



CITY OF MORRO BAY PLANNING COMMISSION MEETING AGENDA

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

209 Surf Street, Morro Bay
Monday March 1, 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 February 16, 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:** 2248 Emerald Circle, MMR/CCR/GC (PD) zone
Applicant: Todd Schnack
Request: Request for a Coastal Development Permit (CP0-313) and a Conditional Use Permit (UP0-273) to construct a 550 square foot second story guesthouse and a 35 square foot deck. The site is located within the Coastal Commission Appeal Jurisdiction.
Recommended CEQA Determination: Categorically Exempt, Class 1, Section 15301.
Staff Recommendation: Conditionally approve.
Staff Contact: Genene Lehotsky, Associate Planner, 772-6270

XI. OLD BUSINESS

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

XII. NEW BUSINESS

- A. Discussion of Potential Topics for the March 15, 2010 Joint Council/Planning Commission Meeting

XIII. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on Monday, March 15, 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:

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:

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

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 with 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>

CITY OF MORRO BAY
PLANNING COMMISSION
SYNOPSIS MINUTES

(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 16, 2010

Chairperson Nancy Johnson
Vice-Chairperson Gerald Luhr
Commissioner Jamie Irons
Bruce Ambo, Secretary

Commissioner Michael Lucas
Commissioner John Diodati

I. CALL MEETING TO ORDER

Luhr called the meeting to order at 6:06 p.m.

II. PLEDGE OF ALLEGIANCE

Wold led the Pledge of Allegiance.

III ROLL CALL

Chairperson Johnson was absent. All other Commissioners were present.

Staff Present: Rob Livick, Kathleen Wold, Genene Lehotsky, Cindy Jacinth and Kay Merrill.

IV. ACCEPTANCE OF AGENDA

MOTION: Agenda accepted as presented.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Livick reported at the February 8, 2010 City Council:

- Adopted Resolution 5-10 approving the mid-year budget amendments
- Adopted Resolution 7-10 authorizing City staff to use energy conservation assistance loan funding for a California Energy Commission block grant
- Held a Public Hearing for consideration of an amendment to Morro Bay Municipal Code Chapter 5 establishing regulations and procedures entitled Medical Marijuana Collectives presented by the City Attorney. This was the first rough draft proposed ordinance change. The draft ordinance is on the City's website. The City Attorney will bring this item back for a second draft after 30 days. Based on those comments, the City Attorney will be preparing first and second readings of that ordinance.
- Approved the budget calendar for the upcoming year including two budget workshops to be held fairly early in budget process to go over Council's goals and take public testimony. The first meeting will be March 16th in the afternoon and the second will be March 17th in the morning. There will also be public hearing items at the next two City Council meetings addressing the budget so the public can have a chance to speak on the upcoming budget.
- Received a presentation from Mike Manchek of EVC regarding the SLO County airport and what EVC is doing to promote the airport.
- Received a recommendation from the Citizen Oversight Committee (Measure Q committee) regarding expenditure of funds. Expenditures were approved with the exception of two items.

Luhr asked if there were any questions. There were none.

VI. PUBLIC COMMENT - None

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on January 19, 2010

MOTION: Lucas/ Irons 2nd to approve the minutes as corrected VOTE: 4-0.

B. Approval of minutes from hearing held on February 1, 2010

MOTION: Lucas/ Irons 2nd to approve the minutes as presented VOTE: 4-0.

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

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

Wold presented the staff report.

Luhr asked if the Commission had questions for staff.

Diodati asked if the CC& R condition of annual reporting to the City also extended to the Regional Board and Coastal Commission. Livick clarified Applicant's reporting requirements for Commission.

Irons asked staff to clarify the project history compared to tonight's vote. Wold clarified concept plan has already been approved by the Council and tonight's vote is for approval of the Precise Plan. The

Coastal Commission has jurisdiction of the coastal permit, which is currently under litigation. The Precise Plan and Concept Plan are not involved in this litigation.

Luhr opened the Public Hearing.

Applicant, Wayne Colmer, gave a presentation to the Commission regarding his project and requesting clarification on certain conditions of approval required of his project. The Applicant provided concurrence letters for US Fish & Wildlife regarding the red-legged frog for each Commissioner.

Applicant's Traffic Engineer, Charlie Clouse of TPG Consulting, gave a presentation regarding the traffic study done for this project.

Roger Ewing, Morro Bay resident, spoke against the project. Ewing asked the Commission for a delay of the project due to ongoing litigation.

Marshall Ochylski, Attorney for Applicant Wayne Colmer, spoke in favor of the project and to rebut comments of Roger Ewing.

Luhr asked Commissioners if there were any questions.

Commissioners had questions regarding Coastal Commission versus City Council's jurisdiction over Coastal Development Permit versus Concept Plan; condition of payment of traffic light and traffic study, lift station and requirement to pay fair share for improvements. Questions were also asked regarding tree replacement requirement and mailbox placement. Wold and Livick responded with clarification

Lucas asked Applicant to return to the podium to answer questions.

Lucas had a question for the Applicant regarding retaining wall and height, color board and trail. Applicant responded with clarification.

Hearing no further public comment, Luhr closed public comment.

Diodati spoke in favor of project.

Lucas expressed concerns about the aesthetics and articulation of the project design. Commissioners discussed the tree replacement requirement and the possibility of incorporating tree maintenance language to prevent future removal of healthy trees by homeowners.

Commissioners discussed ways to improve articulation on rear windows of buildings and colors in a darker palette to blend better. Commissioners also discussed the screening of fencing with vegetation in order to improve appearance of project.

Luhr asked Applicant to come forward to podium to provide additional comments. Applicant agreed to change materials to improve design aesthetics.

Commissioners discussed the particular design elements of the project ensuring the rear window detail and decoration is consistent with front elevations due to the rear visibility from street.

MOTION: Diodati/Irons 2nd to approve the Precise Plan with the following conditions:
VOTE: 4-0.

1. Excess trees within the 2 to 1 replacement program shall be first planted within the city limits and then the Morro Bay State Park.
2. Wire fence, preferably galvanized, shall be on the entrance retaining wall with either vegetation that grows to 80% within the first three years or if vegetation is not allowed due to the invasive nature of it and the environmentally sensitive habitat, then a stone veneer shall be used consistent with the residences
3. Mailboxes shall be of a earth tone color consistent with the homes and a pull out for the mail delivery vehicle shall be provided if possible
4. Foam detail and trim shall be on the side and back elevations of house and of a darker tone consistent with the front elevations
5. All retaining walls will have either planters, be of a material with planters or be screened with vegetation that covers 80% within the first three years.
6. CC&R shall include language on prohibition of tree removal of rear yard and front yard trees planted by the developer on the homeowner's property unless trees becomes unhealthy and then shall be removed and replaced with new comparable tree by homeowner
7. All Stucco Color shall be consistent with darker trim colors and shall be two color tones darker on all color schemes.
8. Concurrent with the recordation of the final map, a deed restriction shall be recorded restricting two lots as affordable pursuant to the requirements in the Housing Element.

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.

MOTION: Lucas/Irons 2nd to reschedule the project at a later date to be determined. VOTE: 4-0.

XI. OLD BUSINESS

A. Current Planning Processing List/Advanced Work Program

Diodati asked question regarding status of Morro Bay High School's pending Coastal Development permit application and solar requirements. Wold responded with clarification.

XII. NEW BUSINESS - None

XIII. ADJOURNMENT

Luhr adjourned the meeting at 8:22 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, March 1, 2010 at 6:00 p.m.

