide screening and transition between on and offsite areas;
- Require removal of non-native and invasive vegetation, and measures to protect against reintroduction on the subject site;
- Require that lighting be minimized to prevent illumination of habitat areas and to protect views of the night sky;
- Require an archeological monitor to be on site during all ground disturbing activities, including provision for a pre-project survey that includes participation by qualified local Native Americans, to ensure that cultural resources are not disturbed;
- Require construction BMPs designed to protect on-site resource areas, water quality, and sensitive coastal resources (including BMPs to address construction impacts; staging of equipment and materials; containing sediments and runoff; establishing grading parameters);
- Require the Applicant and all successors in interest to assume all risks for development due to the location of the project adjacent to the Black Hill Natural Area and potential fires; and
- Require recordation of a deed restriction that binds the Applicant and all successors in interest, including subsequent residential landowners, to the terms and conditions of this permit.

As so conditioned, the Commission approves the coastal development permit.

## **Report Contents**



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
 725 FRONT STREET, SUITE 300  
 SANTA CRUZ, CA 95060  
 (831) 427-4863



- 1. Conditions of Approval .....6
  - A. Standard Conditions .....6
  - B. Special Conditions.....6
- Recommended Findings and Declarations.....14
- 2. Project Location, Description, and Background .....14
- 3. Coastal Development Permit Findings .....15
  - A. ESHA and Other Habitats and Park Lands .....16
    - 1. Applicable LCP ESHA, Other Habitat, and Park Land Protection Policies.....16
    - 2. Resource Setting .....18
    - 3. LCP Consistency Analysis.....22
  - B. Visual Resources .....31
    - 1. Applicable LCP Visual Resource Policies.....31
    - 2. Visual Resource Setting and LCP Consistency Analysis .....31
    - 3. Visual Resource Conclusion.....34
  - C. Fire Hazards .....34
    - 1. Applicable LCP Fire Hazard Provisions.....34
    - 2. Fire Hazard Setting and LCP Consistency Analysis .....34
    - 3. Fire Hazard Conclusion .....36
  - D. Water Quality .....37
    - 1. Applicable LCP Water Quality Protection Policies.....37
    - 2. Water Quality Setting and LCP Consistency Analysis.....37
    - 3. Water Quality Conclusion .....39
  - E. Archaeological Resources .....39
    - 1. Applicable LCP Archaeological Policies .....39
    - 2. Archaeological Setting, LCP Consistency Analysis, and Conclusion.....40
  - F. Future Notice.....41
  - G. California Environmental Quality Act (CEQA).....41

**Exhibits**

- Exhibit 1: Project Location Map
- Exhibit 2: Photographs of Project Site
- Exhibit 3: Project Plans
- Exhibit 4: Adopted City of Morro Bay Staff Report, Findings, and Conditions
- Exhibit 5: Appeals Submitted
- Exhibit 6: ESHA Buffer and Allowable Development Envelope
- Exhibit 7: Correspondence
- Exhibit 8: Proposed Site Plan Revisions
- Exhibit 9: Correspondence received since November 2007 hearing
- Exhibit 10: Applicant's February 29, 2008 Correspondence
- Exhibit 11: Coastal Commission Ex Parte Disclosure Forms
- Exhibit 12: Applicant's Alternative Site Plan



**California Coastal Commission**

April 2008 Meeting In Santa Barbara

Staff: Mike Watson Approved by:

## **1. Conditions of Approval**

### **A. Standard Conditions**

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **B. Special Conditions**

#### **1. Development Limitations.**

- (a) **ESHA/Stream Habitat Area and Buffer.** No development, as defined by LCP Section 17.12.199, shall occur within the 50-foot ESHA/Stream Habitat Area and Buffer (see Exhibit 6) except for: (1) subdivision necessary to create a single parcel consisting of the ESHA/Stream Habitat Area and Buffer area; and (2) habitat restoration, enhancement, and management consistent with this permit (see special condition 3).
- (b) **Raptor Habitat Protection Area.** No development, as defined by LCP Section 17.12.199 shall occur within the eastern portion of the Raptor Habitat Area (i.e., extending about 225 feet from the eastern property line) (see Raptor Habitat Protection Area portion of Raptor Habitat Area in Exhibit 6), except for: (1) subdivision necessary to create a single parcel consisting of the Raptor Habitat Protection Area; and (2) raptor habitat restoration, enhancement, and management that has been approved as an amendment to this coastal development permit.
- (c) **Black Hill Natural Area Buffer.** Development within the 40-foot Black Hill Natural Area Buffer (see Exhibit 6) shall be limited to roads, lawns, landscaping, fences, and residentially-related uses and development of a similar nature that do not themselves require a defensible fire safety zone. Development that requires a defensible fire safety zone, including but not limited to



single family dwellings and garages, shall be prohibited within the Black Hill Natural Area Buffer.

- (d) **Development Area.** Within the Development Area (i.e., that area of the site outside of the ESHA/Stream Habitat Area and Buffer, and outside of the Raptor Habitat Protection Area, and outside of the Black Hill Natural Area Buffer), development shall consist of subdivision and residential development that complies with all of these special conditions, and that complies with all applicable setbacks, density standards, and other City of Morro Bay building code and other requirements.

PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE THIS PERMIT (NOI), the Permittee shall submit for review and approval of the Executive Director, and upon such approval, for attachment as an exhibit to the NOI, a formal legal description and graphic depiction of each of the areas described in this condition and shown in Exhibit 6.

**2.F Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of Final Plans (in full-size format with a graphic scale) to the Executive Director for review and approval. The final plans shall be consistent with the following requirements:

- (a) **Development Limitations.** Final Plans shall be consistent with all development limitations of Special Condition 1. Development located within 50 feet of the edge of the ESHA/Stream Habitat Area and Buffer (see special condition 1) shall be limited to development substantially in conformance with the development shown on the figure titled "Comparison of Habitat Areas Site Plans" in the document titled "Black Hill Villas A-3-MRB-06-064" received by the Commission at the March 6, 2008 Commission hearing (see Exhibit 12).
- (b) **Building Heights.** The maximum building height for all residential structures shall be 25 feet from existing natural grade.
- (c) **Perimeter Wall.** A 6-foot tall masonry wall shall be constructed along the western edge of the Black Hill Natural Area Buffer (see Exhibit 6). Such wall shall be finished with rough hewn, unpainted concrete on its western side, and shall be capable of ensuring that noise from the site that can be heard on the Black Hill Natural Area side of the wall does not exceed 60 dBA CNEL (where "dBA CNEL" means a 24-hour energy equivalent level derived from a variety of single noise events, with weighting factors of 5 and 10 dBA applied to the evening (7pm to 10pm) and nighttime (10pm to 7am) periods, respectively, to allow for the greater sensitivity to noise during these hours).
- (d) **Fire Safety Requirements.** All City-approved fire safety requirements (City File Number CP0-110) including but not limited to, installation of automatic fire sprinklers, fire hydrants, use of fire resistant exterior construction materials, construction of a perimeter fire wall, and conspicuous addressing of each residence shall be incorporated into the Final Plans.



- (e) **Tree Protection.** Except for non-native and invasive trees to be removed pursuant to special condition 4, all trees located within the Black Hill Natural Area Buffer along the western property line and all other trees in the Development Area (see special condition 1 and Exhibit 6) shall be retained as feasible and/or replaced as necessary to ensure adequate development screening. Appropriate native trees shall be planted within the Development Area as necessary to ensure adequate screening of structures from northbound Highway One, and shall be planted within the Black Hill Natural Area Buffer as necessary to ensure that activity areas associated with residential development (i.e., decks, windows, etc.) are not visible from the Black Hill Natural Area. Any tree removal otherwise allowed shall be accomplished in such a manner as to ensure protection of retained trees and related habitats, including protected raptor habitat (see Special Condition 1). Final Plans shall provide all tree protection parameters.
- (f) **Landscaping and Irrigation Details.** Landscaping and Irrigation Details. Final Plans shall include landscape and irrigation parameters prepared by a licensed Landscape Architect that shall identify all plant materials (size, species, quantity), all irrigation systems, and all proposed maintenance. All plants used on site shall be native species from local stock appropriate to the Black Hill area. Non-native and/or invasive plant species shall be prohibited. All plant materials shall be selected to be complimentary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool. The landscape plans shall ensure that all structures are screened from public views as much as possible, including through the use of upper canopy trees, and including to meet the requirements of subsection (e) above. The landscape plans shall also be designed to protect and enhance native plant communities on and adjacent to the site, including required restoration and enhancement areas, and to provide a transitional buffer between native habitat areas and authorized development. Landscaping (at maturity) shall also be capable of screening and camouflaging all residential development as seen from off site. All landscaped areas and fences on the project site shall be continuously maintained by the permittee; all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition. Non-native and/or invasive plant species shall not be allowed to persist on the site (see also Special Condition 4). The planting of non-native and/or invasive plant species, such as those listed on the California Invasive Plant Council's Inventory of Invasive Plants, is prohibited.
- (g) **Lighting Details.** Final Plans shall include lighting details that indicate the location, type, and wattage of all light fixtures. All lighting shall be minimized (in terms of number of lights and brightness) and must be sited, designed, and located to prevent illumination of the ESHA/Stream Habitat Area and Buffer area, the Raptor Habitat Protection Area, the Black Hill Natural Area Buffer, the adjacent Black Hill Natural Area) and to protect views of the night sky. All lighting shall be the lowest intensity levels necessary to provide safety and security. All pedestrian lighting shall be low-profile, low-wattage bollard style lights. Pole mounted lighting shall avoided if feasible, and any that cannot be avoided shall be limited in height so that it is not visible from Highway One and so it does not illuminate the above non-illumination areas.



- (h) **Grading Details.** Grading and grubbing of the site shall be limited to the pads for the residences, driveway, road, and sidewalk contours, and shall be limited as much as possible to retain the existing natural landform. All unnecessary changes in the natural grade shall be prohibited.
- (i) **Post Construction Drainage.** Final Plans shall provide for a post-construction drainage system designed to filter and treat (i.e., designed to remove typical urban runoff pollutants) the volume of runoff produced from irrigation and from each and every storm and/or precipitation event up to and including the 85th percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1-hour runoff event (with an appropriate safety factor) for flow-based BMPs, prior to its use for on-site infiltration, landscape irrigation and/or discharge. All drainage system components shall be consistent with the following:
- (1) All drainage system components shall be integrated with the ESHA/Stream Habitat Area and Buffer Restoration and Enhancement Plan (see special condition 3). Filtered and treated drainage shall be directed to the ESHA/Stream Habitat Area to the maximum extent feasible unless it would lead to habitat degradation and provided it is discharged in a non-erosive manner.
  - (2) The drainage system and its individual components (such as drop inlets and filtration mechanisms) shall be sized according to the specifications identified in the California Storm Water Best Management Practice Municipal Handbook (California Storm Water Management Task Force, March 1993).
  - (3) All development shall incorporate Low Impact Development (LID) BMP strategies and techniques (e.g., limiting impervious surfacing, maximizing infiltration in BMP design, reducing the hydraulic connectivity of impervious surfaces, etc.) as much as possible.
  - (4) The drainage system shall include natural biologic filtration components, such as vegetated filter strips and grassy swales that are vegetated with native plant species capable of active filtration and treatment (e.g., rushes), as much as possible. If grades require, check-dams may be used in such biologic filters.
  - (5) The drainage system shall include at least one engineered filtration unit to which all drainage shall be directed prior to use for on-site irrigation and prior to any discharge. The engineered filtration unit(s) shall be specifically designed to remove, at a minimum, potential vehicular contaminants, and shall include media designed to remove such contaminants.
  - (6) All drainage system elements shall be permanently operated and maintained. At a minimum:
    - (i) All filtration/treatment components shall be inspected to determine if they need to be cleaned out or repaired at the following minimum frequencies: prior to October 15th each year; prior to April 15th each year; and during each month that it rains between November 1st and April 1st. Clean-out and repairs (if necessary) shall be done as part of these inspections. At a minimum, all filtration/treatment components must be cleaned prior to the onset of the storm season, no later than October 15th of each year;
    - (ii) Debris and other water



pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner; and (iii) All inspection, maintenance and clean-out activities shall be documented in an annual report submitted to the City no later than June 30th of each year.

- (j) **See-Through Railings and Partitions Prohibited.** See-through (e.g., glass, plastic, etc.) patio or deck railings, partitions, and similar structures shall be prohibited on the site.
- (k) **Earthtone Colors Only.** All exterior hues (i.e., paints, surface treatments, etc.) shall be earthtone colors.

All requirements above and all requirements of the approved Final Plans shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with the approved Final Plans. Any proposed changes to the approved Final Plans shall be reported to the Executive Director. No changes to the approved Final Plans shall occur without a Commission amendment to this permit unless the Executive Director determines that no amendment is necessary.

**3.ES HA/Stream Habitat Area and Buffer Restoration and Enhancement Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for Executive Director review and approval four copies of an ESHA/Stream Habitat Area and Buffer Restoration and Enhancement Plan (REP) for the entire area shown as ESHA/Stream Habitat Area and Buffer in Exhibit 6. The REP shall be substantially consistent with the parameters of the enhancement plan submitted to the Commission (titled "Black Hill Villas DRAFT Riparian Enhancement Plan" dated received in the Commission's Central Coast District Office on April 6, 2007). The REP shall provide for the restoration and enhancement of the subject area as self sustaining and functioning stream/riparian and associated upland habitat. The REP shall be prepared by a qualified expert in restoration ecology, and shall take into account the specific condition of the site (including soil, exposure, temperature, moisture, wind, etc.), as well as restoration and enhancement goals. The REP shall include measurable performance standards and success criteria, a planting palette limited to native species from local stock appropriate to the Black Hill area, and monitoring designed to meet performance standards and success criteria.

All requirements above and all requirements of the approved REP shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with the approved REP. Any proposed changes to the approved REP shall be reported to the Executive Director. No changes to the approved REP shall occur without a Commission amendment to this permit unless the Executive Director determines that no amendment is necessary.

**4.Invasive Plant and Tree Removal Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit four copies of an invasive plant and tree removal plan prepared by a qualified biologist to the Executive Director for review and approval. The Removal Plan shall identify methods for removing, controlling, and preventing the introduction of invasive exotic plants and trees on the subject site. The Removal Plan shall be consistent with the ESHA/Stream Habitat Area and Buffer Restoration and Enhancement Plan (see special condition 3)



and the site development limitations (see special condition 1) and shall apply for the life of the project. The Permittee shall undertake development in accordance with the approved Removal Plan. Any proposed changes to the approved Removal Plan shall be reported to the Executive Director. No changes to the approved Removal Plan shall occur without a Commission amendment to this permit unless the Executive Director determines that no amendment is necessary.

**5. Construction Plan.** PRIOR TO CONSTRUCTION the Permittee shall submit two sets of a Construction Plan (in full-size format with a graphic scale) to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:

- (a) **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction site and staging areas), and all areas where development is prohibited (see Special Condition 1). All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction impacts on and offsite preservation areas.
- (b) **Construction Methods and Timing.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from all areas where development is prohibited (including using unobtrusive fencing or equivalent measures to delineate construction areas). All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.
- (c) **Construction Requirements.** The Construction Plan shall include the following construction requirements specified by written notes on the Construction Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
  - All work shall take place during daylight hours.
  - Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
  - The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site; etc.).
  - All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.



- All disturbed areas shall be hydro-seeded immediately upon conclusion of construction activities in that area.
- The Applicant shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this permit unless the Executive Director determines that no amendment is necessary.

**6. Constr uction Site Documents & Construction Coordinator. DURING ALL CONSTRUCTION:**

- (a) **Construction Site Documents.** Copies of the signed coastal development permit and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- (b) **Construction Coordinator.** A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

7. **Archaeology.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of an archaeological mitigation and monitoring plan prepared by a qualified archaeologist for review and approval of the Executive Director. The Plan shall provide for an archaeological monitor to be present during all ground disturbing activities. The Plan shall also include a description of monitoring methods, including provision for a pre-project survey that includes participation by qualified local Native Americans, frequency of monitoring, procedures for halting work on the site and a description of reporting procedures that will be implemented during ground disturbing activities to ensure that cultural resources are not disturbed. The Plan shall include a list of the personnel involved in the monitoring activities and their qualifications, and shall include



qualified local Native Americans as project monitors. At a minimum, the Plan shall provide for the following:

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the archaeological monitor shall conduct a training session with construction personnel discussing the cultural sensitivity of the area and the protocol for discovery of cultural resources during construction. The archaeological monitor shall also inform all qualified local Native Americans of the timing of construction and their opportunity to participate in construction monitoring.

**SHOULD ARCHAEOLOGICAL RESOURCES BE ENCOUNTERED DURING ANY CONSTRUCTION**, all activity that could damage or destroy these resources shall be temporarily suspended until qualified archaeologist and Native American representatives have examined the site and mitigation measures have been developed that address and proportionately offset the impacts of the project on archaeological resources.

**DURING ALL GROUND DISTURBING ACTIVITIES**, the Permittee shall retain a qualified archaeologist, approved by the Executive Director, to monitor all earth disturbing activities per the approved monitoring plan. The Permittee shall also include qualified local Native Americans as project monitors as applicable. If an area of cultural deposits is discovered during the course of the project, all construction shall cease in the vicinity of the resource, and a new plan shall be submitted that avoids such resources that shall be submitted for the review and approval of the Executive Director.

**8. Assumption of Risk, Waiver of Liability and Indemnity Agreement.** The Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to extreme fire hazards; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the landowner.

**9. Compliance with Local Conditions of Approval.** All conditions imposed by the City of Morro Bay (City File Number CP0-110) under a legal authority other than the California Coastal Act continue to apply.

**10. Deed Restriction.** **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the Applicants shall submit to the Executive Director for review and approval documentation demonstrating that the Applicants has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the



subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## **Recommended Findings and Declarations**

The Commission finds and declares as follows:

### **2. Project Location, Description, and Background**

The proposed project is located on two contiguous lots totaling 3.17 acres in western San Luis Obispo County within the City of Morro Bay. The subject parcel is situated adjacent to the southwest corner of the South Bay Boulevard/Quintana Road intersection. The street address is 485 and 495 South Bay Boulevard, though the site is accessed from Quintana Road. Highway 1 extends through the Chorro valley here on its way from inland City of San Luis Obispo through to the coast at Morro Bay and then on to Cayucos and further north to Cambria. See Exhibit 1.

The project site is located on the northern flank of Black Hill and bordered along the entire west property line by Black Hill Natural Area, a component of the larger Morro Bay State Park. Quintana Road forms the northern boundary of the property with the Blue Heron Terrace mobile home park to the south. South Bay Boulevard separates the development site from the Chorro Flats Sediment Capture and Wetland Restoration Project to the east. The main stem of Chorro Creek is located across South Bay Boulevard from the subject site, just west of the sediment capture and wetland restoration project sites.