Gerald Luhr, Vice-Chairperson

ATTEST:

Bruce Ambo, Secretary



CITY OF MORRO BAY PLANNING COMMISSION

March 1, 2010

AGENDA ITEM: X-A
DATE: 3/1/10
ACTION: _____

PROJECT SUMMARY

Guesthouse and deck addition to a single-family residence within the Cloister's subdivision

FILE NUMBERS:

UP0-273/CP0-313

LEGAL DESCRIPTION:

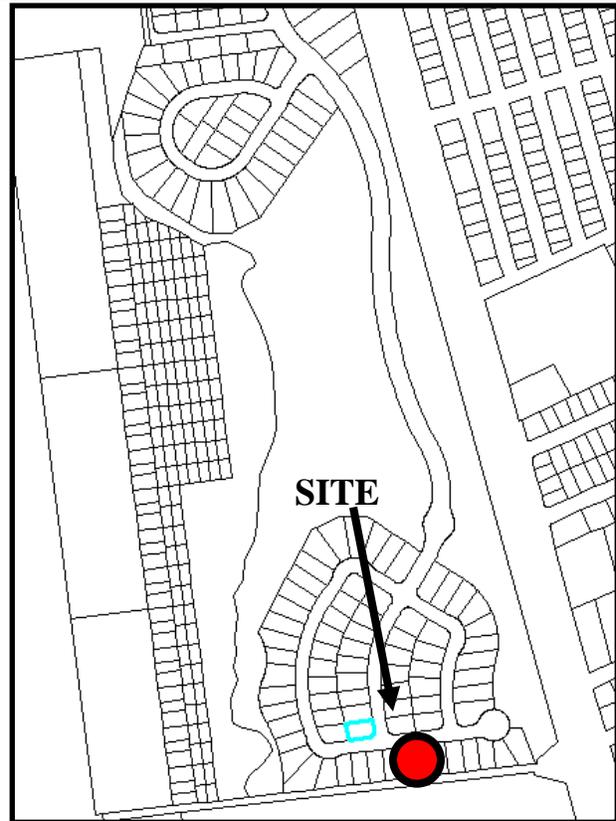
2248 Emerald Circle
065-388-007
Lot 52 Cloister's Tract 1996

AGENT:

Nelson Bernal
2121 Pine St., Ste. A
Paso Robles, CA 93446

PROPERTY OWNER:

Todd Schnack
2248 Emerald Circle
Morro Bay, CA 93442



Vicinity Map

ATTACHMENTS:

- Exhibit A: Findings
- Exhibit B: Conditions
- Exhibit C: Graphics/Plan Reductions
- Exhibit D: Existing Residence Colored Rendering
- Exhibit E: Colors/Materials Board
- Exhibit F: Design Review Committee Approval Letter
- Exhibit G: Cloister's Design Guidelines

ISSUE SUMMARY: The applicant requests approval for a Conditional Use Permit and Coastal Development Permit to add a 550 square foot guesthouse and 35 square foot deck to an existing 2,614 square foot two-story residence with an attached 502 square foot garage. The existing residence is located on a 7,200 square foot lot in the southern portion of the Cloister's subdivision.

STAFF RECOMMENDATION

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

- A. Adopt the Findings included as Exhibit “A”;
- B. Approve the Conditional Use Permit and Coastal Development Permit, subject to the Conditions included as Exhibit “B” and the site development plans dated February 19, 2010.

ENVIRONMENTAL DETERMINATION: Categorical Exemption, Class 1, CEQA Guidelines Section 15301 (Existing Facilities). This exemption applies to additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. There are no known sensitive environmental resources on the project site; consequently, an exemption is appropriate for this project.

BACKGROUND: The proposed residence is located within the Cloister’s subdivision. The final map for this project was recorded in October 1996. The Cloisters subdivision consists of 120 clustered residential lots and 3 open space lots that include a public park which was dedicated to the City and dune area which was dedicated to the State (California Department of Parks and Recreation). An assessment district was formed to maintain the public park (including the parking lot and restrooms) and open space areas. Public streets and street lighting are maintained by the City.

The Cloister’s subdivision was subject to a public review process, including review and approval by the California Coastal Commission on July 9, 1992 (A-4-MRB-91-44). The Planning Commission approved the Conditional Use Permit (CUP 28-90, Precise Plan) and Tentative Tract Map (TM 01-90) on August 16, 1993. The City Council accepted the public improvements for this subdivision on January 26, 1998.

In accordance with the conditions of approval for the overall Cloister’s subdivision project, the Planning Commission reviewed the desing of the existing residence as part of the Coastal Development Permit review. The Conditional Use Permit (CUP 35-00/CDP 68-00R) of the existing residence was completed in 2002.

<u>Site Characteristics</u>	
Site Area	Lot 52 = 7,200 sq. ft.
Existing Use	2-story single-family residence
Terrain:	2% slope in the rear of the residence
Vegetation/Wildlife	None
Archaeological Resources	No known cultural resources
Access	Emerald Circle

The Conditional Use Permit (CUP 35-00) and Coastal Development Permit (CDP 68-00R) which originally approved the single-family residence was designed with Monterey style architecture. Colors approved for the original residence included a palette of earth tone colors accented with a dark green. Materials included hardiplank lap siding, stucco, white vinyl windows, and concrete roof tile. A colored rendering is attached depicting the original residence.

PROJECT EVALUATION: The evaluation of the original Cloister’s subdivision included all future development of the lots within the subdivision. Since this project involves an addition to an existing single family residence, no additional impacts beyond those identified on the original approval will result. The view corridors, boardwalks and easements were all designed in accordance with the subdivision’s conditions of approval to protect and enhance coastal resources and provide coastal access consistent with the policies in Chapter 3 of the California Coastal Act. An addition to an already established single family residence will have no adverse impact on coastal resources or coastal access.

Individual project review is intended to ensure that the development of each of the lots within the subdivision continues to comply with the provisions of the Coastal Act. The various height limitations, setbacks and design criteria were established with the intent to create a built environment that will limit aesthetic impacts to the natural surroundings. As conditioned, the project is consistent with the design criteria, architectural and use restrictions as contained in the approved CC&R’s as summarized in the tables below.

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Mix Use Area “G” Area 2 Atascadero Beach
Base Zone District	Mariculture Marine Research/ Coastal Resource Residential/Golf Course
Zoning Overlay District	Planned Development Overlay
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Inside Coastal Commission Appeal Jurisdiction

Adjacent Zoning/Land Use			
North:	MMR/CRR/GC/PD	South	SCH
East:	MMR/CRR/GC/PD	West:	MMR/CRR/GC/PD

Compliance Matrix of the Existing Residence and Proposed Addition

Development Standards	Approved and Proposed Plan	Ordinance Requirement	Design Criteria	Proposed Plan	Design Guidelines Recommendations
Front Setbacks: Residence: Garage:	20 feet 30 feet	20 feet 25 feet	Architectural Character	Monterey Style which was approved with the original CUP. This style has been approved by the Cloisters Design Review Committee.	Bungalow, Craftsman or Cape Cod character (See Design Guidelines for examples of elements characteristic of each style)
Side Interior:	6 feet	10% of lot width 6 ft. max req'd	Building Form And Massing	White vinyl windows Exposed corbels Entry defined by a covered porch with hardiplank lap siding	<ul style="list-style-type: none"> • Horizontal & Vertical Articulation • Variable Ridge Heights & Wall Planes • Avoid Large Expanses Of Wall Surface Area On Front And Rear Building Elevations • Use Features Such As Porches, Balconies, Arbors And Trellises • Defined Entry
Rear	20 feet	20 ft. public utility and drainage easement	Roof Forms	12:5 pitched roof	<ul style="list-style-type: none"> • Gable, Shed, Hip forms with Dormers are encouraged • Overhangs & Eaves should be detailed • Flat, unglazed concrete tile, clay tile, slate, dimensional asphalt shingles
Lot Coverage	2,676 s.f./ 7,200 s.f. = 37%	45% maximum	Garages	502 sq. ft. attached two car garage	<ul style="list-style-type: none"> • Garages located behind the house preferred • Driveways should not dominate the landscape • Staggered/recessed doors recommended
Building Height	Addition = 23 feet, 2 inches	25 feet maximum	Exterior Materials/ Finishes	Stucco finish Hardiplank 8" smooth lap siding Eagle concrete roof tile	Natural Materials such as brick, stone, wood, light textured stucco, and split faced concrete block consistent with the chosen architectural style
Parking	2 garage spaces	Two, covered, enclosed parking spaces	Colors	Doors: Brevita Brown Stucco: Bona Fide Beige Roof Tile: Walnut Creek Blend Wood Columns/trim: Bison	Simple color schemes using a maximum of three colors

The proposed guesthouse addition is consistent with the Monterey style architecture originally approved with the residence. The proposed colors and materials for the addition will match the existing residence and include a palette of earth tones accented with a dark green color, white vinyl windows, decorative foam corbels, hardiplank siding, stucco, and concrete roof tile. Lot 52 allows for a maximum building height of 25 feet. The height of the addition is approximately 23 feet. Pursuant to the Cloister's Design Guidelines, the floor area of the second story is permitted to be up to 50 percent of the ground floor footprint area of the structure. The proposed deck and stairs are not considered floor area pursuant to the "Floor Area" definition in Section 17.12.285 of the Zoning Ordinance. The guesthouse addition combined with the existing second floor square footage is approximately 1,236 square feet. The footprint is approximately 2,676 square feet. The total existing plus proposed square footage equates to 46 percent of the footprint. As such, the project is consistent with the Cloister's Design Guidelines and the Cloister's Covenants, Conditions, and Restrictions (CC&R's) requirement. A condition has been placed on the project requiring a covenant to be recorded on the title which will prohibit the rental and limit the use of the guesthouse pursuant to Section 17.48.315 of the Zoning Ordinance. No modifications or exceptions to City development requirements are proposed.