The subject site is located near the base of Black Hill and is fairly sloped from north to south (approximately 60 feet in elevation gain moving toward Black Hill). The site includes a seasonal stream that crosses the northern (lower elevation) section of the property, more or less parallel to Quintana Road. This stream is an unnamed tributary to Chorro Creek. The stream corridor slopes down from its origins in the Black Hill Natural Area downstream and across the site to a box-culvert beneath the driveway entrance and South Bay Boulevard. This corridor conveys water in an eastward direction across the property from Black Hill towards Chorro Flats and ultimately into Chorro Creek. Numerous mature trees occupy the site, including Monterey cypress, Monterey pine and blue gum eucalyptus. A row of elm trees is located along the western property line adjacent to State Park property. Open areas on the upper portion of the site support a mix of annual grasses, herbaceous weeds, and ornamental plants. See Exhibit 2 for photos of the subject site.



Existing development on the site includes two single-family residential structures and one small accessory structure located on the upland portion of the property. The larger residence is a two-story structure approximately 2,100 square feet in size, and the smaller residence is approximately 1,250 square feet. The accessory structure is approximately 200 square feet in size and is currently used for storage. A narrow paved driveway provides access from South Bay Boulevard to the existing residences. Again, see Exhibit 2 for site photographs.

The proposed project involves the removal of the existing structures, subdivision of two existing parcels into 17 residential lots and a single common area parcel. The residential lots would range in size from 3,000 square feet to slightly more than 6,100 square feet in size and the common area property is proposed to be 51,000 square feet. Fifteen residential lots would be developed with detached two-story single-family residences and two-car garages (either 1,704 square feet or 1,895 square feet in size total), and two lots would include townhouses consisting of three bedrooms, two baths, and 1,150 square feet that meet the County's standards for affordable units. The project would involve significant grubbing and grading of the site, including re-contouring the upper slopes of the intermittent stream that traverses the northern portion of the property. More than 50 trees are also slated for removal. The project includes streetscape improvements along Quintana Road and South Bay Boulevard, landscaping, pedestrian pathways, and temporary and permanent water quality and erosion control measures.

The applicant has recently indicated that he would be willing to pursue a modified project that would pull some development away from the stream; would avoid most of the raptor nesting trees; would set residential structures 40 feet from the Black Hill Natural Area; would include some riparian enhancement; and would include tree planting to help screen the residences from Highway 1 views. Specifically, the Applicant has indicated a willingness to realign the main access roadway, to increase the setback for residential structures from the ESHA/stream corridor and the Black Hill Natural Area, and to supplement the landscape plan to include rear yard upper canopy trees. In this scenario, the setback from the Black Hill Natural Area would be increased to 40 feet, and grading in the immediate vicinity of the stream and riparian corridor would be eliminated, but the main roadway and related development and uses (sidewalks, cars, storm water infrastructure, etc.) would be sited roughly 50 feet from the stream corridor. All residences would maintain a 100 foot setback from the stream and riparian corridor, but at least one residence would still encroach into the on-site raptor habitat. These possible project modifications help provide useful context regarding one version of an alternate project that could be pursued at this site, but the proposed project for the purposes of the Commission's review remains that that was originally proposed and approved by the City during the local review process. See Exhibit 3 for project site plan details and see Exhibit 4 for the adopted City of Morro Bay staff report, findings, and conditions of approval for the project. See Exhibits 8 and 9 for the Applicant's recent correspondence regarding possible project modifications.

### 3. Coastal Development Permit Findings

The standard of review for this application is the City of Morro Bay certified LCP.



## A. ESHA and Other Habitats and Park Lands

### 1. Applicable LCP ESHA, Other Habitat, and Park Land Protection Policies

The certified LCP contains policies that provide for the protection of ESHA and that, among other things, establish minimum setbacks and buffers from sensitive areas. Similar to Coastal Act Section 30240, the LCP's ESHA policies also protect parks and recreation areas in a similar manner to ESHA. Other LCP policies protect coastal resources that are not necessarily ESHA, but worthy of protection nonetheless. Applicable LCP policies include:

*LUP Policy 11.01 Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas...*

*LUP 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 habitat's functional capacity.*

*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 and equestrian trails. Such projects shall be subject to review and comment by the Department of Fish and Game prior to commencement of development within the 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.*

*LUP Policy 11.14 A minimum buffer strip along all streams shall be required as follows:*

- (1) a minimum buffer strip of 100 feet in rural areas;*
- (2) a minimum buffer strip of 50 feet in urban areas.*

*If the applicant can demonstrate that the implementation of the minimum buffers on previously subdivided parcels would render the subdivided parcel unusable for its designated use, the buffer may be adjusted downward only to a point where the designated use can be accommodated, but in no case shall the buffer be reduced to less than 50 feet for rural areas and 25 feet for urban areas. Only when all other means to project modifications are found inadequate to provide for both the use and the larger minimum buffer. The lesser setback shall*



*be established in consultation with U.S. Fish & Wildlife and the California Department of Fish & Game and shall be accompanied by adequate mitigations. The buffer area shall be measured landward from the landward edge of riparian vegetation or from the top of the bank (e.g., in channelized streams). Maps and supplemental information may be required to determine these boundaries.*

*Adjustments to the minimum buffer must protect the biological productivity and water quality of the streams. Assessment of impact shall include, but not be limited to the following factors:*

- (a) Soil type and stability of stream corridors;*
- (b) How surface water filters into the ground;*
- (c) Slope of land on either side of the stream; and*
- (d) Location of the 100 year flood plain boundary.*

*Where riparian vegetation has been previously removed, except for stream channelization, the buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible.*

*LUP Policy 11.18 New subdivision shall be prohibited in areas designated as environmentally sensitive habitat areas. New subdivisions proposed adjacent to wetland areas shall not be approved unless the to-be-created parcels contain building sites entirely outside the maximum applicable buffer (i.e., 100 feet for wetlands and rural streams, and 50 feet for urban streams).*

*LUP Policy 11.23 As a condition of approval of development prior to commencement of any development, property owners/applicants shall dedicate appropriate permanent easements over portions of the property determined to be sensitive habitat, such as dunes, beach, wetlands, or riparian corridor.*

**XII. Environmentally Sensitive Habitat. C. Sensitive Habitat Areas.** *To ensure the implementation of the Coastal Act policies addressing environmentally sensitive habitat areas, it is necessary to inventory those resources within the Coastal Zone. The following criteria was used in determining which areas warrant specific protection under the Coastal Act as environmentally sensitive habitats:*

...

- (3) specialized wildlife habitats which are vital to species survival;*
- (4) outstanding representative natural communities which have an unusual variety or diversity of plant and animal species;*

...

*Those resources that meet one or more of these criteria will be designated as an environmentally*



*sensitive habitat area. The following discussion will review these coastal resources under the appropriate habitat type. These are defined below and shown in Figure 29.*

...

*(2) Coastal Streams/riparian habitat; (a) A stream or a river is a natural watercourse as designated by a solid line or dash and three dots symbol shown on the United States Geological Survey map most recently published, or any well defined channel with distinguishable bed and bank that shows evidence of having contained flowing water as indicated by scour or deposit of rock, sand, gravel, soil, or debris. (b) A riparian habitat is an area of riparian vegetation. This vegetation is an association of plant species which grows adjacent to freshwater watercourses, including perennial and intermittent streams, lakes, and other bodies of fresh water.*

In addition to ESHA protection specifically, the LCP also protects other coastal resources and habitats that are not considered ESHA:

*LUP Policy 9.06 ... Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible...*

*LUP Policy 0.1 The City adopts the policies of the Coastal Act (PRC Sections 30210 through 30263) as the guiding policies of the Land Use Plan. [PRC 30250]... New residential, commercial, or industrial development, except as otherwise provided in this division, shall...not have significant adverse effects, either individually or cumulatively, on coastal resources.*

The LCP also contains provisions for minimizing hazards and protecting life and property:

*LUP Policy 9.01 All new development located within areas subject to natural hazards from geologic, flood and fire conditions, shall be located so as to minimize risks to life and property.*

## **2. Resource Setting**

The subject site is located near the base of Black Hill and includes a small seasonal stream that crosses the northern quarter of the property, more or less parallel to Quintana Road (See Exhibit 3). The stream slopes from its origins in the Black Hill Natural Area across the subject property and then under South Bay Boulevard towards Chorro Flats and into the Chorro Creek watershed, one of the largest contributors to the Morro Bay Estuary. The remaining three-quarters of the site is located on slopes above the stream channel. The site slopes upward from the stream elevation approximately 60 feet to the southwestern corner of the site. The upland areas support a plant community consisting mainly of annual grasses, herbaceous weeds, and ornamental plants. Two single-family residential structures (2,100 square feet and 1,250 square feet respectively) and one small accessory structure (approximately 200 square feet) are located on upland portion of the property. Numerous trees also grow on the site including large and mature Monterey cypress, Monterey pine and blue gum eucalyptus. A row of elm trees is also currently present along the western property line adjacent to the State Park property. A few



native species like coyote bush and Californian poppy are also growing in the upland area.

The stream channel crossing the northern quarter of the property is an unnamed tributary of Chorro Creek, and is an aquatic and habitat link between Black Hill Natural Area and Chorro Flats and Chorro Creek. The stream corridor area on the property has been disturbed via alteration and manipulation of the stream course and drainage channel and ongoing weed abatement practices over time. Several large Monterey pine and eucalyptus trees have recently been removed.<sup>1</sup> Bark and leaf litter from the Blue Gum trees has affected the abundance and diversity of plant species growing along the stream channel. Bare soil, non-native grasses, and invasive herbaceous weeds dominate the low-lying area, though sagebrush, coyote brush, salt grass, morning glory, and California poppy are present in the area. Arroyo willow, marsh baccharis, and blackberry also exist along the stream banks. The stream corridor meets the certified LCP definition of a coastal stream and riparian habitat area.

The biotic survey prepared for the project did not map the existing vegetation and similarly did not give the location of soil samples taken for the site. However, at least half of the soil samples taken resulted in positive identification of hydric soils – a wetland indicator. Furthermore, salt grass (*Distichils spicata*), a wetland species, was identified in the area adjacent to the stream along with several other non-native plants that have wetland plant status. In other words, and as is often typical of stream and riparian areas, the on-site stream area also displays wetland characteristics, though the precise boundary of the wetland in this sense has not to date been mapped.

The origins of the stream channel are found in the upper slopes of the Black Hill Natural Area. The stream extends along the north-eastern flank of Black Hill across the property towards Chorro Flats and into the Chorro Creek watershed. The Black Hill Natural Area portion of Morro Bay State Park encompasses more than the 300 acres of upland coastal sage scrub and maritime chaparral habitat, and is inland of and outside of the eastern edge of Morro Bay's urban center. The site of the proposed development is further separated from the urban center by Black Hill itself and is bordered by Black Hill and the Black Hill Natural Area (Morro Bay State Park) on the west, Quintana Road to the north, South Bay Boulevard to the east, and the Blue Heron mobile home park to the south. The site is located within the Morro Bay city limits and urban services line. However, the subject property and stream/drainage channel that traverses it, is in all other senses rural in nature. It is located outside of the true urban area of the City of Morro Bay (which is located further to the north and west), and it is adjacent to the State Park on the lower flanks of Black Hill itself.

A number of biologic surveys were prepared for the project to assist in the environmental assessment of the proposed development. Field surveys for monarch butterflies and the suitability of individual trees and tree stands as monarch wintering habitat were conducted in March and April 2004 (by Dennis Frey and Shawna Stevens). No roosting individuals or clusters of monarchs were found on the property. The

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<sup>1</sup> Commission staff observed evidence of recent tree removal within the stream and riparian corridor during a site visit on February 2, 2007, and this tree removal was corroborated by the Applicant's Riparian Enhancement Plan (received in the Commission's Central Coast District office on April 6, 2007). The Commission has been unable to uncover any evidence that a CDP has been approved for the tree removal. The City's staff report likewise indicates that as many as 16 of the proposed 52 trees slated for removal have already been felled. The matter has been referred to the Commission's Enforcement Division for further investigation.



surveyors found that the orientation of the tree stands and spatial pattern or layout did not favor and is not typical of a monarch over-wintering site. The findings of the field survey, habitat microclimate analysis, database research, and interviews with residents familiar with the property indicate that the habitat is not used by monarchs for wintering purposes.

Raptor surveys were conducted twice per month during peak nesting season, including March, April, and May. Red-shouldered hawks (*Buteo lineatus*) were present on the property during all raptor surveys. Sightings of other raptor species including turkey vultures, American kestrels (*Falco sparverius*), and red-tailed hawks (*Buteo jamaicensis*) were also verified. Similarly, evidence of barn owl (*Tyto alba*) activity on the property was found and recorded. The surveyors reported that the mature stands of eucalyptus and Monterey cypress on the property provide excellent raptor nesting and roosting opportunities. The stand of trees are tall enough and dense enough to support the large stick nests preferred by these avian species, and together with the canopy of surrounding smaller trees, also provide adequate camouflage and protection to support nesting and foraging activities. Several large stick nests were discovered and raptors were observed using these nests. Raptors prey on small rodents, fish, and reptiles, and are important to the overall ecological functioning of the riparian habitat plant and animal community, as well as the Black Hill Natural Area to the west. Reports from residents living in the adjacent mobile home park indicate that red-shouldered hawk nesting has occurred on the property over the years, supporting a conclusion that the identified raptor species return year after year to the same trees to nest (i.e., nest fidelity).

Likewise, protocol level surveys were conducted for Morro shoulderband snail and California red-legged frog, since the project site is within the known range of these species. Three live Morro shoulderband snails and four empty shells were found during surveys of the project site. All Morro shoulderband snail specimens encountered on site were identified as *Helminthoglypta walkeriana* var. *morroensis*. Until recently, the taxonomic difference between Morro shoulderband snails occurring in sandy soils around the Morro Bay Estuary (*Helminthoglypta walkeriana*) and the snails occurring at inland locations (*Helminthoglypta walkeriana* var. *morroensis*) was not clearly understood, and both were afforded protection under the Federal Endangered Species Act (ESA). However, based on recent investigations of distribution and morphological traits, *Helminthoglypta walkeriana* var. *morroensis* was found to be distinct enough from the endangered *Helminthoglypta walkeriana* variety to warrant a different taxonomic status. According to the project environmental report, the snails encountered on the project site are separate and distinct from those protected under the ESA. Additionally, the report indicated that vegetation on the project site does not offer a great deal of suitable habitat for the ESA protected variety of Morro shoulderband snails. Morro shoulderband snails are predominantly associated with coastal scrub communities and only a few of the typical coastal scrub plant species were represented on the project site. An estimated two-thirds of the site is located beneath the canopies of large Monterey cypress, Monterey pine, and blue gum eucalyptus. Bark and leaf litter and pine needles pervade the vegetation beneath their canopy and render any potential habitat unsuitable for the snail. The project environmental report did note however, that the underlying soils are listed as Baywood fine sand, and that the area is adjacent to the boundary of the range for Morro shoulderband snail (*Helminthoglypta walkeriana*).



The intermittent stream on the site was surveyed for the presence of California red-legged frog (CRLF). The channel is approximately 315 feet in length and drains to the east through a box-culvert into Chorro Creek, a preferred refuge for red-legged frogs. The channel was dry at the time of the surveys and no pools or standing water were present anywhere on the property. Observations from the field surveys indicate that arroyo willows are present in two locations along the stream bank, but that the site otherwise lacks other well-developed riparian habitat. By contrast, the channel along the State Park land on the northern flank of Black Hill and directly upland of and feeding into the project site, supports a dense riparian corridor dominated by arroyo willows. It is reasonable to conclude that the aforementioned alteration and manipulation of the stream channel on the site has arrested the natural extension of this willow riparian community. California red-legged frog was not encountered during the survey nor were there many habitat features that would attract or provide protection for red-legged frogs. Nevertheless, the project environmental report concludes that CRLF are present in the main stem of Chorro Creek within one-half mile of the site, and that the terrain separating the creek and the project site does not pose a significant barrier to the dispersal of red-legged frogs. Thus, the possibility of CRLF to be periodically present on the site during wet period conditions and/or when migrating between appropriate hydration points up and down stream cannot be dismissed.

As identified in the certified LCP, the adjacent Black Hill Natural Area (BHNA) plant community consists mainly of native coastal sage scrub, but also contains species characteristic of maritime chaparral. Due to the presence of a variety of sensitive plants and animals, and the cohesiveness of the undisturbed wild land, the upper portion of the Black Hill Natural Area is categorically identified and mapped as ESHA on Figure 28 of the City's LCP. The low lying BHNA area immediately adjacent to the project site exhibits some of the same characteristics as the BHNA sensitive habitat, though it is mainly occupied by non-native species (i.e., exotic grasses and woody tree species). Native species such as coyote bush and sage brush are present but only in small numbers and distribution. There does not appear to be any sensitive plant or animal species directly adjacent to the project site and the dominant plant species appear to be introduced. As such, although the larger BHNA is predominantly considered to be ESHA by the LCP, it does not appear that the area directly adjacent to the subject site is ESHA. That is not to say that this immediately adjacent area is not a valuable coastal resource and preservation area (and part of a designated State Park Natural Area for these reasons), but rather to indicate that the strip adjacent to the subject site does not meet the ESHA threshold under the LCP.

The certified LCP identifies coastal streams, wetlands, and riparian habitat as ESHA (see LUP Policy XII.C.2, previously cited). While the intermittent stream and its adjacent habitat on site have been disturbed over the years, including apparently more recently without benefit of coastal permits, its hydrologic function has been maintained, and the stream channel serves as an important wildlife corridor and aquatic link between Black Hill Natural Area and Chorro Flats/Chorro Creek (including the restoration project underway there). Thus, on site, the low-lying intermittent stream and associated wetland/riparian habitat are ESHA. Offsite and immediately adjacent to the project area, the Black Hill Natural Area is open space park land and an important natural preserve, but the ESHA portion of it is not located immediately adjacent to this site. The mature stands of eucalyptus, pine, and cypress trees provide nesting and foraging opportunities for raptors that exhibit nesting fidelity, and are important to the overall ecological functioning of the riparian habitat plant and animal community. They do not



provide habitat for listed species, and are not considered ESHA by the LCP, but they remain important coastal resources demanding protection

In sum, the subject site includes an ESHA/stream/wetland area along the stream channel along its northern boundary, it includes preserved natural park land bordering it to the west, and the site provides valuable raptor nesting and foraging areas otherwise (see Exhibit 1).

### **3. LCP Consistency Analysis**

#### **A. Proposed Project Inconsistent with LCP**

The LCP requires that the ESHA/stream area be protected against any significant disruption of habitat values, and requires a minimum 100-foot buffer from this area.<sup>2</sup> The LCP further requires that any development on this site be sited and designed to avoid impacts that would significantly degrade the BHNA. In addition, the LCP requires that natural features, native vegetation such as trees (i.e., raptor habitat), and coastal resources be protected and preserved to the maximum extent feasible, and requires that new development avoid significant adverse effects on coastal resources more generally.

The proposed project includes subdivision and related development within and adjacent to the ESHA/stream/wetland/riparian habitat on the northern portion of the site. This includes subdivision and construction of single-family homes, sidewalks, fences, access road, drainage facilities, parking areas, grading, and slope protection within the ESHA/stream corridor and the required 100-foot ESHA/stream buffer. In addition, the proposed project involves grading and grubbing of the site within about 10 feet of the stream bank, and removal of more than 50 mature upper canopy trees, including trees used for raptor nesting on the site. The proposed project further includes urban development and land disturbance directly adjacent to the Black Hill Natural Area park wildlands to the west. Specifically, as shown in Exhibit 6, the proposed development is either within or immediately adjacent to ESHA, State Park wildland, and raptor habitat.

The key ESHA policy in the City of Morro Bay LUP states that ESHA shall be protected against any significant disruption of the habitat values and only those uses dependent upon such resources may be allowed within such areas (LUP Policy 11.01). Furthermore, in order to protect ESHA and/or park lands, development directly adjacent to ESHA and parks and recreation lands such as the proposed development, must be sited and designed to prevent impacts that would significantly degrade such areas, and must maintain the habitat's functional capacity (LUP Policy 11.02). The LCP requires a minimum 100-foot ESHA buffer within which almost all development (other than minor structures such as fences and trails) is prohibited (LUP Policy 11.06). Additionally, LUP Policy 11.14 requires minimum buffers from all streams and riparian corridors (50 feet for urban streams; 100 feet for rural streams) and wetlands (100 feet), and where riparian vegetation has been removed, the re-establishment of riparian

<sup>2</sup> Note that the LCP explicitly calls for a 100-foot ESHA buffer (LUP Policy 11.06) and also specifies a 100-foot minimum stream buffer in rural areas, such as this. In urban areas, stream buffers can be reduced to 50 feet. As indicated, the subject site is in a rural portion of the City adjacent to Morro Bay State Park and BHNA, and the 100-foot minimum stream buffer matches the 100-foot minimum ESHA buffer at this site.



vegetation to its prior extent. Finally, LUP Policy 11.18 prohibits new subdivisions in areas designated as ESHA.

The proposed project includes subdivision in ESHA, and it includes site preparation and grading in order to facilitate residential development of the property adjacent to the ESHA/stream channel. In addition, the proposed project includes construction of single-family residences, roads, utilities, fencing, patios, and exotic landscaping within the required ESHA/stream buffer. Furthermore, the project would site similar development immediately adjacent to the Black Hill Natural Area park land. In addition, the project would result in the removal of multiple raptor nesting trees. The trees are growing along the southern property line between the existing access driveway and the Blue Heron Terrace Mobile Home Park. These trees are used by migratory birds and raptors for nesting, roosting, and foraging in the area of the stream and riparian corridor, and in BHNA. Due to their predator-prey relationship with other animal species in the area, the raptors and their habitat are considered important to the overall ecological functioning of these habitat areas as well. Removal of the raptor nesting trees will interfere with the birds ability to nest and forage within, and adjacent to, the ESHA/stream corridor and BHNA. As such, it will not only directly affect the raptor nesting habitat (by removing it) but it will alter predation patterns of the ESHA/stream corridor and BHNA community and therefore significantly disrupt the habitat values of those areas as well.

In sum, the proposed development is located in and immediately adjacent to these environmentally sensitive habitat areas, State Park wildlands, and raptor habitats, and would introduce urban disturbances and stresses that would, in both the short and long terms, significantly disrupt and degrade these areas inconsistent with the LCP. These on and offsite resource areas and their functionality depends on both plants and animals, and on their being able to function as naturally as possible. Development such as that proposed in and on the immediate periphery of these areas cannot be found consistent with the long term maintenance of them because it would introduce disturbances in the form of noise, lights, pets, human activity, landscaping irrigation, herbicides, pesticides, and invasive species among other things, that by their very nature and proximity, and by the lack or buffering space, would adversely impact these areas. In the case of the raptor habitat, it would be removed entirely, and the indirect effects of this on adjacent habitats, including due to modified predation patterns, would lead to additional degradation of them. Domestic animals may hunt and disturb associated organisms (native pollinators, other insects, birds, coyotes, rabbits, rodents, amphibians, etc.) that are dependent upon the underlying habitat.

Avoidance of direct impacts and use of buffers to help avoid indirect impacts (to protect against human and animal disturbances, disruptions, and degradation, etc.) is required by the LCP. Direct removal of habitats, such as that proposed in terms of the raptor habitat, obviously has a direct detrimental effect. In addition, human and human-related activity immediately adjacent to habitats (in the form of noise pollution, light pollution, foot traffic, landscaping, irrigation, herbicides, etc.) disturbs the whole community, as described above. Buffers can capture and absorb these and other impacts associated with development. Buffers are also necessary to maintain the ability of both plants and animals to move about and disperse within the habitat. Development located at the edge of the habitat impinges upon the ability of seeds to establish (e.g., through increased shading, soil compaction, site coverage, and changes in



localized wind patterns), and hinders the ability of animal species to travel in natural patterns. Stresses introduced by development affects the natural behaviors of organisms that use these sensitive habitats. Reproduction/mating, foraging and feeding, rearing and feeding young, predator/prey interactions are some of the behavioral aspects that may be negatively influenced by the stress of adjacent development. Buffers protect against invasive plant and animal species that can arrive on car tires (both during and after construction), fill soils, and in myriad other ways throughout the life of the development. Buffers further allow for a healthy and thriving “edge environment” which supports extensive biodiversity (species richness), oftentimes higher than the biodiversity present in the two separate habitat types. Such biodiversity is known to facilitate resilience among species and communities, and buffers help maintain the dynamics between one habitat type and another. This is particularly important at the dynamic interface associated with the subject site where this property is immediately adjacent to Black Hill Natural Areas, and near to the Chorro Flat restoration area (and Chorro Creek), and where the on-site ESHA/stream area acts as a corridor between the two.

Equally important, buffers protect development from fire. At this site, such fire safety buffers are particularly important given the BHNA wildland-urban interface to the west, a natural area that has been set aside and left alone as a means of allowing it to flourish in its natural state. A natural state that also can include fire – particularly given the prevalence of fuel in this area, including maritime chaparral throughout the larger BHNA, and particularly given the area hasn’t burned for some 75 years.<sup>3</sup> The Department of Park and Recreation (DPR) has raised concerns regarding the potential fire danger associated with residential development in such close proximity to parks and open space lands. As noted, the site of the proposed development backs up to the Black Hill Natural Area, a 300-acre undeveloped open space park land. The Black Hill Natural Area is owned and maintained by the State of California. The Department of Parks and Recreation has indicated that fuel modification on State Park property may not be permitted, and recommends that all habitable structures maintain at least a minimum 40-foot setback from the property line in order to meet minimum park standards for defensible space. Furthermore, the Department of Forest and Fire Protection has released its 2007 Draft Fire Hazard Severity Zone Maps for Local Responsibility Areas (LRAs) and identifies the Black Hill Natural Area and the subject parcels as being located in a very high fire severity zone.

Per the LCP, all development must be sited and designed to avoid hazards and to minimize unavoidable hazards (see Fire Hazard findings that follow and LUP Policy 9.01). Although the LCP does not explicitly identify minimum fire safety buffers for wildland interfaces such as this, the issue of fire safety and the need for such buffers has become more and more of a statewide issue and concern, particularly in light of recent fires that have left a trail of destruction in their wake. The State of California recently adopted a revised standard requiring a 100-foot defensible fire safety space requirement that applies for all properties along the wildland interface area (per State Public Resource Code Section 4291). In this case, the City did not require this setback in their local review because they

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<sup>3</sup> It is also becoming more commonplace for resource management entities to practice preventative, controlled burns in order to facilitate the health of the plant community and diminish the likelihood of a catastrophic fire. In addition, from a habitat standpoint, maritime chaparral plants require very hot and fast fires (whether human-induced or natural) for seed release and regeneration. A buffer allows for such a fire without the level of danger to the development that would exist without it.



are not subject to state fire codes,<sup>4</sup> and instead approved the proposed project with specific fire safety mitigations (such as a requirement for sprinklers in all new structures, use of fire resistant construction (closed eaves, stucco exterior, etc.), construction of a masonry wall 2 to 6 feet in height along the shared boundary with State Park property, installation of fire hydrants, etc.). Though such mitigations are appropriate in a rural setting such as this, they are not an adequate substitute for a buffer distance when a property backs up on a natural area such as BHNA. In addition, over time, perhaps even in the very short term, the residences will likely need to clear for defensible space purposes. If they were to clear for the 100-foot defensible fire safety space, this would extend into the BHNA. Such a conflict is reasonably foreseeable and would lead to direct significant disruption and degradation of this resource, contrary to the LCP.

Finally, buffers provide ecosystem services including soil stabilization, interception of eroded materials, absorption of runoff and pollutants (pesticides, herbicides, etc.), treatment of runoff (filter mechanism), fixation of nitrogen, and storage of nutrients. Buffers can also serve to slow the rate of storm water flow and encourage infiltration.

In sum, buffers can limit the development's impact on these affected natural habitats, thereby ensuring protection of ESHA, State Park natural wildland, and raptor habitat against human disturbances and stresses, and can create space to allow continued functionality of these habitats and natural communities.

In conclusion, the proposed project cannot be found consistent with the LCP. Contrary to the LCP, the proposed project includes subdivision in ESHA, removal of identified raptor habitat, and incompatible development directly adjacent to the on site stream and the adjacent BHNA. The proposed project would be expected to significantly disrupt ESHA habitat values, significantly degrade BHNA wildlands, including because of fire safety concerns, unnecessarily alter natural features, and adversely impact coastal resources (i.e., raptor habitat area). The proposed project does not meet the LCP's minimum 100-foot ESHA/stream buffer requirements, and includes residential development within 65 feet of stream ESHA, and includes grading and grubbing within 10 feet of said stream ESHA. In sum, the proposed project clearly has not adequately identified, avoided, and buffered coastal resources at this sensitively located site, and it is clear that it would result in coastal resource degradation that cannot be found consistent with the LCP, and cannot be approved in its current form.

As previously noted, the Applicant has recently identified possible modifications to the proposed project to address these LCP concerns. These potential modifications include increasing the setback from the Black Hill Natural Area to 40 feet to address fire safety issues and to avoid the need for fuel modification on state property, increasing the setbacks for residential structures (100 feet) and eliminating grading in the immediate vicinity of the stream and riparian corridor in exchange for the placement of other development (roadway, sidewalks, cars, storm water infrastructure, urban landscaping, etc.) in closer proximity to (roughly 50 feet) the designated ESHA, and avoiding most of the raptor habitat trees. The Commission finds that the Applicant's proposal, if properly refined, can form the foundation of an approvable project that can be found adequate in this case to protect resources

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<sup>4</sup> Local jurisdictions which provide their own fire fighting capabilities are not subject to state fire safety mandates.



consistent with the LCP (see modifications to approve project below).

**B. Modifications Necessary to Approve Project Consistent with the LCP**

There are feasible project modifications available that could address the above ESHA/stream, park land, and raptor habitat LCP inconsistencies and result in an approvable and LCP consistent project. Primarily, this requires adjustment of the allowable development footprint to avoid and buffer the resources as described above.

**ESHA/Stream Protection**

With respect to the ESHA/stream area, the Commission finds that a 50-foot buffer should be sufficient in this case to protect against the types of adverse impacts described above that would be expected due to residential development. No development, other than habitat enhancement (see also below) may occur in this buffer area. In addition, and to further protect the ESHA/stream area, only an access road and related utilities and very limited residential development would be allowed within 50 feet of the edge of the buffer (see Exhibit 12). See Exhibit 6 for a graphic depiction of the ESHA/stream area and the required buffer, see Exhibit 12 for the limited development allowed adjacent to that buffer, and see special conditions 1 and 2.

**Black Hill Natural Area Protection<sup>5</sup>**

With respect to the Black Hill Natural Area, there isn't a specific LCP-prescribed park and recreation lands buffer distance, however the LCP does require that development adjacent to parks and recreation land be sited and designed to prevent impacts that would significantly degrade such areas. In other words, the type of use and development proposed (in this case residential) and the type of park and recreation land involved together dictate what would be an appropriate buffer to protect against the types of impacts specified by the LCP. In some cases, a very narrow buffer might be sufficient (e.g., for a residential site adjacent to a developed park with play structures, etc.), and in others a very large buffer might be appropriate (e.g., for a residential site adjacent to a park designed to accommodate hang-gliders). In this case, the park and recreation lands involved are a State-designated Natural Area of high resource value and sensitivity that is predominately ESHA and that has been designed to be left alone to function as naturally as possible (without human use, activity, and interruption). This type of park land generally calls for a wider buffer to allow the natural functions described above to continue without adverse impacts from adjacent uses and development intruding on them. In this case, a 40-foot buffer should provide adequate separation to ensure protection of the adjacent park land as required by the LCP, as well as meet the minimum standards for defensible space as mandated by State Parks and the City's fire code (although these State Park and City standards are not a part of the LCP, and can only provide guidance on this point). This represents a reasonable setback to avoid the kind of problems identified above.

With regard to the fire safety issues and the necessary associated buffer from BHNA, although a

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<sup>5</sup> See also fire hazard avoidance findings that follow.



separate fire buffer might typically be applied (i.e., in addition to the 40-foot park wildland buffer) so as to protect the function and utility of the park wildland buffer itself, in this case there are other complementary fire safety/buffer measures that can be applied in addition to the 40-foot park wildland buffer to allow the site to be reasonably developed given the constraints present here. Specifically, the fire safety measures applied by the City in its local review are all still relevant (i.e., sprinklers, fire resistant construction, fire hydrants, wall along State park boundary). The wall provides a dual function as a fire safety tool and as a means of screening residential noise, lights, and activities as seen from within BHNA. In addition, it is possible to develop the site in such a way that the utility of 40-foot wildland buffer is maximized, including for fire safety, and the site's potential development area is maximized as well (recognizing that the various resource areas and issues each remove a portion of the site from potential development, including the 50-foot ESHA/stream buffer mentioned above, and the raptor habitat and viewshed issues discussed further below). This can be accomplished by allowing at-grade improvements (e.g., roadway, sidewalk, landscaping, etc.) and minor non-permanent structures (i.e., fences, park equipment, etc.) that do not require fuel modification or other measures for fire safety within the 40-foot wildland buffer, and ensuring that the masonry wall is tall and thick enough to filter out any noise, lights, and activities that might occur on the site and in the combined buffer area. In this way, any fire safety clearing would take place on the Applicant's property and would not extend into the adjacent natural area (i.e., residences and structures requiring fire clearance would be no closer than 40 feet from BHNA). This fire safety zone could still be used for development (streets, lawns, play structures, etc.) that doesn't itself require fire clearance. Given the potential level of use within the 40-foot area, and to ensure the utility of the 40-foot park wildland buffer distance to protect BHNA function, the wall would need to be six feet tall and capable of sufficiently attenuating noise (the wall would essentially become an inert object as seen from the BHNA side of the development). Tree and vegetation screening to ensure residential activity areas are screened from view from within BHNA is also necessary (see also tree protection findings below). In this way, the buffer utility is maximized at the same time as ensuring adequate development area for the applicant.

See Exhibit 6 for a graphic depiction of the Black Hill Natural Area and the required buffer, and see special condition 1.

#### Raptor Habitat Protection

With respect to the on-site raptor habitat area, the proposed development must avoid the eastern portion of the raptor grove (the area of the raptor grove within roughly 225 feet of the eastern property boundary; see the raptor habitat protection portion of the raptor habitat area depicted in Exhibit 6), including avoiding any direct removal of trees and avoiding any activities that might adversely impact this portion of the grove. This can be accomplished by ensuring that development is kept out of the driplines of this portion of the raptor grove. Although it is sometimes necessary to include an additional buffer around raptor nesting trees to further protect the trees from development and ensure that nesting raptors are not disturbed, such additional buffering is typically applied in cases with long documented history of nesting by listed raptors, and when such trees are considered ESHA. In this case, the nesting raptors are not federally or state-listed, the habitat does not rise to the ESHA level (as previously indicated), and the documentation about their use patterns is primarily anecdotal. Accordingly, in this



case, a dripline buffer should be sufficient to protect this habitat. This finding is partially premised on the fact that the Monterey cypress and Eucalyptus trees used by the raptors are mature trees and very tall, and they are growing on a slopes above the existing roadway, thus there is good vertical separation between the raptor nest areas and the proposed development below. In addition, the row of trees is growing at least partly within and/or immediately adjacent to the 100-foot limited development area and the 50-foot ESHA/stream buffer, which de facto also acts as a kind of buffer for the raptor habitat. See Exhibit 6 for a graphic depiction of the protected portion of the raptor grove and the associated dripline, and see special condition 1.

#### Road Access Issues

With respect to site access, access can only be gained from a public street off of the property's South Bay Boulevard frontage. The northern portion of the site is occupied by the ESHA/stream corridor, the western property line abuts the State Park, and the remainder is flanked by the Blue Heron Terrace Mobile Home Park (see Exhibit 1). The South Bay Boulevard property frontage is about 180 feet in length, and about 160 feet of that frontage is comprised of the ESHA/stream corridor and the area within 100 feet of it. The remaining twenty feet or so is occupied by the large upper canopy trees that are part of the raptor habitat grove oriented perpendicular to South Bay Boulevard. As described above, these mature trees provide nesting and roosting opportunities for raptors, and are critical to the overall functioning of the on-site and adjacent habitat plant and animal community.