The lot, landscape, and hardscape coverage will not increase because the guesthouse will be constructed over the existing residence and the square footage of the deck and stairs is so minimal (95 square feet) that the lot coverage percentage calculations were not affected. The last element of the proposed project is the replacement of wood columns on the front covered porch with lap siding.

In accordance with the CC&R's, the Cloisters Design Review Committee has also reviewed and approved the project plans for consistency with the Cloister's Design Guidelines.

PUBLIC NOTICE: Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on February 19, 2010, and all property owners of record within 300 feet of the subject site and occupants within 100 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION: The proposed project, as conditioned, is consistent with all applicable development standards of the Zoning Ordinance, Cloister's Tract Conditions, CC&R's and Design Guidelines, and applicable provisions of the General Plan and Local Coastal Plan. As such, staff recommends conditional approval of the project.

EXHIBIT A
FINDINGS

UP0-273/CP0-313: 2248 Emerald Circle (Lot 52) Construction of a 550 square foot guesthouse and 35 square foot deck attached to an existing single-family residence.

Staff recommends that the Planning Commission make the following findings:

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. UP0-273/CP0-313 is Categorically Exempt pursuant to CEQA Guidelines Section 15301, Class 1, as indicated in the attached staff report.

Conditional Use Permit & Coastal Development Permit Findings

- B. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood because the addition of a guesthouse to the single-family residence is a permitted use within the zoning district applicable to the project site and said structures will be constructed in accordance with all applicable project conditions and City regulations.
- C. The project will not be injurious or detrimental to property and improvements in the neighborhood because the single family residence and associated guesthouse are designed to be consistent with the Design Guidelines, project conditions, and City regulations applicable to this development.
- D. The project will not be injurious or detrimental to the general welfare of the City because the single family residence and associated guesthouse are permitted uses within the zone district and plan designation applicable to the site and said structures are designed to be constructed in accordance with all applicable project conditions and City regulations.
- E. The project is an allowable use in the zoning district and is also in accordance with the certified Coastal Land Use plan for the City of Morro Bay, and is in conformance with the coastal access policies of Chapter 3 of the California Coastal Act.
- F. The project is in conformance with the applicable conditions of approval for Tract 1996 (Case No. CUP 28-90/TM 01-90) as indicated in the attached staff report.
- G. The project design is consistent with the elements contained in the approved CC&R's for Tract 1996, the Cloisters, which are intended to create a unified architectural and aesthetic consistency and tone so that each residence will harmonize with the beauty and natural surroundings and coastal nature of the property.

EXHIBIT B
CONDITIONS OF APPROVAL

UP0-273/CP0-313: 2248 Emerald Circle (Lot 52) Construction of a 550 square foot guesthouse and 35 square foot deck attached to an existing single-family residence.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated March 1, 2010, for the project depicted on the attached plans labeled “Exhibit C”, on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

- *Use*: Guesthouse and Deck attached to existing single family residence
- *Maximum Height*: Lot 52 = 25’ above average natural grade of building footprint
- *Colors/Materials*: As indicated on the approved colors and materials board
- *Roof*: Eagle concrete roof tile; Walnut Creek blend
- *Lot Coverage*: 45 % maximum

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

2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.

3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.

4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with, in the exercise of this approval (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

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

PLANNING CONDITIONS:

9. Compliance with Conditions of Approval for Tract 1996: The approved projects shall comply with all applicable conditions of approval for approved Conditional Use Permit and Tract Map, Case No. CUP 28-90/TM 01-90, including, but not limited to, required noise standards, residential fire sprinklers, building and fence height limitations, lot coverage, and undergrounding of all utilities.
10. Design Review: The exterior finishes and materials shall remain in substantial conformance to the plans reviewed and on file with this approval. Prior to the issuance of a certificate of occupancy, a letter from the Cloister's Design Review Committee, verifying design compliance with the approved plan, shall be submitted to the Public Services Director. Any approved changes shall meet the intent as stated in Section 5.1 of the approved CC&R's for Tract 1996.
11. Building Height Verification: Prior to either roof nail or framing inspection, a licensed surveyor shall submit a letter to the building inspector certifying that the height of the structure is in accordance with the approved plans and complies with the height requirement of **25 feet maximum above finish grade as accepted by the City Engineer**. The finish grade shall not exceed the minimum elevation necessary to flood-proof the residence, and in any event, shall not exceed the finished grade as shown on the grading plan for Tract 1996 approved by the City.
12. Water Saving Devices: Water saving devices shall be installed prior to final occupancy clearance in accordance with the policies of the Morro Bay Coastal Land Use Plan and as approved by the Building Official.
13. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
14. Landscape Plan: Pursuant to the conditions of approval for Tract 1996, no landscaping shall be maintained at a height exceeding the maximum allowed for the structure. Additionally, the criteria contained in the CC&R's, Sections 5.17-5.22 shall be met.
15. Maintenance of Landscaping: All plant materials shall be maintained diligently to ensure proper health, growth and appearance. Replacement materials shall have similar functional characteristics as that originally approved.