Existing access to the site is located approximately 40 feet from the south corner of the property, between the hedgerow of trees and the drainage culvert beneath South Bay Boulevard. The proposed/improved access driveway would be constructed on top of the existing unimproved access road and, as a consequence, within the 100-foot ESHA/stream buffer. LCP Policies 11.06 and 11.14 contain provisions that allow a reduction to the 100-foot buffer when necessary to accommodate a designated use of the site; but stipulates that the buffer not be reduced to less than 50 feet, and further require that mitigation measures be developed to restore and re-establish riparian vegetation as mitigation for the buffer incursion as well as to offset any prior removal of vegetation in the buffer (such as apparently has been the case on this site, as described earlier). The development that is the subject of this permit action would be so precluded by a strict application of the LCP's 100-foot minimum ESHA/stream habitat buffer and thus a minor downward adjustment to accommodate road access to the otherwise "landlocked" developable area is warranted in accordance with the LCP.<sup>6</sup> This is particularly the case inasmuch as the proposed road access location from South Bay Boulevard is probably sited in the least environmentally damaging location with respect to the ESHA/stream and raptor habitat grove in that respect. Accordingly, a portion of the road access is allowed within the 100-foot buffer area, but no closer to the ESHA/stream than 50-feet. See Exhibits 6 and 12 for a graphic depiction of the road exception area, and see special condition 1.

With respect to the configuration of the road within the buffer, it needs to be the minimum width necessary so as to limit its intrusion into the LCP required buffer to the maximum extent feasible. In this

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<sup>6</sup> See Exhibits 6 and 12 for a graphic depiction.



respect, the road and any sidewalk (and any curb and gutter) together can be at most 28 feet wide, or 24 feet if there is no sidewalk. This will allow adequate space for ingress and egress, and for any emergency response (including through the use of rolled curbs as proposed), and will promote pedestrian access into and out of the residential subdivision. See special condition 1.

#### Other On-Site Tree Protection

The remaining trees growing on the site (outside of the ESHA/stream area and outside of the raptor grove) consist of some scattered trees in the upland portion of the site and a row of elm, eucalyptus and Monterey pine growing mostly beneath existing utility lines along the western property boundary. With respect to the western property boundary trees, they have been significantly altered via limb pruning and topping over the years in relation to the lines. These trees do not appear to provide significant nesting and perching opportunities for raptors and thus they may be removed if necessary. However, any such tree removal and any development otherwise must ensure that activity areas associated with residential development (i.e., decks, windows, etc.) are screened from view as seen from within the Black Hill Natural Area to ensure that such movement does not impact BHNA wildlife habitat, and that development is screened from view as seen from northbound Highway 1 (see special condition 2). There may be some tree removal for residential siting purposes, and in order to rid the site of non-native and invasive species (see also finding below), but the final mix of vegetation and trees on site must be capable of these screening functions. In any case, given the size of the trees that might be removed, and their proximity to trees that provide nesting and roosting opportunities for raptors, there is a potential for the proposed tree removal to disrupt nesting and roosting activities which could lead to unsuccessful breeding and foraging. Accordingly, special condition 2 requires tree removal to be minimized, and for any necessary tree removal to be accomplished in a manner that ensures that all trees to be retained are protected and raptors are not disturbed during nesting.

#### Lighting Requirements

In order to protect against impacts of lights and glare extending into the ESHA/stream area, the BHNA, and the raptor grove during the evening, special condition 2 requires submittal of a lighting plan indicating the location, type, and wattage of all light fixtures. Lighting must be minimized (in terms of number of lights and brightness) and must be designed and located to prevent illumination of the ESHA/stream area, the BHNA, and the protected portion of the raptor grove and to protect views of the night sky. All lighting shall be the lowest intensity levels necessary to provide safety and security. If pedestrian lighting is contemplated for the subdivision, low-profile, low-wattage bollard style lights along the pedestrian sidewalk shall be used. Pole mounted lighting shall avoided if feasible, and any that cannot be avoided shall be limited in height so that it is not visible from Highway One and so it does not illuminate the ESHA/stream area, the BHNA, and the protected portion of the raptor grove.

#### Water Quality

To protect the biological productivity of the ESHA/stream, and downcoast receiving waters (including Chorro Creek) and to prevent urban runoff and sedimentation from degrading the habitat values of these areas and the adjacent park land, special condition 2 requires preparation of drainage, erosion, and



sedimentation control plans to be implemented both pre and post construction. Among other things, the plans require implementation of construction best management practices (such as designation of staging areas for equipment and materials, installation of silt fences, temporary detention basins and other control measures to intercept, filter, and remove sediments contained in runoff from the construction, staging, and stockpiling areas). The post-construction drainage plan requires identification of all necessary infrastructure and best management practices necessary to ensure that post-construction drainage from the project including runoff from the residences, roadway, paths, parking areas, and other impervious surfaces does not result in erosion, sedimentation, or degradation of coastal water quality (see also water quality findings that follow). The drainage system must be designed to filter and treat the volume of runoff produced from each and every storm event up to and including the 85<sup>th</sup> percentile 24-hour runoff event prior to its use for on-site irrigation or its discharge offsite. See special condition 2.

#### Restoration Required

Finally, in order to allow for the road incursion into the required 100-foot ESHA/stream buffer (and to mitigate its impacts, and the impacts of prior vegetation removal, as directed by the LCP, including LCP Policy 11.14 (Buffers; Mitigation Required)), special condition 3 requires the applicant to submit a revised Riparian Habitat Restoration and Enhancement Plan to restore and revegetate the ESHA/stream area and its 100-foot buffer to a natural functioning condition with native plant species that are endemic to Morro Bay, and that are capable of providing for screening of the residential development otherwise. The plan shall provide for all non-native and invasive species to be removed and controlled within the restoration area. The plan must also include provisions for ongoing maintenance, monitoring, and performance criteria to ensure successful restoration/remediation of the site. The objective of the plan and the associated restoration shall be to return the ESHA/stream channel to a functioning system, similar to the resource extending upstream on the Black Hill Natural Area. See special condition 3.

#### Exotic Vegetation and Tree Removal Required

In order to protect the on and offsite ESHA areas and related habitats, including the significant BHNA habitat and Chorro Creek, exotic vegetation on the site outside of preservation areas must be removed and kept from the site. Special condition 4 requires the applicant to submit an Invasive Plant and Tree Removal Plan that prohibits the introduction of non-native invasive species and identifies methods for removing, controlling, and preventing the introduction of invasive exotic plants and trees on the subject site. The Plan must be implemented consistent with the ESHA/Stream Habitat Area and Buffer Restoration and Enhancement Plan (see special condition 3) and shall apply for the life of the project.

#### C. ESHA, Other Habitat, and Park Land Protection Conclusion

The project, as conditioned, can be found consistent with the LCP policies cited in this finding above because it has been sited and designed to avoid direct impacts to ESHA and related resources, and to avoid degradation and disruption of ESHA and related resources on and off the site, including by clustering development in the least environmentally sensitive area of the site, appropriately buffering on and offsite resources, and ensuring that development impacts otherwise are addressed (including limiting and controlling lighting, filtering and treating drainage, etc.). In sum, as conditioned, the project



will ensure the protection and enhancement of the identified habitats and be consistent with the certified City of Morro Bay LCP.

## **B. Visual Resources**

### **1. Applicable LCP Visual Resource Policies**

The LCP includes visual resource policies designed to protect public views to and along the shoreline, the coastal area more generally, and designated scenic areas. More specifically, LUP policies 12.01 and 12.02 state, in relevant part:

*LUP Policy 12.01 The scenic and visual qualities of coastal areas 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 areas, 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, shall be subordinate to the character of its setting.*

*LUP Policy 12.02 Permitted development shall be sited and designed to protect views to and along the coast and designated scenic areas and shall be visually compatible with the surrounding areas...*

*LUP Policy 12.06 New development in areas designated on Figure 31 as having visual significance shall include as appropriate the following:*

- (a) Height/bulk relationships compatible with the character of surrounding areas or compatible with neighborhoods of special communities which, because of their unique characteristics are popular visit destination points for recreation uses.*
- (b) Designation of land for parks and open space in new developments which because of their location are popular visitor destination points for recreation uses.*
- (c) View easements or corridors designed to protect views to and along the ocean and scenic and coastal areas.*

### **2. Visual Resource Setting and LCP Consistency Analysis**

Partly because of its geographic setting between the volcanic upland areas of Black Hill and the upper reaches of the Morro Bay estuary, and partly because of its rural, central California setting, the project area is located in a significant public viewshed. See Exhibit 2 for photographs of the site and setting. The site of the proposed development is nestled on the northern flank of Black Hill directly adjacent to the Black Hill Natural Area component of Morro Bay State Park. As described earlier, this State Park natural area occupies some 300 acres adjacent to the project site. Across South Bay Boulevard to the



east lies the Chorro Flats wetland restoration area. An unnamed tributary to Chorro Creek extends from the BHNA area across the subject property and to Chorro Flats (and ultimately to Chorro Creek and Morro Bay proper). The site is visible from several vantages including from Highway One, South Bay Boulevard, and Morro Bay State Park. The City's certified Land Use Plan (Figure 31) designates the Black Hill Natural Area as a public viewpoint of significant importance.

The proposed 17 two-story residences will be constructed directly adjacent to and sandwiched between the Blue Heron Mobile Home Park and the Black Hill Natural Area. The existing mobile homes are low-profile, single-story dwellings. Although they appear out of character with the open space and rural nature of the surroundings, their visual prominence is reduced due to their modest height and scale and intervening vegetation. That is not to say that the mobile home park is undetectable or concealed from Highway One, South Bay Boulevard, and Morro Bay State Park. These dwellings are visible from these public vantages; however, because of their low profile and existing vegetation they appear to be set somewhat into the lower flank of Black Hill, thus tempering their impact on the public viewshed.

The proposed new 17 residential units would be two stories in height and would be constructed at a base elevation that is several feet higher than the mobile home park. Due to the orientation of the site, the lower levels of the proposed residences would appear to be mostly screened by the mobile home park, as seen from north (west) bound Highway One. However, because the proposed units would be two stories in height, much of these second story elements would extend above the roofline of the existing mobile home park units and into the public viewshed. Exacerbating the visual impact is the Applicant's proposal to remove nearly all the mature trees from the project site. Many of the trees slated for removal currently provide screening of the mobile home park units, and together with existing trees on the adjacent State Park property, help the blur the line between urban development and open space land, providing a significant visual transition area. The trees would be removed as part of site grading of nearly 7,000 cubic yards of grading, and grubbing over more than 70% of the property to create cleared, level building sites.

The LCP clearly requires that scenic and visual qualities at this location be protected (as a resource of public importance), and also requires new development to be sited and designed to protect views to and along scenic areas, and where feasible to enhance the visual quality of visually degraded areas (LUP Policies 12.01 and 12.02). The LCP further requires that alteration of natural land forms be minimized and that new development be compatible with the character of the surroundings. It also requires new development to be subordinate to the character of the setting in designated scenic areas, such as adjacent to the Black Hill Natural Area, requires that new development maintain specific height/bulk relationships with surrounding areas and neighborhoods, and requires provisions of view easements and corridors (LUP Policy 12.06 and LUP Figure 31).

The proposed development is inconsistent with the LCP's visual resource policies identified above. Specifically, without adequate vegetative screening and exterior treatment, the two-story design of the residences could degrade important views by placing additional unscreened/uncamouflaged urban development within the northbound Highway One viewshed. Specifically, the upper stories of the proposed residential development would extend above existing vegetation and existing structural



development and into the view of Black Hill as seen from northbound Highway One (views of the development would be blocked by natural topography when headed southbound). In sum, the LCP designates this viewshed as 'publicly important' and 'significant' and even the modest incursion into it could result in visual incompatibility. Accordingly, the proposed project does not conform to the certified LCP policies regarding the protection, and enhancement, of scenic and visual resource areas.<sup>7</sup>

The required siting and design modifications identified in the preceding findings above, including the establishment of a development area outside of the 50-foot ESHA/stream buffer, outside of the majority of the raptor nesting grove, and outside the park wildland buffer, and retention of a significant number of trees on the site, will result in greater screening of the development than there would be otherwise. Even with these changes, though, the project still raises issues with respect to the above described LCP visual resource protection requirements. LCP Policies 12.01 and 12.02 require new development to be visually compatible and subordinate to the character of the setting, and where feasible, to restore and enhance visually degraded areas, and LUP Policy 12.06 (and LUP Figure 31) clearly contemplates that the Black Hill viewshed is visually significant and demanding of even greater development sensitivity.

In order to bring the project into conformance with the LCP provisions, the proposed new residences would need to be limited to no higher than 25 feet above grade and constructed in such a way as to not be visible from Highway One, including through use of screening trees and vegetation as needed, and through ensuring that exterior colors are limited to earthtone hues. In addition, the property line adjacent to the mobile home park must be landscaped with appropriate native plants and trees to blend the new residential development in with the existing natural aesthetic. The Applicant would be given flexibility to design residential units as proposed within the allowable building area, but such structures could not be visible from Highway One.

Accordingly, special condition 2 requires the submittal of revised final plan details including site plans and elevations for the new residential structures, roadways, and lot configurations. In order to preserve the open character of the site and surroundings, and to minimize landform alteration, development shall be contained within the allowable disturbance area established by special condition 1 and as generally shown in Exhibit 6. Lot size, building pad orientation, and roadway configuration should take into consideration existing trees, required open space, and drainage patterns. To avoid introducing additional urban development into the public viewshed, all residences shall be limited to 25 feet in height, as measured from natural grade to the ridge height, screened by trees and vegetation (see also below), and appropriately colored. Special condition 1 further requires all new development to conform to all applicable setbacks, density requirements, and other development standards of the Morro Bay certified LCP.

Tree removal shall be allowed only as described in the ESHA, other habitat, and park land findings above. Additionally, the Applicant is required to submit a revised landscaping plan (special condition 2) that includes planting both upper and lower canopy tree and shrub species native or naturalized to the area (e.g., Monterey cypress, Monterey pine, coyote bush, etc.) along the eastern property boundary

<sup>7</sup> The Applicant's recent potential modifications provide a foundation for developing an approvable project.



adjacent to the mobile home park to provide screening and visual relief of the proposed new residences. Such screening augmentation builds upon the Applicant's recent indication that he would be amenable to planting upper canopy trees in each east facing rear yard to help screen the proposed new development from Highway One views.

As a means to limit landform alteration as much as possible as required by the LCP, special condition 2 requires the submittal of final grading plans that prohibit all unnecessary changes in the natural grade of the site. Grading shall be limited to the building pads for the residences, driveway, and roadway contours.

### **3: Visual Resource Conclusion**

The project as proposed does not adequately protect the publicly important and LCP designated significant viewshed of Black Hill as seen from north (west) bound Highway One, as required by the LCP. The subject site is located within a significant public viewshed, and the project would introduce additional structural development that would be incompatible with it into that viewshed, inconsistent with the LCP. Modifications to reduce project viewshed impacts are feasible and necessary. As conditioned, the Commission finds that the proposed project can be found consistent with the certified LCP's visual resource policies (i.e., LUP Policies 12.01, 12.02, and 12.06).

## **C. Fire Hazards**

### **1. Applicable LCP Fire Hazard Provisions**

*LUP Policy 9.01 All new development located within areas subject to natural hazards from geologic, flood, and fire conditions, shall be located so as to minimize risks to life and property.*

Given that the operative requirement in this policy is to minimize risk, and given that fully minimizing is to avoid, this policy requires that fire risks be avoided, and where unavoidable, minimized as much as possible.

### **2. Fire Hazard Setting and LCP Consistency Analysis**

The majority of the adjacent State Parks' Black Hill Natural Area consists of dense scrub and chaparral vegetation. Much of this vegetation relies on fire for seed release, and the leaves and bark of scrub/chaparral plant species contain flammable resins that encourage combustion and burning. The longer the interval between fires, the greater the risk of a particularly intense and destructive fire because of the large amount of highly flammable dead vegetation. In addition, there is a stand of eucalyptus and Monterey pine trees on the State Park adjacent to the subject site, which have deposited a significant amount of bark and leaf litter to the already abundant dead vegetation. Several Monterey pines appear to have succumbed to pine pitch canker. The dead lichen covered trees and snags provide further evidence of the extreme fire hazard of the area. More recently, the California Department of Forest and Fire Protection's 2007 Draft Fire Hazard Severity Zones for Local Responsibility Areas



identifies the Black Hill Natural Area and the subject parcels as a "very high fire severity" zone.<sup>8</sup>

Certain aspects of the proposed development (siting and construction of single family residences, street ends, and vehicle parking spaces) would be located immediately adjacent to the State Park natural area (see Exhibit 3). In some cases, the proposed new residences and/or parking areas would be constructed to within five feet of this natural area. Even with the proposed construction of a block perimeter wall, the proposed structures would remain at risk of fire because of the close proximity of the residences and human activity to a natural area within which natural fire processes are at play.<sup>9</sup> From discussions with the Department of Parks and Recreation staff, the Black Hill Natural Area has not had a major fire in decades.<sup>10</sup>

The proposed project does not adequately acknowledge the fire hazards at this site, does not adequately set back structures to avoid and minimize the threat from a fire, and does not allow for adequate defensible space all on the subject property that will avoid impacts to BHNA. The proposed project places development in immediate risk of fire, and has not minimized this risk appropriately. As such, the proposed project is inconsistent with the hazard avoidance policies of the LCP. The certified LCP, and in particular LUP Policy 9.01, requires a protective approach (i.e., risk minimization through avoidance of development in high fire hazard areas). Specifically, LUP Policy 9.01 states that all new development in areas which are subject to natural fire hazards shall be sited to minimize risk to life and property. In order to fully minimize the risk to life and property in this location, development directly adjacent to the high fire hazard area (i.e., Black Hill Natural Area) must be avoided, and an adequate buffer for defensible space provided. Although the LCP does not explicitly identify minimum fire safety buffers for wildland-urban interfaces such as this, the issue of fire safety and the need for such buffers has become more and more of a statewide issue and concern, particularly in light of recent fires that have left a trail of destruction in their wake. The State recently adopted a revised standard requiring a 100-foot defensible fire safety space requirement that applies for all properties along the wildland-urban interface area (per State Public Resource Code Section 4291) in State Responsibility Areas (SRAs), and this was the basis for the recommended 100-foot fire safety buffer in Commission staff's November 2007 report to the Commission. Since the release of the November 2007 staff report, new information has come to light that indicates that local jurisdictions with municipal fire departments, such as Morro Bay, may choose to adopt some or all of the fire safety regulations in the California Fire Code, but are not required to do so. Accordingly in this case, as the agency of first response, the City fire department can establish its own fire safety standards. The City fire department standards specify a minimum 30-foot setback for all new structures within the wildland-urban interface zone, although these rules are not part of the LCP. State Parks requires 40 feet of defensible space in order to protect State Park land from inappropriate fire buffer manipulation, although this standard is likewise not part of the LCP.

<sup>8</sup> See [http://www.calfire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland\\_zones.php](http://www.calfire.ca.gov/fire_prevention/fire_prevention_wildland_zones.php).

<sup>9</sup> This is also the case because the height of the wall as proposed varies from 2 to 6 feet, and as such is not tall enough (particularly the lower sections) to provide the kind of buffering utility necessary.