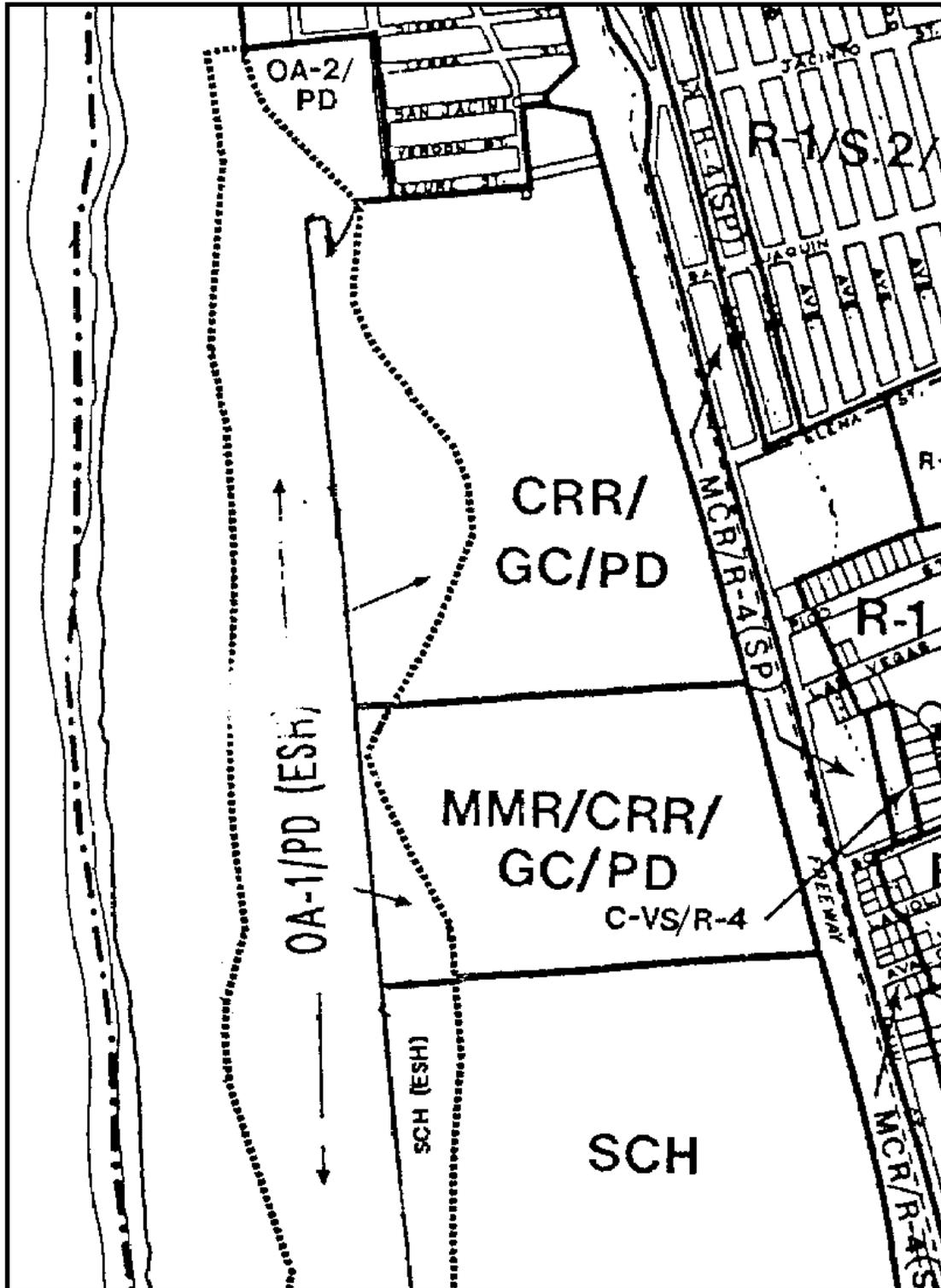
16. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist, knowledgeable in Chumash Culture, or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.
17. CEQA Exemption: If the applicant elects to post the Categorical Exemption with the Clerk's Office then a required fee of \$25 fee shall be made payable to "County of San Luis Obispo" and delivered to the County Clerk along with the Categorical Exemption form. The Notice of Exemption along with the fee may be filed after the appeal period has ended and the planning permit is effective. This filing has the effect of starting a 30-day statute of limitations period for challenges to the decision in place of the 180-day period otherwise in effect.
18. Covenant: Prior to issuance of a building permit, a covenant shall be recorded on the property limiting the guesthouse to one bedroom, one bathroom, no food cooking or preparation, and no food storage facilities. In addition, the covenant shall prohibit compensation in any form to be received or paid for its use.
19. Stairs: Outside stair access to the guesthouse shall not encroach into the 6-foot sideyard.

PUBLIC WORKS CONDITIONS

20. Encroachment Permits: Are issued at the Department of Public Services, 955 Shasta, prior to construction in or use of land in the City right-of-way and may be required prior to, building permit issuance, or as required by the City. Fees for encroachment permits are as set forth in the Master Fee Schedule adopted by the City Council.
21. Repair & Replacement of Public Improvements: The Applicant shall replace or repair curb, gutter, sidewalk street, or any public improvements which are damaged.
22. Drainage: Route roof and paved surface storm water runoff to the street flowline. In residential projects, if conditions allow, roof and paved surface storm water runoff can be routed over the drive approach to reach the street flowline. Elsewhere, use through curb City Standard C-8. Show drainage method on the plans.
23. Building Plans Submittal: The following items shall be required on the building plans.
 - a. Conduct a video inspection of the conditions of existing sewer lateral from point of connection to main connection, for City approval, prior to building permit issuance. Submit DVD to City collection system personnel. Repair or replace as required to prohibit inflow/infiltration. Indicate on the plan.
 - b. Provide a standard erosion and sediment control plan: The Plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.

FIRE DEPARTMENT CONDITIONS

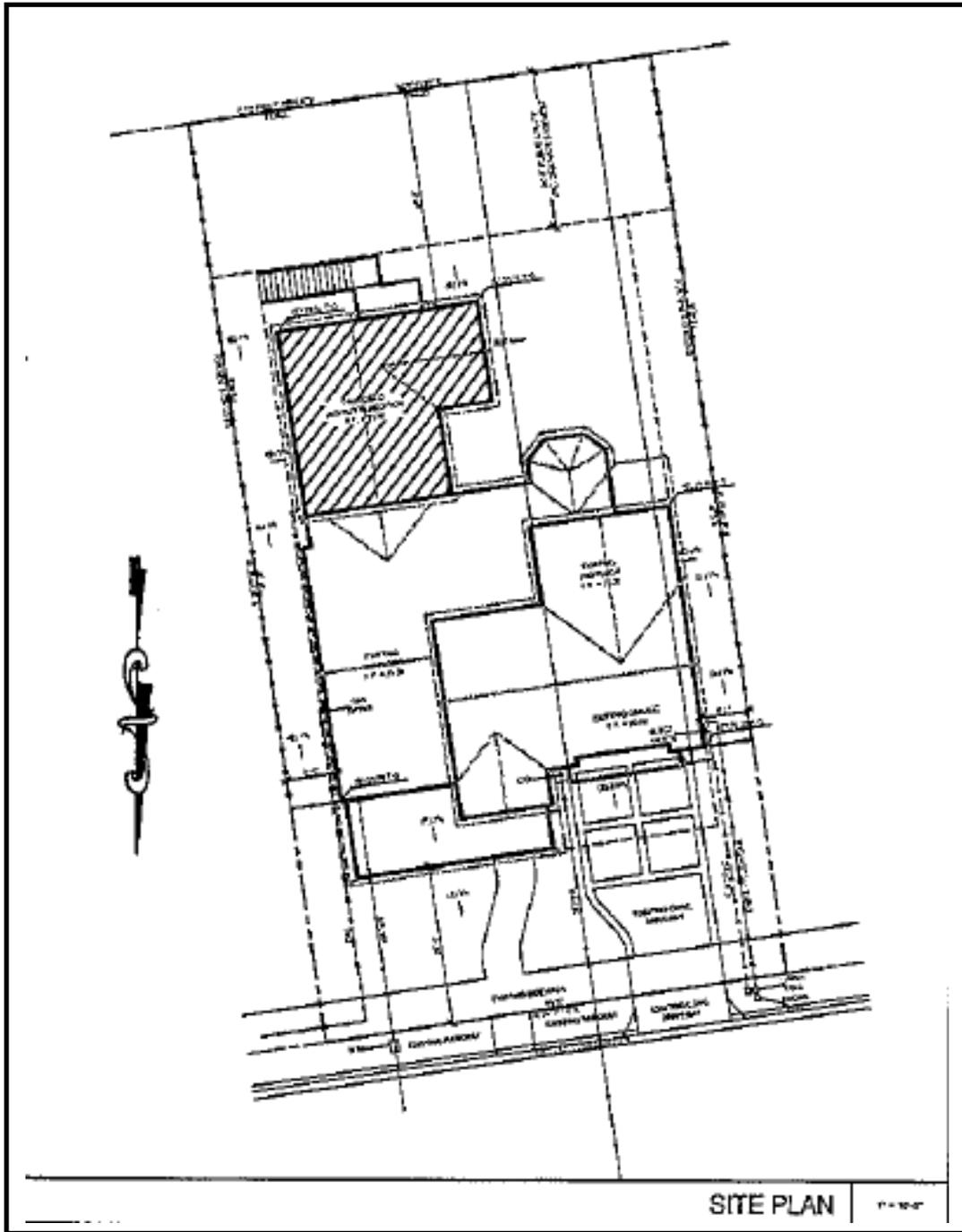
24. Automatic Fire Sprinklers: As a condition of the Cloisters Subdivision, all homes shall be protected by automatic fire sprinkler systems. Fire sprinklers shall be extended to this addition of 550 square feet, in accordance with NFPA 13-D.



Guesthouse and Deck Addition



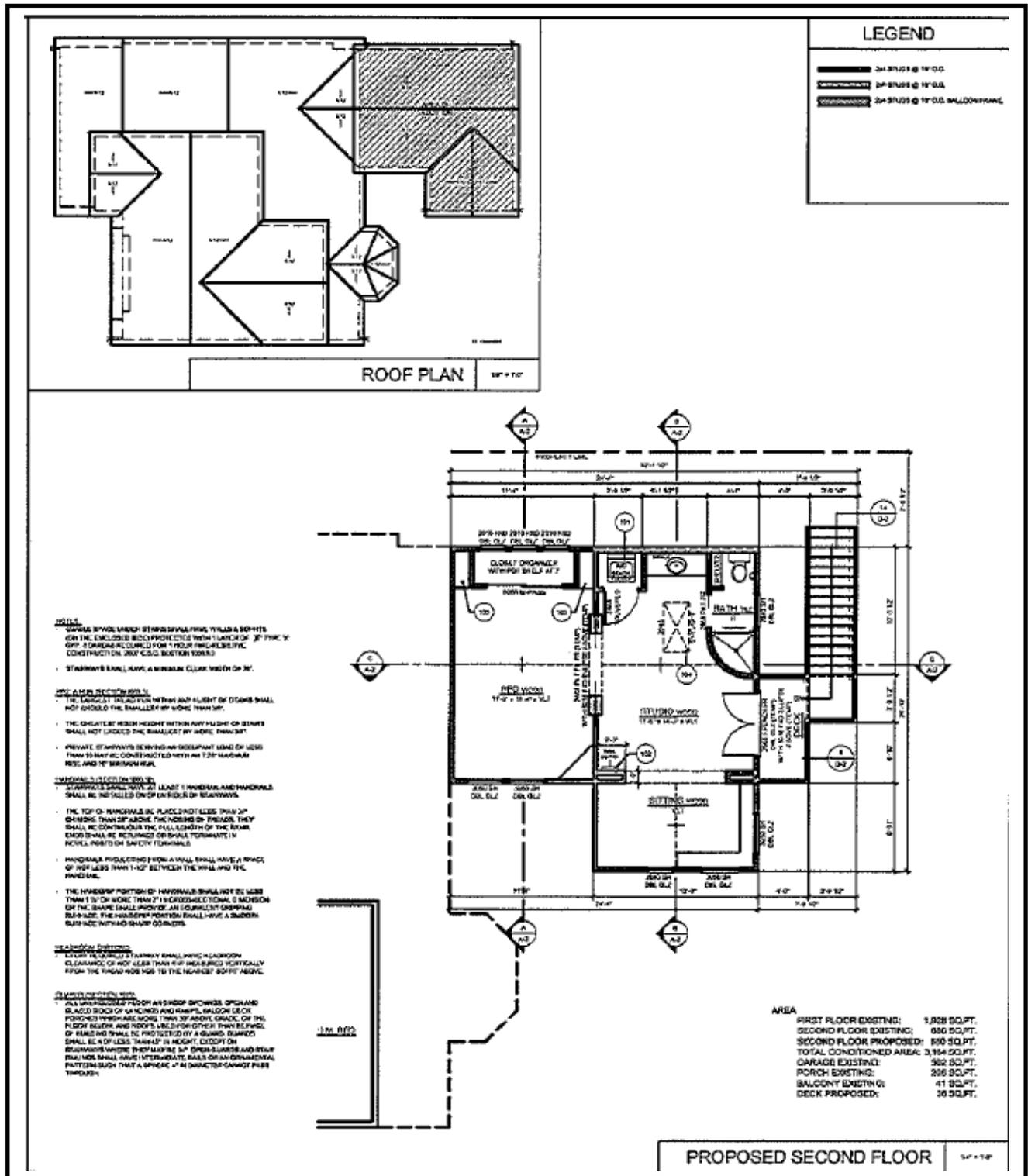
Zoning Map
Exhibit C



Guesthouse and Deck Addition



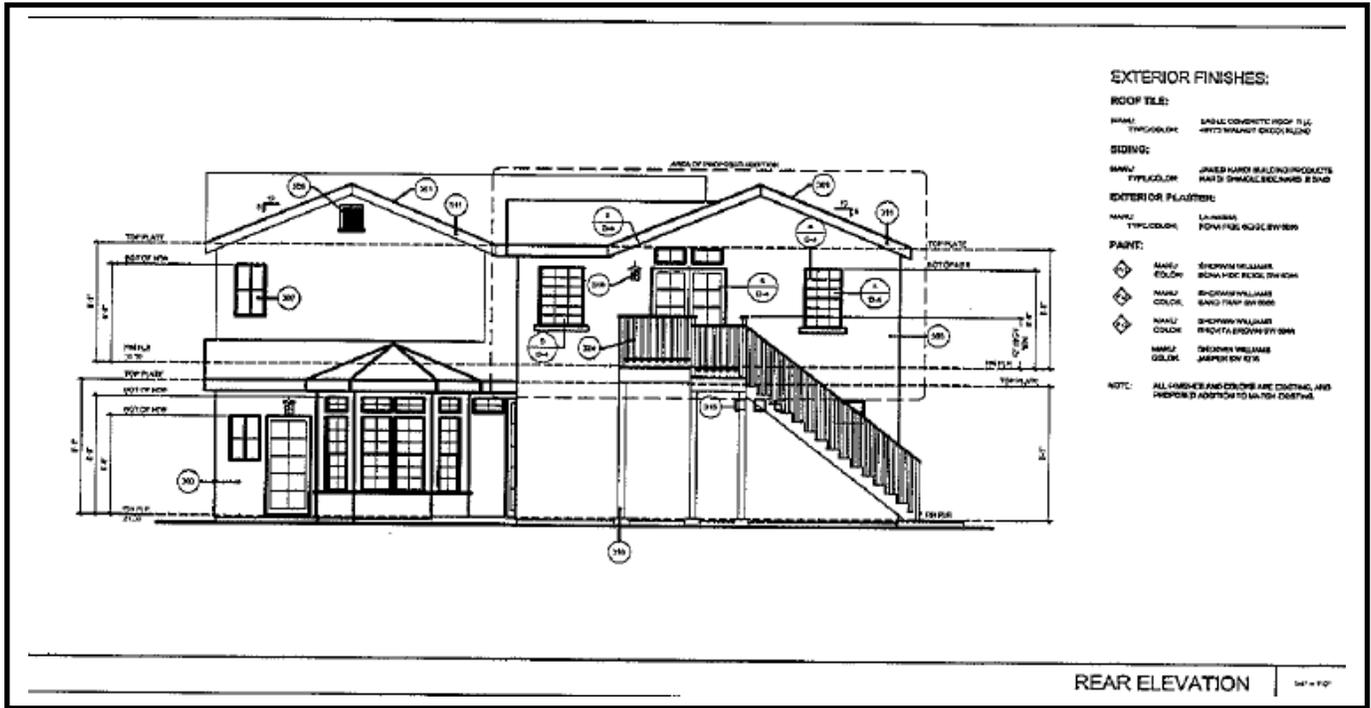
**Site Plan
Exhibit C**



Guesthouse and Deck Addition



Floor Plan Exhibit C



Guesthouse and Deck Addition



**Elevations
 Exhibit C**

EXTERIOR ELEVATION REFERENCE NOTES

1 EAGLE ROOF TILE. PONDEROSA 5689 BROWN BLEND	7 VINYL WINDOWS IN WHITE
2 PAINTED HARDPLANK 8" COLONIAL SMOOTH LAP SIDING. PAINT- TAWNY TAN LRV 47% SW 1078	8 PAINTED SECTIONAL GARAGE DOOR W/ WINDOWS. PAINT- BISON SW 1084 LRV 11%
3 LA HABRA' STUCCO. TAWNY TAN LRV 47% SW 1078	9 PAINTED WOOD COLUMNS. PAINT- BISON LRV 11% SW 1084
4 GUARD RAIL. PAINT- BISON LRV 11% SW 1084	10 2X FASCIA BOARD. PAINT BISON LRV 11% SW 1084
5 DECORATIVE GABLE END VENT. BLACK FOREST SW 2238	11 PAINTED WOOD TRIM. PAINT- CORRAL BROWN LRV 30% SW 1082
6 EXPOSED CORBELS/ STRUCTURAL MEMBERS. PAINT- CORRAL BROWN LRV 30% SW 1082	12 PAINTED WOOD SHUTTERS. PAINT- BLACK FOREST SW 2238
	13 FRONT DOOR. PAINT- CORRAL BROWN LRV 30% SW 1082

the Cloisters
 MORRO BAY, CALIFORNIA

FRONT ELEVATION
 SCALE 1/4" = 1'-0"