<sup>10</sup> Personal communication between Commission staff planner Mike Watson and DPR Senior Environmental Scientist, Vince Cisero on August 15, 2007.



In sum, the LCP requires that the fire risk be avoided and, where unavoidable, minimized, but it does not specify a particular buffer distance. The State identifies a minimum 100-foot buffer, the City identifies a 30-foot buffer, and State Parks identifies a minimum 40-foot buffer. With recent legislative changes and enhanced concern for ensuring adequate fire safety in new development, the trend over time with such buffering rules has been moving towards larger and larger buffers/defensible space requirements, and there is little to indicate that this trend will change in the future. Given these facts, and in this case, the Commission finds that 40 feet is the minimum distance necessary to satisfy the LCP's hazard avoidance policies. Although the 100-foot buffer would provide greater hazard avoidance, and greater protection to State Parks Black Hill nature preserve, a 40-foot buffer in this case meets (non-LCP) guidance associated with City and State Parks' standards, and seems reasonable for this site. This finding is also premised on ensuring the complementary fire safety mitigations associated with the project are also included to help alleviate fire concerns (such as sprinklers in all new structures, fire resistant construction (closed eaves, stucco exterior, etc.), masonry wall, readily accessible fire hydrants, etc.).<sup>11</sup>

Thus, in order to minimize the risk from fire hazard and bring the project into conformance with the certified LCP, the proposed building sites must be adequately setback from the fire-dependent and highly flammable State Park wildland natural area in such a way as to allow adequate space for defensible space parameters. As discussed in the preceding findings of this report, the Applicant is required to relocate all primary structural development (i.e., residences, garages, auxiliary units, etc.) 40 feet from the western property line to protect Black Hill Natural Area consistent with the LCP. Revising the project in this way is also necessary for achieving consistency with the fire hazard avoidance policies of the LCP. As noted previously, although an additional fire buffer might typically be applied (i.e., in addition to the 40-foot park wildland buffer) so as to protect the function and utility of the park wildland buffer itself, in this case the other complementary fire safety/buffer measures can be applied in addition to the 40-foot park wildland buffer to have the same or similar utility and that will allow the site to be reasonably developed while respecting the constraints present here. Again as discussed in the preceding findings, non-permanent structures (i.e., fences) that do not require buffering or fuel modification as well as at-grade improvements (roads, landscaping, sidewalks, etc.) may be constructed within the 40-foot setback, but development necessitating defensible fire safety space (e.g., the residences) could not. The buffer area not only protects the adjacent State Park BHNA land from the impacts of development, but also protects the life and property on the site from the fire hazards associated with development adjacent to this natural area.

See exhibit 6 for a graphic depiction of the required buffer, and see special condition 1.

### **3. Fire Hazard Conclusion**

Although the proposed project includes a number of good fire safety precautionary measures, it also locates the primary residences, roads, and parking immediately adjacent to a 300-acre natural area where

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<sup>11</sup> The 40-foot buffer area is also consistent with the Applicant's recently submitted potential revised site plan that indicates that the Applicant is amenable to a project that respects the 40-foot fire safety buffer; see Exhibit 8.



natural fire processes are at play without adequate setback to allow for defensible space requirements on site, contrary to LCP fire hazards policies that prohibit new development in areas of high fire danger. Modifications are necessary if the project is to be found consistent with the LCP in this regard. As conditioned to ensure adequate defensible space on-site and for complementary fire safety measures, the project can be found consistent with the LCP's fire hazard provisions.

## **D. Water Quality**

### **1. Applicable LCP Water Quality Protection Policies**

The LCP contains policies that provide for the protection of coastal waters and wetland habitat. In addition to the ESHA and other habitat policies cited earlier (incorporated herein by reference) that protect these resource areas, LCP Policies 11.17 and 11.19 state as follows:

*LUP Policy 11.17 The biological productivity of the City's environmentally sensitive habitat areas shall be maintained and where feasible restored through maintenance and enhancement of the quantity and quality of Morro and Chorro groundwater basins and through prevention and interference with surface water flow. Stream flows adequate to maintain riparian and fisheries habitat shall be protected.*

*LUP Policy 11.19 No vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses. New development adjacent to wetlands shall not result in adverse impacts due to additional sediment, runoff, noise, or other disturbance.*

### **2. Water Quality Setting and LCP Consistency Analysis**

The proposed project includes a wide range of activities that have the potential to increase runoff and adversely affect water quality. Demolition of the existing residences, grading of over 70% of the site area, and removal of more than 50 mature trees individually and cumulatively have the potential to cause sedimentation and pollutant loading of the adjacent stream and drainage area and adjacent State Park Natural Area during construction. In addition, the construction of 17 residential homes/townhomes, driveways, realignment, widening, and formal improvement/expansion of the existing access roads, will increase the amount of site coverage from about 10% currently to more than 60% after construction is complete and this too will alter runoff patterns. Because the primary use of the new subdivided property is residential, one can also expect the additional runoff to contain typical urban runoff pollutants. Streets, driveways, and parking areas will be used for vehicle traffic and parking of cars, light trucks, motor homes, etc. Runoff from these sites is expected to include pollutants associated with motor vehicles (e.g., oils, brake dust, fluids, etc.), floatables (such as paper, cigarette butts, other trash, etc.), as well as other types of urban pollutants typically associated with residential uses (including pesticides, herbicides, rodenticides, pet waste, etc.). In sum, the development of the site will alter drainage patterns, and will introduce additional uses and development that have the potential to increase pollutant loading within runoff to the detriment of receiving water bodies; in this case the onsite ESHA/stream and ultimately Chorro Creek and Morro Bay. This is the case both in terms of the project as proposed, and



the project as it must be modified to meet LCP requirements (as thus far already discussed in this report).

Recent studies have shown that even an increase of 10% in impervious surfaces can lead to a serious degradation in coastal aquatic ecosystem health. With undisturbed land, as much as 25% of all rain infiltrates into the subsurface aquifers and only 10% ends up as runoff. As the percentage of impervious surfaces increases, less water infiltrates and more ends up as runoff. In urbanized areas, over one-half of all rain becomes surface runoff and deep infiltration is only a fraction of what it was naturally. The increased surface runoff requires more infrastructure to minimize flooding. Natural waterways end up being used as drainage channels, and are frequently lined with rocks or concrete to move water more quickly and prevent erosion. In addition, as deep infiltration decreases, the water table drops, reducing groundwater for wetlands, riparian vegetation, wells, and other uses.

As required by certified LUP provisions 11.17 and 11.19 above, the biological productivity of the environmentally sensitive habitat areas shall be maintained and enhanced through the maintenance and enhancement of the quality of surface water flows. Additionally, new development adjacent to wetland areas must not result in adverse impacts due to sedimentation and /or polluted runoff. Development adjacent to ESHA/stream resources (such as present on this site) must be sited and designed to prevent significant degradation and to maintain the habitat's functional capacity (LUP Policy 11.02).

As noted above, there are potential construction impacts that could affect coastal waters. Site preparation will require the use of heavily machinery and vehicles (e.g., dump trucks, graders, pickups, etc.). There will be trees, utilities, asphalt, and debris to be removed. Site soils and drainage patterns will be disturbed. Construction of the residences and roads will introduce new potentially toxic materials to the adjacent water course (e.g., cement, oils, paints, etc.). The proposed project includes construction of typical curb, gutter, and storm water facilities. Through the City's local review, the proposed project includes installation of oil/water separators between all drainage water inlets and the street gutter. In addition the project is required to be subject to an erosion control plan to prevent sediment and debris from entering the city right-of-way and adjacent sensitive waterways. Even with these protective measures, the volume of runoff will not be reduced and the efficacy of using oil-water separators to adequately filter and treat urban pollutants has been, in the Commission's experience, inadequate. This is particularly the case given the significance of the receiving water bodies in this case, with the seasonal stream on-site connecting into Chorro Flats and Chorro Creek, and ultimately to the Morro Bay Estuary. Accordingly, the proposed development could significantly degrade ESHA/stream resources, coastal waters and aquatic habitats, and it is inconsistent with the LCP.

Fortunately, construction BMPs to ensure water quality standards are well known to the Commission, and there is an emerging body of knowledge forming on post-construction BMPs that can address water quality concerns for residential subdivisions such as this. Accordingly, this project must implement required construction BMPs to ensure that sediment and debris and other construction related materials/pollutants do not enter into the adjacent stream and drainage. In addition, and in terms of post-construction BMPs, the revised developable area and BHNA/fire safety buffer area introduce the potential for the project to incorporate a combination of natural and engineered filtration and treatment



BMPs in series in such a way that typical runoff pollutants are effectively removed from the resultant runoff prior to its use for on-site irrigation and/or prior to its discharge offsite. Specifically, all development should be premised on Low Impact Development (LID) BMP strategies and techniques (e.g., limiting impervious surfacing, maximizing infiltration in BMP design, reducing the hydraulic connectivity of impervious surfaces, etc.), and there appears to be adequate space for a treatment train drainage collection scheme that allows for gross pollutant removal (e.g., trash racks) and vehicle specific pollutant removal (e.g., media filled engineered units) prior to discharge to a natural BMP (like a grassy filter strip and swale) that together will appropriately filter and treat site drainage prior to its use for irrigation or discharge. Thus, special condition 2 requires the applicant to submit a post-construction drainage plan to ensure that all runoff generated from the residences, roadway, paths, parking areas, and other impervious surfaces is limited, and does not degrade coastal water quality. Such plan shall clearly identify a drainage system designed to collect, filter, and treat all runoff prior to its discharge from the site and to remove vehicular contaminants and other typical urban runoff pollutants more efficiently than standard silt and grease traps and oil/water separators. The Commission fully expects such plan to be premised on LID BMP strategies and techniques, and fully expects that the drainage system will incorporate a treatment train approach with BMPs in series, including natural BMPs and pollutant specific BMPs (engineered systems with media filtration and treatment for expected vehicular pollutants), and that the drainage system will be designed to filter and treat the volume of runoff produced from each and every storm event up to and including the 85<sup>th</sup> percentile 24-hour runoff event prior to its use for onsite irrigation or its discharge offsite. See special condition 2.

### 3. Water Quality Conclusion

The proposed project does not adequately minimize the potential for adverse impacts from site drainage, and does not adequately protect important receiving water bodies water quality with respect to site drainage and runoff as required by the LCP. Fortunately, construction and post-construction BMPs can be applied to this site and this situation in such a way as to clearly ensure that site runoff is minimized, collected, filtered, and treated in such a way as to protect receiving water bodies and associated habitats. As conditioned, the project can be found consistent with the City's certified LCP policies protecting water quality and related habitats.

## E. Archaeological Resources

### 1. Applicable LCP Archaeological Policies

The City's LCP policies protect archaeological resources. They state:

*LUP Policy 4.01 Where necessary significant archaeological and historic resources shall be preserved to the greatest extent possible both on public and privately held lands.*

*LUP Policy 4.03 An archaeological reconnaissance performed by a qualified archaeologist shall be required as part of the permit review process for projects with areas identified as having potential archaeological sites. An archaeological reconnaissance will be required for all*



*projects requiring an Environmental Impact Report under CEQA.*

*LUP Policy 4.05 Where archaeological resources are discovered during construction of new development, or through other non-permit activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeological knowledgeable in Chumash culture can determine the significance of the resource and designate alternative mitigation measures. Development that impacts archaeological resources shall be required to mitigate impacts in one of the following manners:*

- a. Removal of artifacts;*
- b. Dedication of impacted area as permanent open space;*
- c. Coverage of archaeological site by at least 24 inches of sterile sand.*

## **2. Archaeological Setting, LCP Consistency Analysis, and Conclusion**

The site was last surveyed for archaeological resources in May 2006 (by Sean A. Lee, Central Coast Archaeology) to establish the presence or absence of cultural deposits and determine whether historic materials visible on the northern, low-lying portion of the property would be impacted by the proposed development of the proposed project. The survey identified two distinct soil types present on the property. The low-lying area adjacent to Quintana Road contains brown loamy clays consistent with soils of a former marsh or estuarine area. The archaeological surveyor concluded “prehistoric cultural materials were neither visible on the surface, nor were they anticipated as this was clearly part of an older wetland and/or drainage.” Nothing of significance was discovered in this area other than relatively fresh shell fragments and modern broken glass. Given this, no further archaeological investigations or recommended mitigations are necessary for this portion of the project site.

The second soil type present on the subject property consists of fine grayish-brown sand consistent with prehistoric midden soils. Seven test sites were hand-excavated. All seven sites produced high concentrations of prehistoric cultural materials including flaked stone debitage, weathered, fragmented prehistoric marine shell, and fragmented, burned mammal and fish bone. In addition, heavier concentrations of prehistoric midden deposits were found to be present on the southern side of the property near the Mobile Home Park. This upper portion of the project site is within the boundary of CA-SLO-1183, a prehistoric archaeological site recorded in 1986. An analysis of the deposits suggests that it has most likely been impacted by historic development and habitation of the subject property, as well as the construction of the neighboring Blue Heron Mobile Home Park. Nevertheless, even though the site has been compromised historically, it was determined that due to the sensitivity of find, it warrants archaeological measures to mitigate for development impacts because of the potential that intact prehistoric cultural materials may exist within CA-SLO-1183.

Through the City’s local review process, the proposed project includes recommended archaeological mitigation measures to avoid disruption of sensitive archaeological resources. The measures include archaeological monitoring during all grading and ground disturbing activities by a qualified



archaeologist, avoidance of resources, recovery of materials, consulting with Native American representatives on the appropriate treatment of human remains, evaluating resources consistent with CEQA when previously undiscovered archaeological resources are found, and providing a Native American monitor. In order to ensure that archaeological resources are protected to the maximum extent possible as provided by LUP policies 4.01, 4.03, and 4.05, special condition 7 incorporates these archaeological mitigations and further requires that a Native American representative be present during any ground disturbance activities to monitor for potential impacts to cultural resources.

As conditioned, the project can be found consistent with the certified LCP policies for protecting archaeological resources.

#### **F. Future Notice**

The terms and conditions of this approval are meant to be perpetual. In order to inform future owners of the requirements of the permit, and add a level of legal implementation of this fact, this approval is conditioned for a deed restriction designed to record the project conditions against the affected property. See special condition 10.

#### **G. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effects which the activity may have on the environment.

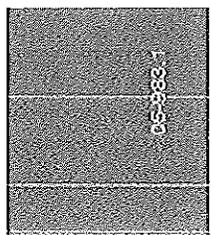
On June 15, 2006, the City of Morro Bay acting as the lead CEQA agency, completed an initial study for the project that concluded that, with the addition of mitigation measures, the project would not have significant environmental impacts. The City incorporated said mitigation measures into their approval of the project.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.



As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).





# Black Hill Villas

Morro Bay, CA

TRAFFIC IMPACT STUDY



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## **TRAFFIC IMPACT STUDY FOR THE BLACK HILL VILLAS**

### **INTRODUCTION**

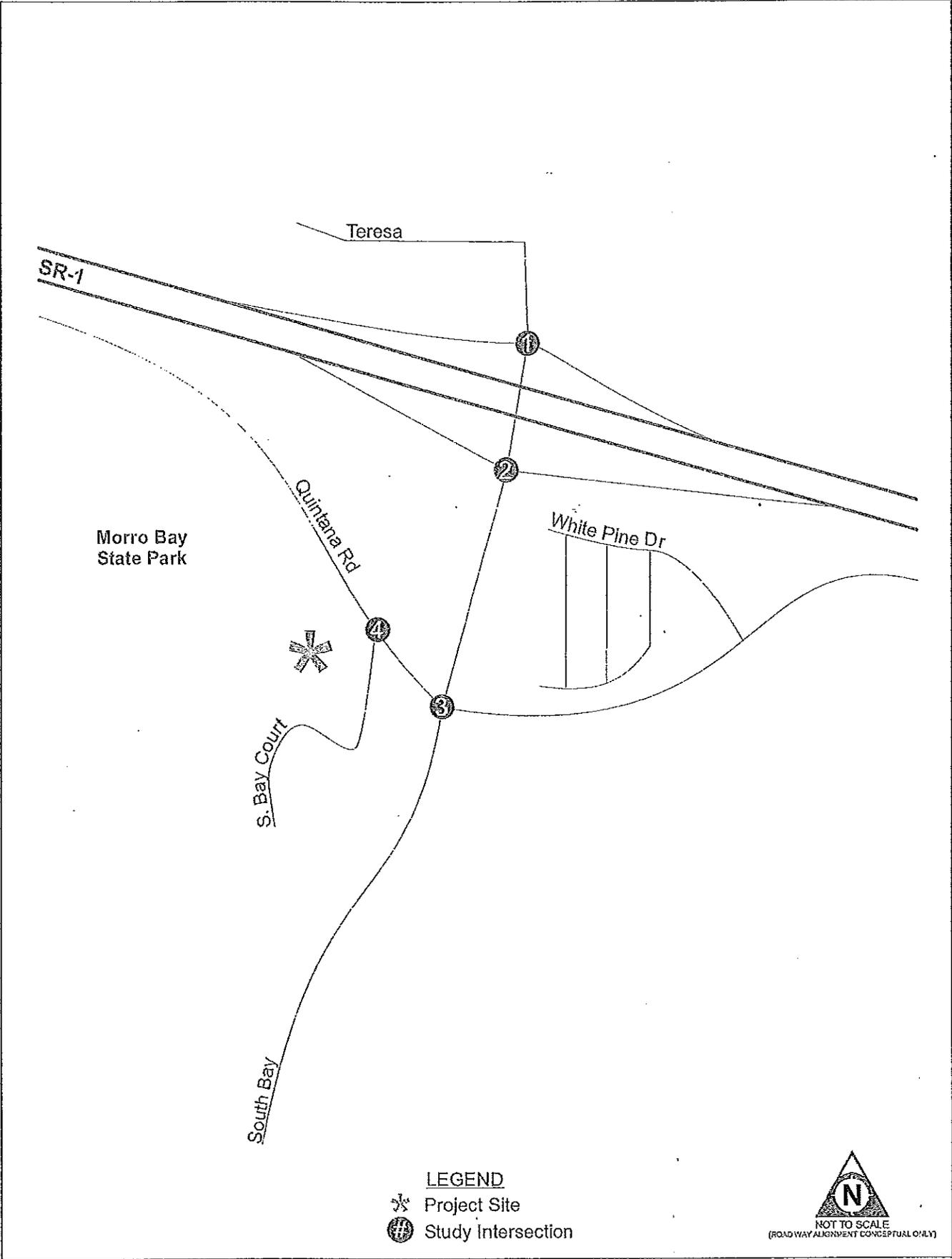
This Traffic Impact Study (TIS) was prepared to assess the traffic impacts due to the development of the proposed Black Hill Villas (Project). This TIS is an update to the TIS prepared by TPG Consulting in March 2006. The Project will be comprised of 15 single family homes and one (1) duplex. The Project will be located south of Quintana Road and west of South Bay Blvd in Morro Bay. Figure 1 shows the Project location. The approximately 3.0 acre Project site is currently occupied by two (2) single-family dwelling units.