SEABREEZE COLLECTION
 LOT 52
 2248 EMERALD CIRCLÉ

Guesthouse and Deck Addition



Existing Residence Colored Rendering Exhibit D

FRONT ELEVATION

			
Color: "Walnut Creek" Eagle	Color: "Brevita Brown" Sherwin Williams	Color: "Jasper" Sherwin Williams	Color: "Bona Fide Beige" Sherwin Williams
Material: Conc. Tile Roof	Material: Fascia, Wood Trim, Doors	Material: Wood Shutters	Material: Exterior Stucco/Siding

Project: Lot 52, Tract 1996
 2248 Emerald Cir.
 Morro Bay, CA 93442

Owner: Todd Schnack
 2248 Emerald Cir.
 Morro Bay, CA 93442

Prepared By: Nelson R. Bernal
 2121 Pine Street Ste A
 Paso Robles, CA 93446

Guesthouse and Deck Addition



**Colors/Materials Board
 Exhibit E**

Dec 02 2009 5:42PM NRB Drafting Inc.
Dec 02 09 04:32p CR9A

8052371368
(805) 544-8625

p. 2
p. 2

The Cloisters-Morro Bay
690 Monterey St., Suite A - San Luis Obispo, CA, 93401 - 805 544-3380

Final Design Review Approval

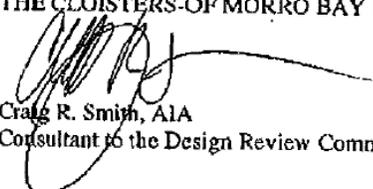
To: Mr. Todd Schnack
From: The Cloisters-Morro Bay, Design Review Committee
Address: 2248 Emerald Circle, Morro Bay, CA.
Date: November 30, 2009

This letter is to inform you that the Cloisters Design Review Committee reviewed your proposed project and determined to be in satisfactory conformance with the Cloisters Design Guidelines and the CC&R's of the sub-division development.

Should you have any questions, or need any additional information regarding this approval, please contact Craig R. Smith, AIA, at 805 544-3380.

Sincerely,

THE CLOISTERS-OF MORRO BAY DESIGN REVIEW COMMITTEE,


Craig R. Smith, AIA
Consultant to the Design Review Committee

Guesthouse and Deck Addition



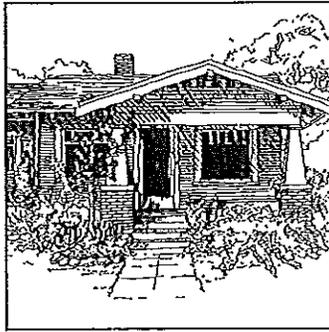
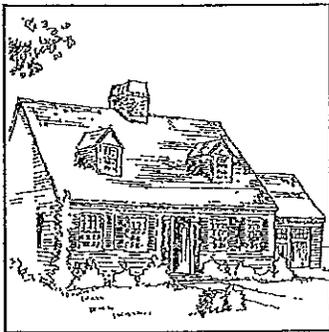
DRC Letter
Exhibit F

EXHIBIT G

the Cloisters

MORRO BAY, CALIFORNIA

DESIGN GUIDELINES



JULY, 1997

RRM DESIGN GROUP

THE CLOISTERS DESIGN REVIEW COMMITTEE

2770 Indigo Circle
Morro Bay, CA 93442

RECEIVED

DEC 26 2001

City of Morro Bay
Public Services Department

City of Morro Bay,
590 Morro Bay Blvd
Morro Bay, CA 93442

November 26, 2001

Please be advised that The Cloisters Design Review Committee address changed to :

2770 Indigo Circle – Morro Bay, CA 93442

and the contact person in my absence - France Merat - can be reached at 772-5618.

Sincerely,


Bruno Bosio

THE CLOISTERS

DESIGN GUIDELINES MANUAL

Prepared for:

KEYOTO-MORRO BAY, INC.

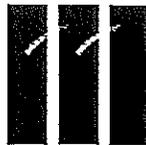
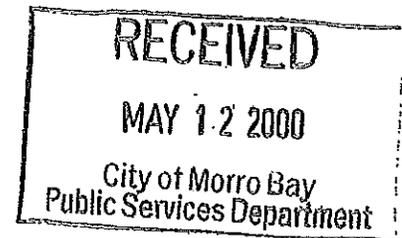
AND

MORRO BAY - NATALIE, INC.

July 1997

*Revised
July 1998*

September 1999



RRM DESIGN GROUP

Architecture • Planning • Engineering • Surveying • Interiors • Landscape Architecture

"CREATING ENVIRONMENTS THAT PEOPLE ENJOY"

3701 South Higuera Street • San Luis Obispo, CA • Phone: 805.543.1794 • Fax: 805.543-4609
131 South Second Avenue • Oakdale CA • Phone: 209.847.1794 • Fax: 209.847.2601
Vic Montgomery, Architect #CA11090 • Jerry Michael, RCE #36895, LS #6276 • Jeff Ferber, LA #2844

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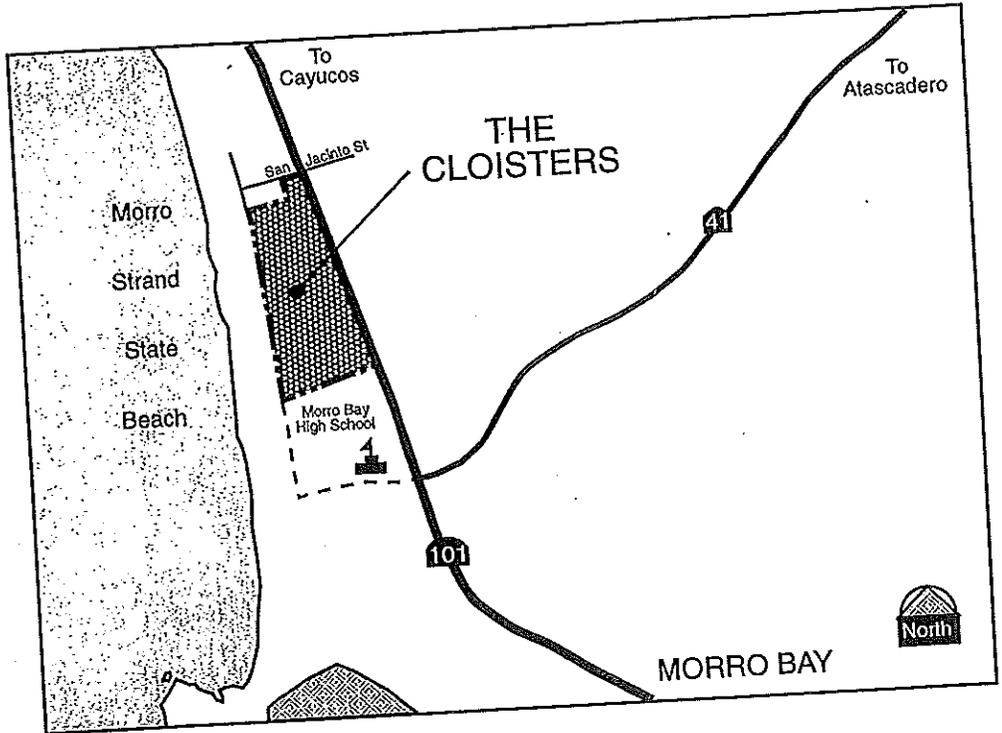
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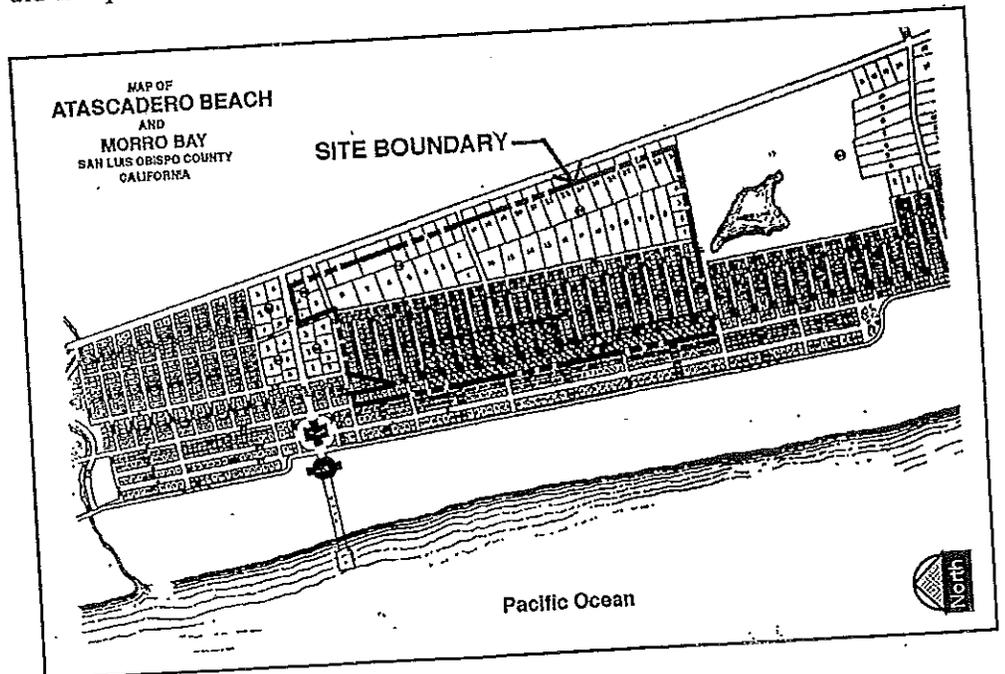
I. INTRODUCTION



Vicinity Map

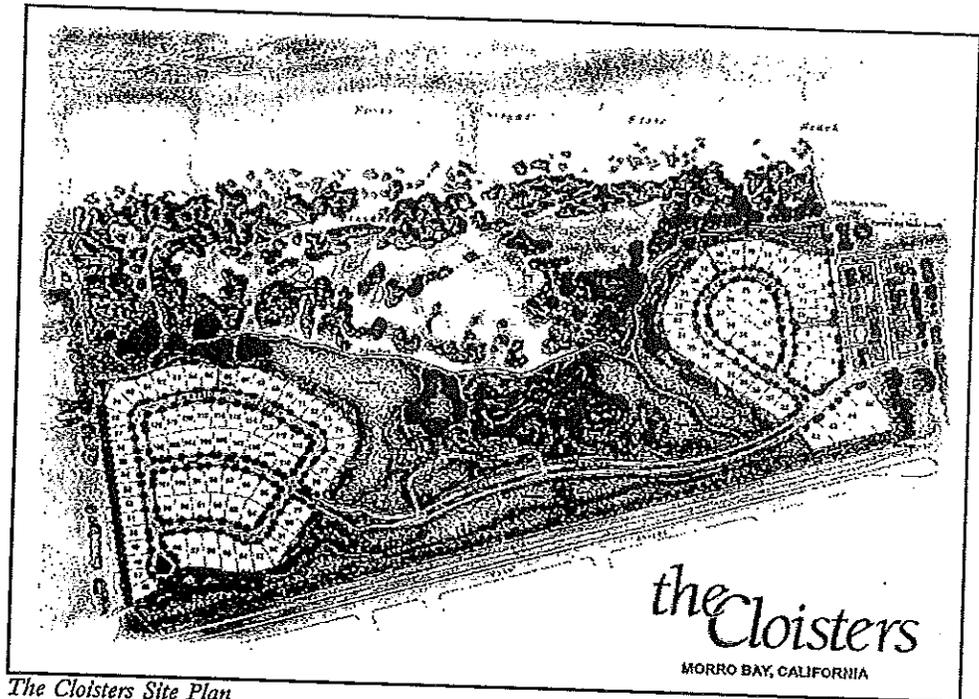
HISTORY

The Cloisters property in Morro Bay, California, was originally subdivided in 1917 as small lots for weekend beach homes, to be given to buyers of lots in the newly created Atascadero Colony in northeast San Luis Obispo County. The majority of the lots of the original 1917 Cloisters project were very small and did not preserve the beautiful coastal dune habitat that we see today.



Circa 1917 Site Plan

In 1979, the developers of the Cloisters project began the long planning process to resubdivide the project into 120 lots ranging in size from 6,000 to approximately 14,000 square feet. In 1990, the project as it is seen today was proposed and environmental review and mitigation planning reached its peak. In December of 1991, the City of Morro Bay approved the project, and in July of 1992, the California Coastal Commission approved the Cloister's Coastal Development Permit.



The Cloisters Site Plan

The project, which takes its name from the beach front Cloisters Hotel that stood at the end of San Jacinto Street, is characterized by two clusters of home sites. The clusters are located at the north and south edges of the property to create neighborhoods which respect the natural beauty of the site. These clusters preserve an open view corridor to the Pacific Ocean, the dunes, and Morro Rock.

The developer and the design team, along with the people of Morro Bay, have always seen this property as a very unique place. The intent of these design guidelines is to provide lot owners with a tool which enables them to create a strong relationship between the home site, the neighborhood, and the surrounding area.

The character described and illustrated in these Guidelines is consistent with the coastal nature of the Cloisters property and early 20th century California neighborhoods. The site planning, architectural, and landscape standards are oriented toward the California Bungalow, Craftsman and Cape Cod styles.

The vision for this project is to restore the quaint character of subdivision neighborhoods which has been seldom seen in new development during the past forty years in California. These guidelines and the project team endeavor to create a project in Morro Bay with a great "sense of place".

**ROLE OF THE
DESIGN GUIDELINES**



The Design Guidelines are intended to facilitate sensitive and high quality site, building, and landscape designs to complement the unique and pastoral project setting. They accomplish this by providing direct, yet flexible, design and development standards. This will assure compatibility of scale and character within the development without precluding expression of imagination and individuality by the lot owners and their design professionals.

These Guidelines bring together into a single source, the many policies, restrictions, requirements, and inspirations which will help shape the design and construction of residences in the Cloisters neighborhood. These Guidelines will simplify the process for everyone involved by stating the expectations of the project in a clear and concise manner. The Design Guidelines will frequently be referred to as the "Guidelines" in this document.

The Guidelines are a portion of a larger set of restrictive covenants which govern the Cloisters subdivision. This is called the "Cloisters Declaration of Restrictive Covenants", which was recorded in the Office of the County Recorder of San Luis Obispo County on October 8, 1996 in Document 1996-050337. It is sometimes referred to in these Guidelines as the "Declaration" or the "CC&R's".

The Design Committee is responsible for enforcing the Declaration, including these guidelines, during the approval process.

USERS

The Guidelines will serve in different capacities for different people. The following describes some of the potential users and uses of these Guidelines.



- **Lot Owners:** A copy of the Guidelines will be provided to the prospective lot owner as part of the disclosure documents. The purchaser must be familiar with the document as he/she will be ultimately responsible for compliance with its contents.



- **Design Professionals:** Architects, Landscape Architects, Engineers, and other design professionals will work with the Lot Owner in creating an appropriate residential design. The Guidelines will provide direction for resolving site, building, and landscape design issues to assure compatibility with the project goals. These professionals will use the Guidelines in conjunction with applicable regulations of the City of Morro Bay. It is expressly the ultimate responsibility of the Lot Owner to have each of his/her design professionals inquire of the City regarding all such regulations and to comply with them.



- **The Design Committee:** Committee members will use the information in these Guidelines as a basis for evaluating all proposals for residential development. These Guidelines are intended to simplify the design review process for the Committee while providing an objective review for the applicant. The Design Committee will hereafter be referred to as "the Design Committee" or "the Committee".