The Project study area for the analysis of traffic impacts extends from State Route (SR) 1 (north) to Quintana Road (south) and South Bay Court (west) to South Bay Blvd (east). This report analyzes four (4) intersections for two (2) time periods (weekday AM and PM peak hours). Unsignalized and signalized intersection levels of service were calculated using *Synchro 7.0*, which is an industry standard and is recognized for use by the City of Morro Bay and Caltrans. The *Synchro 7.0* software incorporates the *2000 Highway Capacity Manual (HCM 2000)* methodologies. Signal warrants were prepared using the *California Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways*. The analysis methodology used in this report is summarized in Appendix A.

In addition to evaluating the four (4) study intersections for capacity/LOS, queuing analysis was prepared for the Quintana Road and South Bay Court intersection. Queue lengths used in this analysis were taken from the *Synchro* calculations as appropriate. An Existing collision history was prepared for the Quintana Road at South Bay Blvd intersection and a geometric evaluation was prepared for South Bay Court. A Project parking assessment was also prepared.

To analyze the traffic impacts resulting from the build out of the Project, the following scenarios were evaluated:

- Existing Traffic Conditions
- Existing Plus Project Traffic Conditions



## EXECUTIVE SUMMARY

Table 1 shows the levels of service (LOS) for the study intersections for the various scenarios. Intersections with movements currently operating below or with movements projected to operate below the Caltrans adopted level of service standards are shown in bold in Table 1. The signalized intersection levels of service shown in Table 1 are representative of the whole intersection. Individual intersection movements or approaches may operate above or below the signalized level of service or delay shown in Table 1.

<b>TABLE 1: WEEKDAY LEVELS OF SERVICE SUMMARY FOR THE STUDY INTERSECTION</b>				
<b>Intersection</b>	<b>Existing</b>		<b>Existing Plus Project</b>	
	<b>LOS AM/PM</b>	<b>Delay<sup>1</sup> AM/PM (secs)</b>	<b>LOS AM/PM</b>	<b>Delay<sup>1</sup> AM/PM (secs)</b>
<b>Hwy 1 NB Ramps at South Bay Blvd</b>				
• <b>WB Approach</b>	<b>E/F</b>	<b>41.6/81.1</b>	<b>E/F</b>	<b>42.0/84.3</b>
• NB Approach	A/A	8.3/8.0	A/A	8.4/8.0
<b>Hwy 1 SB Ramps at South Bay Blvd</b>				
• <b>EB Approach</b>	<b>B/B</b>	<b>10.6/13.2</b>	<b>B/B</b>	<b>10.6/13.3</b>
• NB Approach	A/A	0.6/0.4	A/A	0.6/0.4
<b>Quintana Road at South Bay Blvd</b>				
• <b>EB Approach</b>	<b>C/C</b>	<b>16.8/16.0</b>	<b>C/C</b>	<b>18.0/16.4</b>
• <b>WB Approach</b>	<b>D/C</b>	<b>26.9/24.3</b>	<b>D/C</b>	<b>27.1/24.7</b>
• NB Approach	A/A	1.1/1.5	A/A	1.1/1.6
• <b>SB Approach</b>	<b>A/A</b>	<b>0.4/0.5</b>	<b>A/A</b>	<b>0.4/0.5</b>
<b>Quintana Road at South Bay Court</b>				
• <b>WB Approach</b>	<b>A/A</b>	<b>1.3/3.3</b>	<b>A/A</b>	<b>1.5/3.7</b>
• <b>NB Approach</b>	<b>A/A</b>	<b>9.1/9.8</b>	<b>A/A</b>	<b>9.2/9.7</b>

<sup>1</sup> delay per vehicle  
WB = Westbound

secs = seconds  
NB = Northbound

EB = Eastbound  
SB = Southbound

### Level of Service Impacts

As shown in Table 1, the following locations, by scenario, are projected to operate below the appropriate adopted level of service standard:

#### *Existing*

- Hwy 1 NB Ramps at South Bay Blvd
  - WB Approach – AM and PM peak hours
- Quintana Road at South Bay Blvd
  - EB Approach – AM peak hour

#### *Existing Plus Project*

- Hwy 1 NB Ramps at South Bay Blvd
  - WB Approach – AM and PM peak hours
- Quintana Road at South Bay Blvd
  - EB Approach – AM peak hour

**Signal Warrants**

Peak Hour signal warrants were also prepared for all unsignalized study intersections. Based on the warrant, the following locations, by scenario, are projected to meet the Peak Hour signal warrant:

***Existing***

- Hwy 1 SB Ramps at South Bay Blvd

***Existing Plus Project***

- Hwy 1 SB Ramps at South Bay Blvd

**Queue Length Analysis**

Table 2 shows the 95<sup>th</sup> percentile queue lengths for movements at the study intersection for the various study scenarios. Queue lengths are taken from the level of service analysis. As shown in Table 2, the vehicle queues at the study movements are not currently or projected to exceed currently available storage length.

<b>TABLE 2: 95<sup>TH</sup> PERCENTILE QUEUE LENGTHS FOR THE STUDY INTERSECTION<sup>1</sup></b>			
<b>Intersection</b>	<b>Currently Available Storage</b>	<b>Existing</b>	<b>Existing Plus Project</b>
Quintana Road at South Bay Court			
• WB Approach	115 <sup>2</sup>	1/2	1/2
• NB Approach	88 <sup>2</sup>	2/1	3/2
Quintana Road at South Bay Blvd			
• SB Approach	610 <sup>2</sup>	1/1	1/1
• EB Approach	115 <sup>2</sup>	12/20	16/21

<sup>1</sup> All distances shown are in feet  
EB = Eastbound  
SB = Southbound

<sup>2</sup> Available queue storage before blocking upstream intersection  
WB = Westbound NB = Northbound

**Recommended Improvements**

To mitigate the study intersection, the following recommendations should be considered:

- Hwy 1 NB Ramps at South Bay Blvd

As shown above, the NB Ramp intersection currently operates at an unacceptable LOS. Although the delay for the WB approach (NB off-ramp) exceeds the adopted LOS standard, the vehicles queues which develop on the off-ramp do not currently present a problem to mainline Hwy 1 traffic flow. The vast majority of traffic at this intersection, during the AM and PM peak hours, is split between 2 movements (NB left-turns and WB left-turns). Due to the directional bias and platooning of vehicles on the free movement (NB left), the delay experienced by the WB left-turning vehicles is likely less than projected by the software.

- Hwy 1 SB Ramps at South Bay Blvd

The SB Ramp intersection operates at an acceptable LOS but meets the peak hour signal warrant. Typically, Caltrans does not recommend the installation of a traffic signal at a diamond interchange where only one intersection meets only one of the signal warrants. As recommended in the March 2006 TIS, Caltrans would require a full warrant study of the interchange before recommending the installation of a traffic signal(s) at the Hwy 1 at South Bay Blvd interchange.

- Quintana Road at South Bay Blvd
  - All movements at this intersection currently operate and, with the additional traffic from the Black Hill Villas, are projected to operate above the City's LOS standard in both the AM and PM peak hours. One exception exists at the westbound approach which operates below the City's level of service standard of "C" in the AM peak hour.
  - The intersection does not currently meet the State's peak hour signal warrant for installation of a traffic signal and is not projected to meet the warrant with the additional traffic from the Black Hill Villas project.
  - It should be noted that the City's level of service standard is exceeded by approximately three (3) westbound vehicles in the AM peak hour. This means that a reduction of three (3) AM peak hour left-turn or through vehicles on the westbound approach would allow the movement to meet the City's LOS standard.

## **PROJECT**

The Project will be comprised of 15 single family homes and one (1) duplex. The Project will be located south of Quintana Road and west of South Bay Blvd in Morro Bay. Project access will be via South Bay Court which connects to the south side of Quintana Road.

### **Parking Evaluation**

In order to evaluate the number of spaces needed for the proposed Project, 2000 Census Data was utilized, including Tenure by Vehicles Available (Table H44, Summary File 3) and Vacancy Status (Table H8, Summary File 3). The data for both the City of Morro Bay as well as the block group containing the proposed project was reviewed and the worst case, block group, was used in the evaluation.

The 15 single family dwelling units and one (1) duplex are proposed to be constructed with two (2) car garages and two (2) car driveways for a total of four (4) parking spaces per dwelling unit. This equates to a total of 68 spaces. In addition there are a total of 12 visitor spaces scattered through out the site as shown on the site plan for a total of 80 potentially available parking spaces. Assumptions used in this evaluation are as follows:

- 100% owner occupied, full time – if assumed as 2<sup>nd</sup> home or seasonal rental then there would potentially be 28% (5) of the dwelling units vacant at any given time therefore 100% owner occupied, full time should be considered worst case
- Two (2) car garages used solely for storage – result, a reduction in available parking of 34 spaces
- % Auto Ownership and resulting number of vehicles
  - 1 vehicle – 39%; 7 vehicles
  - 2 vehicle – 48%; 16 vehicles
  - 3 vehicle – 7%; 3 vehicles
  - 4 vehicle – 4%; 4 vehicles
  - 5+ vehicle – 2%; 0 vehicles

Using these statistics would yield a potential 46 available parking spaces for a typical daily use of 30 vehicles generated by the home owners. This leaves a remainder of 16 parking spaces to be used by visitors comprised of the 12 visitor spaces and 4 driveway spaces.

Location of the visitor spaces are such that there are four (4) spaces available for the five (5) dwelling units located at the front of the development. There are six (6) spaces located in the middle of the development surrounded by eight (8) dwelling units and two (2) visitor spaces located at the far end of the development available for four (4) dwelling units. This spread of visitor spaces to dwelling units should allow for adequate visitor parking for normal day to day living.

### **Geometric Evaluation**

A geometric evaluation of South Bay Court was also prepared. South Bay Court currently has 12 foot lanes in either direction with little to no shoulder space and a concrete culvert running under the road just south of Quintana Road. There is enough road width for all necessary types of emergency and heavy vehicles to gain access to the project. Widening of the road and culvert would only be necessary to provide adequate shoulder space for disabled vehicles.

**Project Trip Generation**

The Project trip generation information was developed based on information provided by the applicant and using the Institute of Transportation Engineers (ITE) *Trip Generation* manual and the corresponding software.<sup>1</sup> The residential trip generation component was developed from the number of dwelling units. Table 3 lists the corresponding land use codes and page numbers as provided for in the *Trip Generation* manual.

TABLE 3: ITE TRIP GENERATION DATA MANUAL REFERENCE INFORMATION		
Land Use	Land Use Code	Page Number
Single-Family Detached Housing	210	289-325

Although the Project consists of 15 single-family dwelling units and one (1) duplex, the *Trip Generation* manual does not provide information for duplexes. The duplex unit was therefore analyzed as two (2) single-family dwelling units. Since multi-family development typically has a lower per unit trip generation rate than single-family, this should be considered a worst-case scenario.

Table 4 lists the daily and AM and PM peak of the street average rates and the directional distribution used in this Project assessment. Project trips were actually calculated using the *Trip Generation* software and therefore there may be some rounding differences in the data used in the analysis and data prepared using the rates shown in Table 4. It should be noted that the trip generation information prepared from the use of the manual or software is raw data to be used as a basis for further evaluation by the traffic impact study preparer.

TABLE 4: ITE TRIP GENERATION DATA AVERAGE RATE AND DIRECTIONAL DISTRIBUTION DATA				
Land Use	Period	Average Rate <sup>1</sup>	Directional Distribution (%)	
			Enter	Exit
Single-Family Detached Housing	Daily	9.57	50	50
	AM Peak of Street	0.75	25	75
	PM Peak of Street	1.01	63	37

<sup>1</sup> trip ends per dwelling unit

The rates shown in Table 4 are based on the number of dwelling units as the independent variable.

Table 5 shows the projected number of daily, AM and PM peak hour trips that would be generated by the Project based on the average rate and distributional data shown in Table 4.

<sup>1</sup> *Trip Generation* (software), Version 6, Microtrans, 2008.

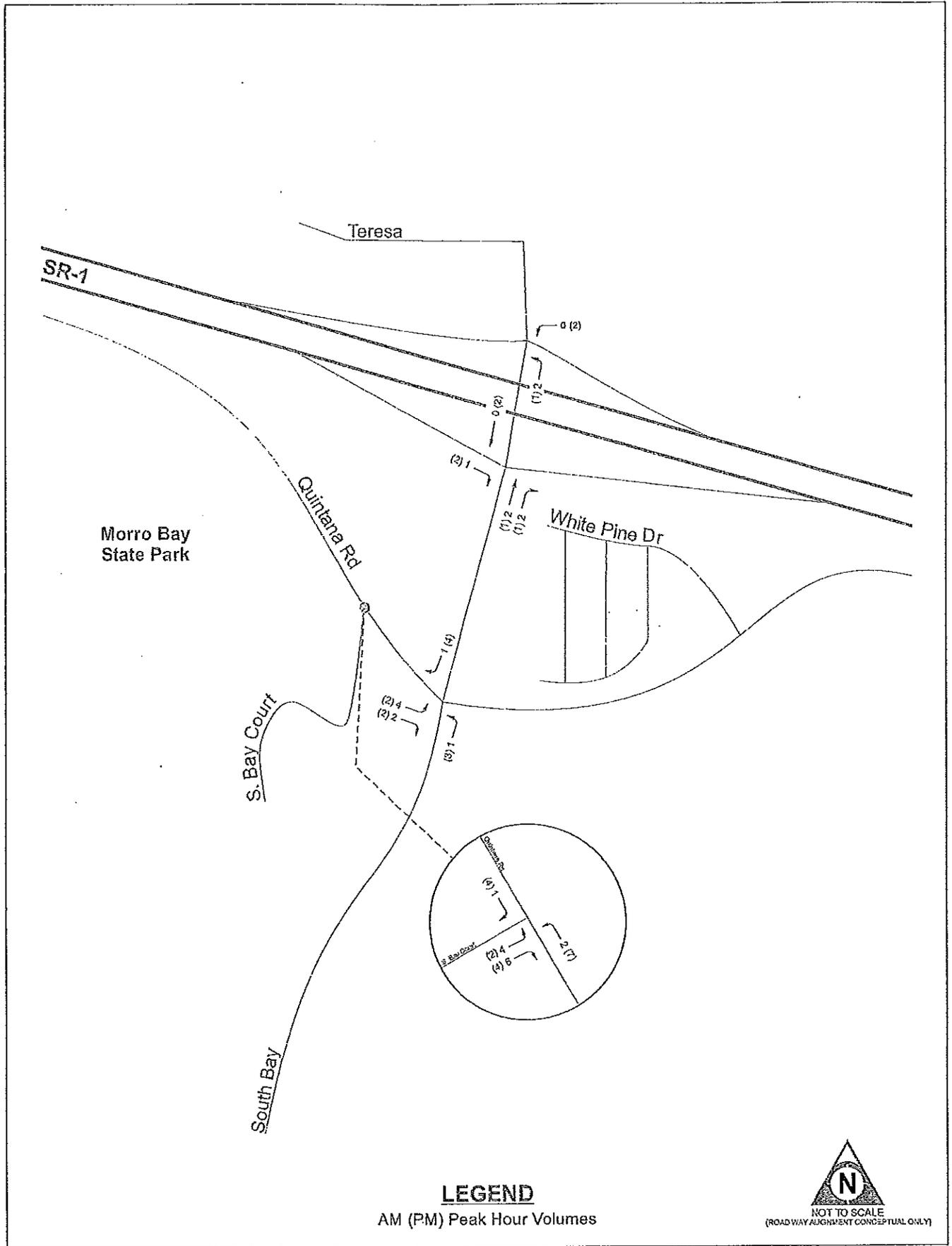
Uses	Size	Daily (trips)	AM		PM	
			Enter (trips)	Exit (trips)	Enter (trips)	Exit (trips)
Single-Family Detached Housing	17 DU	163	3	10	11	6

*DU = dwelling units*

A copy of the Project trip generation data software printout is included in Appendix B.

**Project Trip Distribution**

Trip distribution for the Project trips was based on existing traffic conditions and comments received from the City of Morro Bay staff. Figure 2 shows the Project trip intersection assignment.



**INTERSECTION VOLUMES**  
Project Trips

Tract 2739  
Morro Bay, CA

Figure 2

05-983

## EXISTING CONDITIONS

### Transit

Currently, the Regional Transit Authority (RTA) operates two transit routes (12A and 12B) in the Project vicinity. Bus stops for both routes are located on the east and west sides of South Bay Blvd, just south of Quintana Road.

Route 12A, provides access between Morro Bay, Los Osos, and San Luis Obispo. Stops also include Cal Poly and Cuesta College. Route 12A operates on 1 hour headways from approximately 6:22 AM to 9:34 PM Monday through Friday. Route 12A also operates an Express Bus twice a day between the SLO Government Center and Los Osos running at 7:00 AM and 5:20 PM.

Route 12B serves the same locations as Route 12A in addition to Cambria, San Simeon, and Hearst Castle. Route 12B operates on 5-6 hour headways from 6:00 AM to 7:00 PM on weekdays and transfers to Route 12A for San Luis Obispo and Los Osos service. Weekend service is to all locations with 3-4 hour headways from 7:36 AM to 8:21 PM.

### Bike Facilities

There are currently bike lanes located along South Bay Blvd south of Quintana Road and on Quintana Road east and west of South Bay Blvd. Hwy 1 east/south of the South Bay Blvd interchange is also designated as a bicycle route.

### Roadways

Table 6 describes the Existing street system in the study area including the street classification, number of lanes, and the posted speed limits.

Street	Classification <sup>1</sup>	No. of Lanes (2-dir)	Posted Speed Limit (mph)
Hwy 1	Freeway	4	65
South Bay Blvd	Minor Arterial	2	40
Quintana Road	Major Collector	2	40
South Bay Court	Local Road	2	NPS

NPS= No Posted Speed Limit

Table 7 lists the study intersections and their associated intersection control.

Intersection	Signalized/Unsignalized	Type
Hwy 1 NB Ramps at South Bay Blvd	Unsignalized	TWSC
Hwy 1 SB Ramps at South Bay Blvd	Unsignalized	TWSC
Quintana Road at South Bay Blvd	Unsignalized	TWSC
Quintana Road at South Bay Court	Unsignalized	TWSC

TWSC= Two-Way Stop Controlled

**Level of Service**

The Existing intersection lane configurations, intersection control, and peak hour traffic volumes are shown on Figure 3. Using the lane configurations and volumes shown on Figure 3, the intersections were analyzed for Existing levels of service. Table 8 shows the Existing levels of service for the study intersections. The Existing intersection levels of service calculations are included in Appendix C.

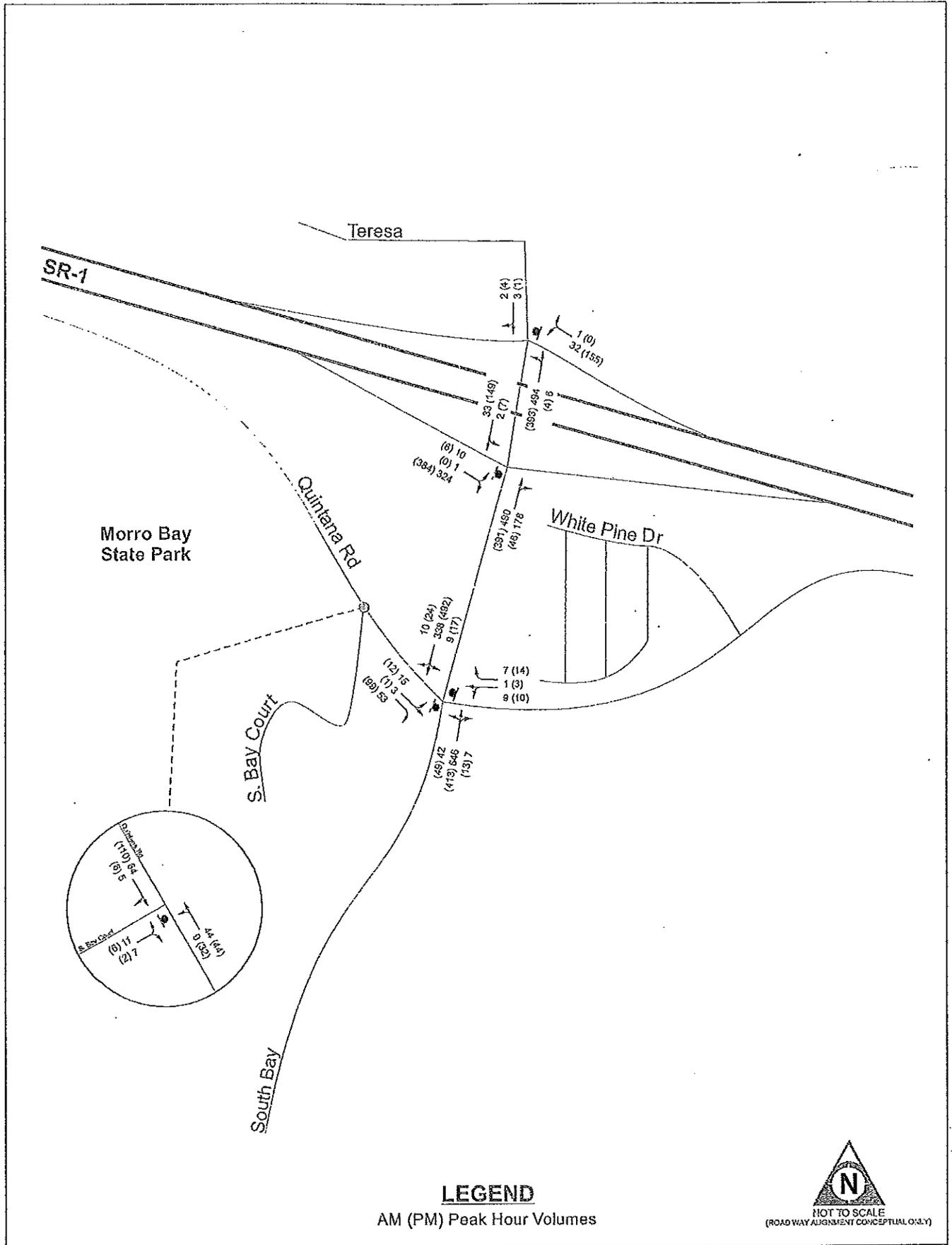
<b>TABLE 8: EXISTING CONDITIONS ANALYSIS INTERSECTION WEEKDAY LEVEL OF SERVICE</b>				
<b>Intersection</b>	<b>AM Peak Hour</b>		<b>PM Peak Hour</b>	
	<b>LOS</b>	<b>Delay<sup>1</sup> (secs)</b>	<b>LOS</b>	<b>Delay<sup>1</sup> (secs)</b>
<b>Hwy 1 NB Ramps at South Bay Blvd</b>				
• <b>WB Approach</b>	<b>E</b>	<b>41.6/81.1</b>	<b>F</b>	<b>81.1</b>
• <b>NB Approach</b>	<b>A</b>	<b>8.3/8.0</b>	<b>A</b>	<b>8.0</b>
<b>Hwy 1 SB Ramps at South Bay Blvd</b>				
• <b>EB Approach</b>	<b>B</b>	<b>10.6/13.2</b>	<b>B</b>	<b>13.2</b>
• <b>NB Approach</b>	<b>A</b>	<b>0.6/0.4</b>	<b>A</b>	<b>0.4</b>
<b>Quintana Road at South Bay Blvd</b>				
• <b>EB Approach</b>	<b>C</b>	<b>16.8/16.0</b>	<b>C</b>	<b>16.0</b>
• <b>WB Approach</b>	<b>D</b>	<b>26.9/24.3</b>	<b>C</b>	<b>24.3</b>
• <b>NB Approach</b>	<b>A</b>	<b>1.1/1.5</b>	<b>A</b>	<b>1.5</b>
• <b>SB Approach</b>	<b>A</b>	<b>0.4/0.5</b>	<b>A</b>	<b>0.5</b>
<b>Quintana Road at South Bay Court</b>				
• <b>WB Approach</b>	<b>A</b>	<b>1.3/3.3</b>	<b>A</b>	<b>3.3</b>
• <b>NB Approach</b>	<b>A</b>	<b>9.1/9.8</b>	<b>A</b>	<b>9.8</b>

<sup>1</sup> delay per vehicle      secs = seconds      EB = Eastbound      WB = Westbound  
NB = Northbound      SB = Southbound

Intersections operating below the appropriate level of service standard are shown bolded in Table 8. As shown in Table 8, the following intersections and/or movements are currently operating below the appropriate adopted level or service standard:

- Hwy 1 NB Ramps at South Bay Blvd
  - WB Approach – AM and PM peak hours
- Quintana Road at South Bay Blvd
  - EB Approach – AM peak hour

The remaining study intersections and movements are currently operating at or above the appropriate adopted level or service standard in the Existing conditions scenario.



**LEGEND**  
AM (PM) Peak Hour Volumes



**INTERSECTION VOLUMES**  
Existing

Tract 2739  
Morro Bay, CA  
**Figure 3**

05-983.1

### Signal Warrants

The Peak Hour signal warrant was also prepared for the following unsignalized study intersection:

- Hwy 1 NB Ramps at South Bay Blvd
- Hwy 1 SB Ramps at South Bay Blvd
- Quintana Road at South Bay Blvd
- Quintana Road at South Bay Court

Based on the Peak Hour signal warrant, the Hwy 1 SB Ramps at South Bay Blvd intersection meets the Peak Hour signal warrant. The remaining unsignalized study intersections do not currently meet the Peak Hour signal warrant in the Existing conditions scenario. These warrant analyses are limited to the peak hour volume warrant only and other conditions may exist which meet other traffic signal warrants. Copies of the warrant analyses are included in Appendix D.

### Collision History

A review was made of the most recent consecutive three-year period of traffic accidents for the following intersection:

- Quintana Road at South Bay Boulevard – 2006-2008

The actual accident rates were computed based on data provided by the City of Morro Bay. The actual accident rates were then compared to basic average accident rates developed by Caltrans for state facilities.<sup>2</sup> Table 9 shows the results of this comparison.

<b>Location</b>	<b>Type of Collision (Severity)</b>	<b>Actual Accident Rates<sup>1</sup></b>	<b>Basic Average Accident Rates<sup>1</sup></b>
Quintana Road at South Bay Boulevard	Fatal	---	0.008
	Fatal + Injury	---	0.157
	<b>Total</b>	<b>0.37</b>	<b>0.33</b>

<sup>1</sup> Accident rates for intersections are accidents per million vehicles entering the intersection  
--- = accident severity unknown for study period

As seen in Table 9, the study intersection of Quintana Road at South Bay Boulevard is operating above the basic average accident rate. However, the total accident rate has decreased since the 2006 TIS. The previous total accident rate was 0.53 and has decreased to 0.37.

---

<sup>2</sup> Caltrans 2001 Accident Data on California State Highways, Basic Average Accident Rate Table for Intersections, 8/15/00

## EXISTING PLUS PROJECT CONDITIONS

The Existing Plus Project traffic conditions were developed using the Existing traffic volumes shown in Figure 3 and the Project trips shown in Figure 2.

### Level of Service

The Existing Plus Project intersection lane configurations, intersection controls, and peak hour traffic volumes are shown on Figure 4. Using the lane configurations and volumes shown on Figure 4, the intersections were analyzed for Existing Plus Project levels of service. Table 10 shows the Existing Plus Project levels of service for the study intersections. The Existing Plus Project intersection levels of service calculations are included in Appendix E.

Intersection	AM Peak Hour		PM Peak Hour	
	LOS	Delay <sup>1</sup> (secs)	LOS	Delay <sup>1</sup> (secs)
<b>Hwy 1 NB Ramps at South Bay Blvd</b>				
• <b>WB Approach</b>	<b>E</b>	<b>42.0</b>	<b>F</b>	<b>84.3</b>
• NB Approach	A	8.4	A	8.0
<b>Hwy 1 SB Ramps at South Bay Blvd</b>				
• <b>EB Approach</b>	<b>B</b>	<b>10.6</b>	<b>B</b>	<b>13.3</b>
• NB Approach	A	0.6	A	0.4
<b>Quintana Road at South Bay Blvd</b>				
• <b>EB Approach</b>	<b>C</b>	<b>18.0</b>	<b>C</b>	<b>16.4</b>
• <b>WB Approach</b>	<b>D</b>	<b>27.1</b>	<b>C</b>	<b>24.7</b>
• NB Approach	A	1.1	A	1.6
• SB Approach	A	0.4	A	0.5
<b>Quintana Road at South Bay Court</b>				
• <b>WB Approach</b>	<b>A</b>	<b>1.5</b>	<b>A</b>	<b>3.7</b>
• <b>NB Approach</b>	<b>A</b>	<b>9.2</b>	<b>A</b>	<b>9.7</b>

<sup>1</sup> delay per vehicle  
NB = Northbound

secs = seconds  
SB = Southbound

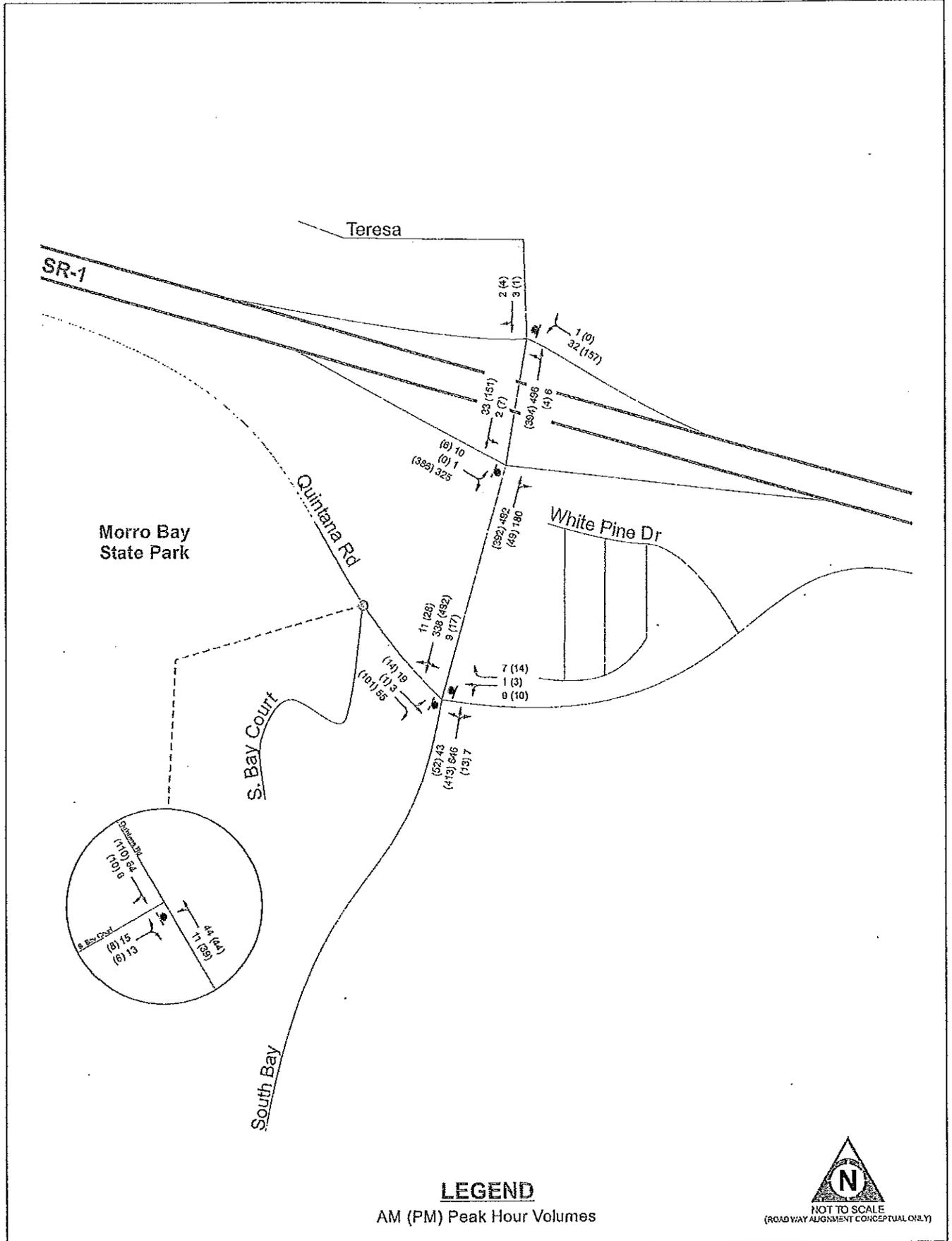
EB = Eastbound

WB = Westbound

Intersections projected to operate below the appropriate level of service standard are shown bolded in Table 10. As shown in Table 10, the following intersections and/or movements are projected to operate below the appropriate adopted level or service standard:

- Hwy 1 NB Ramps at South Bay Blvd
  - WB Approach – AM and PM peak hours
- Quintana Road at South Bay Blvd
  - EB Approach – AM peak hour

The remaining study intersections and movements are projected to continue operating at or above the appropriate adopted level or service standard in the Existing Plus Project conditions scenario.



**INTERSECTION VOLUMES**  
Existing Plus Proejct

Tract 2739  
Morro Bay, CA

Figure 4

05-363.1

**Signal Warrants**

The Peak Hour signal warrant was again prepared for the following unsignalized study intersection:

- Hwy 1 NB Ramps at South Bay Blvd
- Hwy 1 SB Ramps at South Bay Blvd
- Quintana Road at South Bay Blvd
- Quintana Road at South Bay Court

Based on the Peak Hour signal warrant, the Hwy 1 SB Ramps at South Bay Blvd intersection is projected to continue to meet the Peak Hour signal warrant. The remaining unsignalized study intersections are not projected to meet the Peak Hour signal warrant in the Existing Plus Project conditions scenario. These warrant analyses are limited to the peak hour volume warrant only and other conditions may exist which meet other traffic signal warrants. Copies of the warrant analyses are included in Appendix F.

## **CONCLUSIONS AND RECOMMENDATIONS**

As shown in the previous sections, the following impacts and improvements are recommended for the study locations.

### **Level of Service Impacts**

The following movements and intersections are projected to operate below the appropriate adopted level of service standard:

#### *Existing*

- Hwy 1 NB Ramps at South Bay Blvd
  - WB Approach – AM and PM peak hours
- Quintana Road at South Bay Blvd
  - EB Approach – AM peak hour

#### *Existing Plus Project*

- Hwy 1 NB Ramps at South Bay Blvd
  - WB Approach – AM and PM peak hours
- Quintana Road at South Bay Blvd
  - EB Approach – AM peak hour

### **Signal Warrants**

Based on the warrant, the following locations, by scenario, are projected to meet the Peak Hour signal warrant:

#### *Existing*

- Hwy 1 SB Ramps at South Bay Blvd

#### *Existing Plus Project*

- Hwy 1 SB Ramps at South Bay Blvd

### **Queue Length Analysis**

The vehicle queues at the study movements are not currently or projected to exceed currently available storage length.

### **Recommended Improvements**

To mitigate the study intersection, the following recommendations should be considered:

- Hwy 1 NB Ramps at South Bay Blvd

As shown above, the NB Ramp intersection currently operates at an unacceptable LOS. Although the delay for the WB approach (NB off-ramp) exceeds the adopted LOS standard, the vehicles queues which develop on the off-ramp do not currently present a problem to mainline Hwy 1 traffic flow. The vast majority of traffic at this intersection, during the AM and PM peak hours, is split between 2 movements (NB left-turns and WB left-turns). Due to the directional bias and platooning of vehicles on the free movement (NB left), the delay experienced by the WB left-turning vehicles is likely less than projected by the software.

- Hwy 1 SB Ramps at South Bay Blvd

The SB Ramp intersection operates at an acceptable LOS but meets the peak hour signal warrant. Typically, Caltrans does not recommend the installation of a traffic signal at a diamond interchange where only one intersection meets only one of the signal warrants. As recommended in the March 2006 TIS, Caltrans would require a full warrant study of the interchange before recommending the installation of a traffic signal(s) at the Hwy 1 at South Bay Blvd interchange.

- Quintana Road at South Bay Blvd

- All movements at this intersection currently operate and, with the additional traffic from the Black Hill Villas, are projected to operate above the City's LOS standard in both the AM and PM peak hours. One exception exists at the westbound approach which operates below the City's level of service standard of "C" in the AM peak hour.
- The intersection does not currently meet the State's peak hour signal warrant for installation of a traffic signal and is not projected to meet the warrant with the additional traffic from the Black Hill Villas project.
- It should be noted that the City's level of service standard is exceeded by approximately three (3) westbound vehicles in the AM peak hour. This means that a reduction of three (3) AM peak hour left-turn or through vehicles on the westbound approach would allow the movement to meet the City's LOS standard.



# City of Morro Bay

## Public Services

### Current Project Tracking Sheet

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

Agenda NO: XI-A  
 Meeting Date 2/16/2010  
 Action \_\_\_\_\_


	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
<b>Hearing or Action Ready</b>							
1	Wayne Colmer	485 South Bay	4/28/05	<b>17 Lot Subdivision.</b> Submitted 4/28/05.SRB 3/15/06, Staff requested information Starting Initial Study. MND Circulating, tentative PC 8/21/06 Approved, tentative CC 10/9 Continued to 11/13/06 Approved Appealed by CCC Tentative November hearing Continued to March, CCC approved with Conditions, Pry Mod PC concurrence needed pending lawsuit; Resubmitted 11/19/08; awaiting CCC appeal and concurrence; Approved by CCC; 2/17/09 PC continue to date uncertain with direction. Applicant is addressing traffic concerns. Scheduled for PC 2/16/10.	KW	PC	
2	Cathy Novak	560 Embarcadero	12/3/09	<b>Height &amp; Setback Exemption for Fence/Windscreen.</b> Scheduled for PC 2/16/10. Item withdrawn for additional analysis.	GL	PC	
<b>30 -Day Review, Incomplete or Additional Submittal Review</b>							
3	Dan Reddell	1 Jordan Terrance	7/25/08	<b>New SFR.</b> Submitted 7/25/08, Inc. Later 8/19/08; resubmitted 2/24/09, project under review. Letter sent to agent regarding issues. Applicant and staff met 1/2010 on site to further discuss issues.	JH/KW	PC	
4	Kleinhammer	160 Anchor	7/29/08	<b>Parcel Map</b> dividing one parcel into two with Right of Way abandonment. Incomplete letter sent 8/25/09.	KW	PC/CC	
5	Pina Noran	2176 Main	10/3/08	<b>Convert commercial space to residential use.</b> Submitted 10/03/08, Inc. Later 10/22/08, resubmitted 2/5/09. Project still missing vital information for processing 11/30/09.	KW	PC	
6	Greg Kircher	350 Java	1/22/09	<b>Addition to Nonconforming SFR.</b> Submitted 1/22/09, incomplete letter 2/27/09, incomplete 5/21/09, Response letter 6/30/09. Resubmittal 1/7/10. Incomplete letter 2/3/10.	GL	PC	2/4/10
7	John Christie	2330 Hemlock	4/27/09	<b>CUP for 2nd unit</b> to nonconforming site. No scaled plans submitted. Comment letter sent 11/3/09. No response to date. Parking is an issue.	GL	PC	
8	Todd Schnack	2248 Emerald	9/30/09	<b>New Guesthouse Cloisters,</b> 11/09 incomplete letter sent. Applicant responded 11/19. Cloisters Design Reviewed project 11/30 deemed it in conformance with Cloister Design guidelines. Comment Letter sent 11/9/09. Comment Letter sent 12/22/09.	GL	PC	
9	Studio Design Group	962 Piney	10/15/09	<b>Preapplication Demo.,</b> addition and remodel of existing church., application taken to DRT. Incomplete letter sent 12/4/09.	KW	PC	
10	Les & Larri Deedon	3044 Ironwood	10/21/09	<b>New SFR.</b> 2-story 1,412 sq. ft. with 3 car garage and 2 decks. Incomplete letter sent to applicant 10/29/09. applicant resubmitted on 11/18/2009. Resubmittal did not address all incomplete items. Incomplete letter sent 12/9/09. Response received 1/22/10. Resubmittal did not address all concerns.	GL/AC	Admin	2/18/10

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
11	Kent Snowden	2570 Nutmeg	10/27/09	New SFR. 2,437 square feet with a 616 square foot garage. Incomplete letter sent to applicant 11/4/09. P.W.comments 11/18/2009. Resubmittal 1/19/10. Coastal Development Permit noticed on 2/5/10.	SD	PC	2/18/10
12	Robert Romero	3033 Ironwood	11/18/09	New SFR. Incomplete Letter sent 12/11/09. No response to letter to date.	GL/AC	Admin	
13	Robert Tefft	395 Acacia	11/10/09	Demo SFR & Carport. Incomplete letter sent 12/31/2009.	GL/SD	Admin	
14	Bob Crizer	Water Lease Site 34 206 Main Street	11/9/09	Oak Street Parking Exception. Also see 206 Main Street (Botich). Request to allow parking spaces to be placed on Oak Street to replace parking currently provided at 206 Main Street. Waiting for parties to resolve issue of ownership.			
15	City of Morro bay	Harbor Depart	11/10/09	Marina Dredging. CUP to dredge State Park Marina. Waiting for additional information from environmental consultant.	KW	PC	
16	Valley and Crafton	430 Olive	11/23/09	Lot Line Adjustment. Incomplete letter sent 12/23/09. No response to date.	GL/SD	Admin	
17	Mike Prater	235 Atascadero	12/16/09	CUP and Coastal Development Permit. Solar Arrays. Solar arrays located on carport structures at Morro Bay High School. Incomplete letter sent 1/15/10. Mtg follow up letter sent 1/29/10.	GL	PC	
Projects in Process							
18	Great American Fish Co.	1185 Embarcadero	1/6/05	GAFIC, Virg's, & Harbor Huts Revitalization Plan. Submitted 1/06/05, Starting Initial Study Draft MND, eel grass study complete concurrence on findings Tentative PC 11/5/07 Continued, date uncertain CC March Phase I approved Phase II approved 5/12/08. CDP approval from Coastal Commission on June 10, 2009. Project submitted for precise review.	KW	PC	
19	Larry Newland	Embarcadero	11/21/05	Embarcadero-Maritime Museum (Larry Newland). Submitted 11/21/05, Incomplete 12/15/05 Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Incomplete 3/7/07. Resubmitted 5/25/07 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. Applicant resubmitted additional material on 9/30/2009.	KW	PC	
20	Rudolph Kubes/Mike Prater	1181 Main & Bonita	11/23/06	Morro Mist 20 Lot SFR Subdivision. Submitted 11/23/06, SRB 3/15/06, Staff requested information Resubmitted 8/16/06 MND analysis needed MIND Complete 7/20 PC 8/20/07 Continued date uncertain revised project smaller units still 100% residential. Applicant has redesigned project and resubmitted on June 1, 2009. Project under review. Letter sent to applicant regarding issues on 7/2009. Subsequent meeting with applicant team 8/2009. Staff has had additional correspondence with the applicant. Project tentatively scheduled for Planning Commission late February/early March 2010.	JH/KW	PC	
21	Frank Loving	247 Main	10/27/07	Docking for Vessels. Submitted 10/29/07, Incomplete 11/19/07 PC 2/4/08, Continued to PC 3/17/08, continued to PC 9/15/08 Applicant has indicated to staff that they wish to move ahead with the project.	KW	PC	
22	Johnnie Medina	3390 Main	5/29/08	2 Lot Subdivision. Submitted 5/29/08, Incomplete CCC coordination; Inc. Later 12/2/08; Resubmitted 1/5/09. Staff working on environmental document, MND Noticed as available for review 6/9/09. Hearing schedule 7/20/09. Item continued to date uncertain. Applicant submitted additional materials, staff waiting for applicant's response to ESH/Willow buffer. Biologist letter submitted November 30, 2009. Resubmittal 1/20/10.	KW	PC	2/20/10
23	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	WWTP Upgrade. Submitted 7/1/08, Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent renoticing.	BA	PC/CC/RW OCB	
24	Nina Hartley	1290 Embarcadero	9/17/08	Relocate well and pump house. Submitted 9/17/08, Inc. letter 10/15/08. Applicant has resubmitted items from inc. letter, submittal under review. Initial Study in process. Applicant has submitted additional arch/information 11/09.	KW	PC	

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
25	Chevron	3072 Main	12/31/08	<b>Remove Underground Pipes.</b> Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed.	KW/SD	PC	
26	Smith Held	575& 591 Embarcadero	04/21/09	<b>Demo existing retail and vacation rentals, construct 2 retail units and a 6 unit hotel.</b> Submitted 9/27/06, Incomplete 11/7/06 Resubmitted 12/21/06 Environmental Review MND Circulating, tentative PC 4/2/07 Continued, date uncertain Resubmitted 4/26/07 Incomplete 5/2/07 Resubmitted 5/30/07 Environmental document re-circulating 6/6/07, tentative PC 7/16/07 Concept plan approved, tentative CC 8/27/07 Concept Plan Approved, needs CDP from CCC -Hearing 11/12/08. Project back from Coastal Commission, ready for Precise Plan processing. Precise Plan submitted 4/21/09, Incomplete letter 6/25/09. Resubmitted 7/27/2009. Responses to applicant on 10/12/2009. Scheduled for hearing on 10/19, continued to 11/2 by applicant. Applicant requests continuation to date uncertain. Revised environmental Public review period 2/5/10 to 3/5/10.	GL	PC	
27	Candy Botich	MainWater Lease Site 34 Main & Oak St.	6/17/09	<b>New Parking.</b> Project under review. Agent given DRT comments July 10, 2009. Applicant submitted redesigned project 9/30/2009. Associated application submitted for a parking exception for the lease site generating the parking demand.	KW	PC/CC	
28	Gene Doughty	201 Main	7/24/09	<b>Subdivide one lot into three.</b> Comment letter sent 8/19/09. Resubmittal 12/22/09.	KW	PC	
29	Kent Snowden	2570 Nutmeg	10/27/09	<b>New SFR.</b> 2,437 square feet with a 616 square foot garage. Incomplete letter sent to applicant 11/4/09. P.W.comments 11/18/2009. Resubmittal 1/19/10. Coastal Development Permit noticed on 2/5/2010	SD	PC	2/18/10
30	Mark Hoppe	2840 Cedar	11/18/09	<b>Demo SFR.</b> Fire department O.K. 12/4/2009. Incomplete letter sent 12/23/09. Resubmittal 1/27/10. Coastal Development permit noticed on 2/5/2010	GL/SD	Admin	2/26/10
31	California State Park	State Park Drive	2/11/09	CUP and Coastal Development Permit for solar panels at the State Park with the addition of one carport structure for support of the panels	SD/KW	PC	
<b>Environmental Review</b>							
32	Ron McIntosh	190 Olive	8/26/08	<b>New SFR.</b> Submitted 8/26/08, Inc. Letter 9/24/08; Resubmitted 12/10/08, 1/9/09 request for more information. Applicant resubmitted on 2/06/09. Environmental under review. Applicant and City agree to continuance.	GL	PC	
33	Chevron	3072 Main	12/31/08	<b>Remove Underground Pipes.</b> Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed.	KW/SD	PC	
34	Imani	571 Embarcadero	5/14/09	<b>Remodel of Salt Building</b> to include new public walkway and additional piling for support. Eel grass study submitted. Initial Study in process.	GL	PC	
35	City of Morro Bay	235 Main	10/20/09	<b>Demolish Wharf.</b> Demo 7,400 sf. wharf, decking and support structure. Initial Study was circulated for 30-day review on 1/14/10 finishes on 2/16/2010.	KW	Admin	
<b>Coordinating with Other Jurisdictions</b>							
36	Burt Caldwell	801 Embarcadero	5/15/08	<b>Conference Center.</b> Submitted 5/15/08, Inc Ltr 5/23 Resubmitted MND Circulating 7/15/08 PC 9/2 Approved, CC 9/22/08 Approved, CDP granted by CCC.	GL	PC/CC/ CCC	
37	City of Morro Bay	887 Atascadero	3/9/09	<b>Nutmeg Water Tank Upgrade (City of Morro Bay CIP project).</b> Oversight of County of San Luis Obispo application process. Preapplication meeting 3/9/09. Consultant coordination meeting 3/12/09.	KW	SLO County	
38	John King	60 Lower State Park	7/2/08	<b>Lower parking lot resurface and construction of 2 new stairways.</b> Submitted 7/02/08, PC Tent 10/6, PC Date TBD Applicant coordinating w/ CCC 10/20/08.	KW	PC	
<b>Projects Continued Indefinitely or No Response to Date on Incomplete Letter</b>							

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
39	SLO County	State Park	09/28/04	Master Plan for Golf Course. Submitted 9/28/04, On hold per applicant, project to be amended. Resubmitted 2/9/07 Tentative PC 3/19/07 Continued, date uncertain; Planting trees.	KW	PC/CC	
40	Cameron Financial	399 Quintana	04/11/07	New Commercial Building. Submitted 4/11/07, Inc. Letter 5/09/07. Sent letter 1/25/2010 to applicant requesting direction, letter returned not deliverable	KW	Admin	
41	West Millennium Homes	895 Monterey	7/10/07	Mixed-use building. 16 residential units and 3 commercial units, Submitted 7/10/07, Inc Later 7/25 Resubmitted 1/14/08 SRB 3/10/08.	KW	PC	
42	Kenneth and Lisa Blackwell	2740 Dogwood	07/20/07	Addition to nonconforming residence. Submitted 7/20/07, Complete, tentative PC 9/17/07 Continued, date uncertain Resubmitted 10/31/07, PC 12/17/07 Continued, date uncertain.	KW	PC	
43	Jeff Gregory	1295 Morro	09/25/07	Coastal Development Permit to allow a second single family residence on lot with an existing home. Incomplete letter sent 10/9/2007. Intent to Deem Application Withdrawn Letter sent 12/29/09. Response from applicant 1/8/10 keep file open indefinitely.	KW	AD	
44	Nicki Fazio	360 Cerrito	08/15/07	Demo/Reconstruct SFR. Submitted 8/15/07, Incomplete 9/12/07, Complete and noticed 9/24/07. Issued 10/5/07, Appealed 10/15/07, Tentative PC 12/3/07 Continued, date uncertain. Applicant has made contact with staff regarding moving project along but no submittal to date.	KW	PC	
45	Alicia Baroque	545 Napa	05/27/08	New guest house and parking exception. Submitted 5/27/08 Incomplete 6/13/08 Resubmitted 10/14/08, Complete 11/10, PC 12/15; Continued to a date uncertain.	KW	PC	
46	City of Morro Bay	595 Harbor Depart	02/27/09	New stand-by generator. Submitted 2/27/09, City Council did not fund. Continued date uncertain.	KW	Admin	
<b>Projects in Building Plan Check</b>							
47	Don Doubledee	360 Morro Bay Blvd	5/15/09	Mixed Use Project. Under Review.	GL	N/A	
48	Travis Leage	1155 West	11/17/09	SFR. Incomplete Letter sent 12/22/09. Resubmittal 1/19/10. Incomplete Letter 1/28/10.	SD	N/A	
49	Victor Graziano	515 Morro Bay Blvd	11/19/09	Convert Portion of Retail to Deli. Incomplete letter sent 12/10/09. Resubmittal 1/27/10.	GL	N/A	
50	Robert Fiori	2655 Koa	11/25/09	SFR Demo/Reconstruction. Incomplete letter sent to applicant. Resubmittal 2/1/10.	KW	N/A	3/1/10
51	Cathy Novak	585 Morro	12/23/09	As-Built Review of Community Housing Project. In progress.	KW	N/A	
52	Gary Christensen	600 Morro Bay Blvd	1/21/10	Tenant Improvement. Pharmacy / Retail.	GL	N/A	
53	Costanzo Addition	1202 Bolton Dr	1/25/10	SFR Addition. Add stairs to the existing house. Under review	GL	N/A	
54	Tricia Knight	1245 Little Morro Creek	2/2/10	MetroPCS Telecom Site on PG&E tower. Under review	GL	N/A	3/1/10
<b>Approved Permits</b>							
55	Cathy Novak	612 Agave	9/17/09	Parcel Map. One lot to three lots. Incomplete letter sent to applicant. Applicant respond to items on letter 11/4/2009. Subdivision Review Board approved the map for processing on 11/17/2009. Item continued until 1/4/09, staff to bring back findings. Approved 1/19/10. Appealed to Council 1/29/10.	GL	PC	
56	Michael Del Puppo	2300 Main	4/3/09	Appeal of Minor Use Permit to convert a commercial use to a residential use. Approved 11/13/09. Appeal denied 1/19/10. Appealed to Council 1/29/10.	GL/SD	PC	
57	Gerald Luhr	540 Atascadero	1/15/10	Sign Permit. "Kitchen and Bath Works". Permit issued.	KW	Admin	
58	Dan Yates	221 Main	12/11/09	SF added to NCS and Parking Exception. Scheduled for hearing 2/1/10.	KW	PC	
59	Phil & Maureen Kispersky	560 Embarcadero	9/30/09	Sign Permit for Pelican Grill. Waiting for resubmittal. Submittal 12/14/09. Comment letter sent 12/22/09. Applicant resubmitted on 1/5/10. Permit issued 2/3/10.	GL	Admin	



City of Morro Bay  
Public Services  
Advanced Planning Work Program

Work Item	Planning Commission	City Council	Coastal Commission	Comments	Estimated Staff Hours
Neighborhood Compatibility Standards (Variable Height & Setbacks, FAR)	TBD	TBD			120 to 160
Strategic plan for managing the greening process				Pending County AB811 analysis and Board of Supervisor's action.	200 to 300
	7/6/09	12/14/09			
AB811	7/6/09	8/24/09			120 to 160
Safety Element	Approved	TBD			20 to 40
Draft Urban Forest Management Plan	TBD	TBD			200 to 300
CEQA Implementation Guidelines	TBD	TBD	NA		120 to 160
Update CEQA checklist pursuant to SWMP (2/2011)	TBD	TBD			120 to 160
Downtown Visioning	TBD	TBD			120 to 160
PD Overlay	TBD	TBD			3/20/00
Annexation Proceeding for Public Facilities		TBD			TBD
<i>Planning Commission Generated Items</i>					
Work Item	Requesting Body				Estimated Staff Hours
Pedestrian Plan	Planning Commission				TBD
<i>Items Requiring Further Analysis When Activated</i>					
Work Item	Plng. Comm.	City Council	Coastal Comm.		Estimated Staff Hours
Updated Zoning Ordinance	TBD	TBD			1,800
Updated General Plan/LCP	TBD	TBD			1,800
NPDES Storm Water Management Plan			Approved By RWQCB 2/17/09		
<i>Completed projects</i>					
Housing Element Update/ SB 1818				Submitted to HCD by 6/17/09. HCD returned comments 8/2009. Staff/consultant responded to comments 9/15/2009. Item scheduled for P.C. on 10/5/2009. Revised PC date to 10/19/2009. Submitted responses to HCD comments on 9/15/2009. P.C. forwarded a favorable recommendation on Neg Dec and 2009 Element. City Council adopted the Neg Dec and 209 Housing Element with minor modifications. Housing Element Certified by State Department of Housing and Community	200 to 300
	10/26/09	11/9/09			