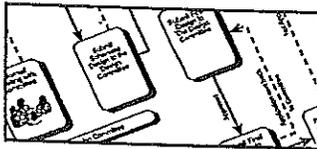


- **City of Morro Bay:** The City staff will review residential designs and verify that building permit submittals meet all City imposed conditions for the project adopted by the City Council and incorporated into the Guidelines, as well as all applicable City codes, prior to issuance of a building permit.

These groups will utilize these Guidelines in preparing, submitting, and reviewing plans for residential proposals. All Lot Owners and their agents will be required to follow the design, submittal, and review process set forth in this document.

ORGANIZATION OF THE GUIDELINES

The Guidelines are organized into the following sections:



- **Plans and Processing:** Lot Owners are required to submit thorough plans for any improvements or renovations on their property. These plans are then reviewed by the Design Committee for compliance to these Guidelines. "Plans and Processing" outlines this process in detail.



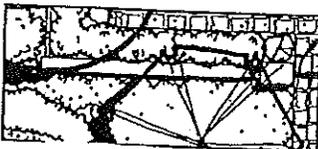
- **Committee Policies:** The task of the Design Committee is to review residential proposals and determine their compliance with the Guidelines. This section details some of the policies, procedures, and responsibilities of the Committee that are relevant to the Lot Owner.



- **Site Design:** Site design guidelines establish the level of quality in design that is required of all residential proposals. Sensitive and creative site design lessens the impact of homes on the environment and maximizes the potentials of a site.



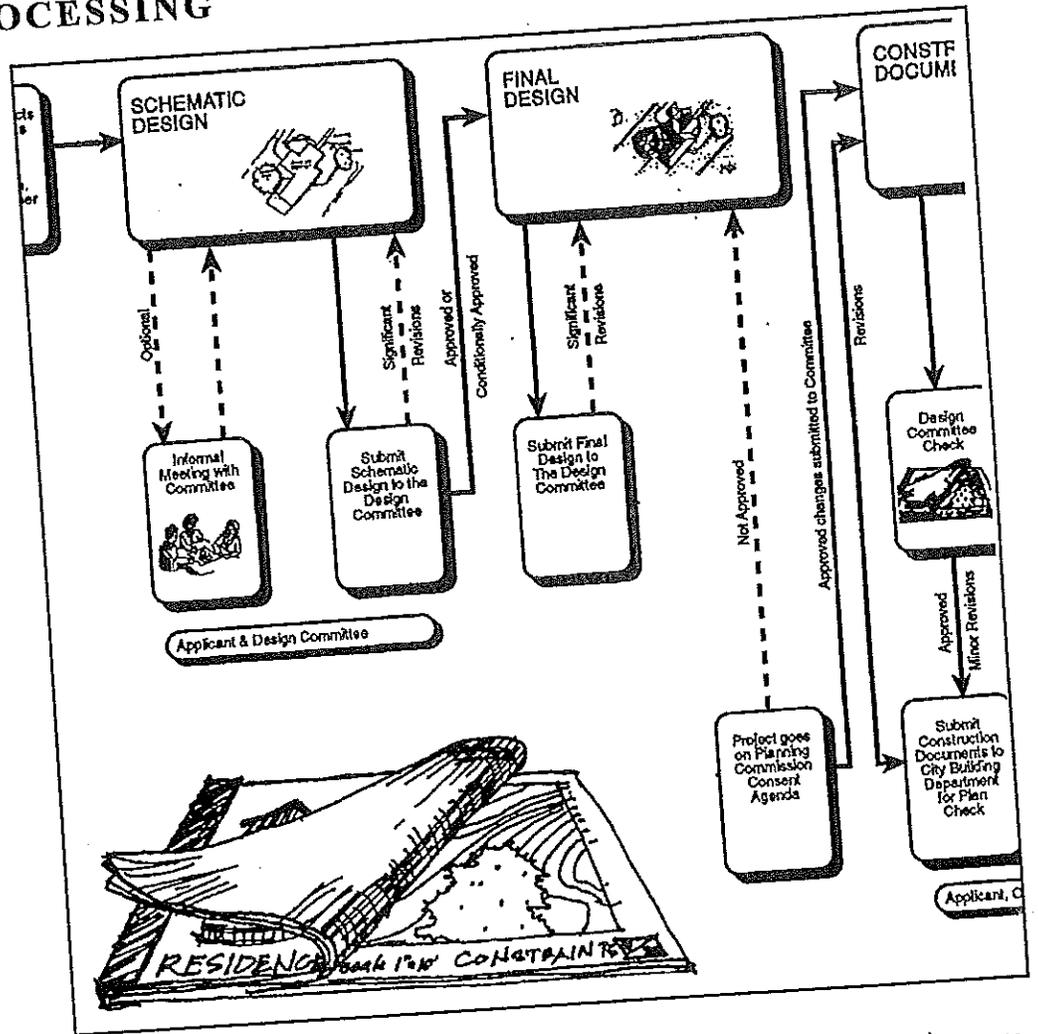
- **Building Design:** Creative and unique building designs which comply with the established design theme are required in this neighborhood. This section defines the quality of home designs which meet the goals of the Cloisters project.



- **Landscape Design:** This section sets forth the landscape design standards which will act as the unifying element in Cloisters neighborhood. The goals of these guidelines are to preserve open views, unify the project, and guide the creation of functional and beautiful outdoor spaces.

- **Appendix:** The appendix will include information which is supplemental to the Guidelines. Architectural character samples, recommended resource list, maps, and diagrams will be included in this section.

II. PLANS AND PROCESSING



Before any residential buildings, remodeling, additions, or landscape improvements may begin construction, plans of all proposed work must be submitted and approved by two bodies — the Cloisters Design Committee and the City of Morro Bay. Only upon approval by both the Committee and the City will a building permit, when required, be issued by the City. Site improvements that do not require a permit from the City will still be required to be reviewed and approved by the Committee.

This section of the Guidelines outlines in detail the procedures the Lot Owner must follow in order to have his/her property improvements designed and built.

Prior to beginning this process, the Lot Owner should be familiar with the Guidelines as well as the expectations and goals of all the parties involved. Once the Lot Owner is familiar with the information in these Guidelines, he/she can continue with the following process.

PREPARING THE PLANS

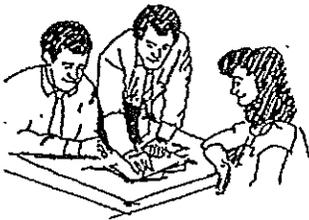
The Lot Owner is strongly encouraged, but not required, to engage the services of a licensed architect, a licensed landscape architect, and a licensed civil engineer. Non-licensed design personnel may be used; however, they will be required to meet the standards of quality and professionalism which are expected and required by the State of the licensed design professionals. Using unlicensed personnel is done at the risk of the Lot Owner and may subject the Lot Owner to possible delays and extra costs if all guidelines and standards are not or cannot be met.

Once the consultants have been selected, and before beginning the design process, it is essential that the Lot Owner and the design professionals be thoroughly and personally familiar with the site, the CC&R's, these Guidelines, all applicable building codes, City Ordinances, and City requirements. It is required that all design professionals visit the site and its surrounding environment prior to beginning any design work. It is recommended that the Lot Owner and his/her agents consult with City staff at an early stage to determine precisely their requirements, inspection procedures, time frames, consultant licensing requirements and any other limitations which may be encountered.

Each residential proposal must be original and specifically designed for the conditions of the appropriate Cloisters lot.

Any proposal for improvements will require that complete plans be submitted, reviewed, and approved by the Design Committee of the Cloisters as well as the City of Morro Bay. The diagram illustrated in Exhibit A-1 shows the Plan Review Process and the interaction between the Lot Owner, Consultants, Design Committee, and the City.

**INFORMAL
PRE-APPLICATION
MEETINGS**



**GENERAL SUBMITTAL
REQUIREMENTS**

Lot Owners and their agents are strongly encouraged to set up an informal meeting with the Committee to discuss design concepts, clarify requirements, and facilitate clear communication of the Committee's expectations. These meetings shall be used for clarification only and not to gain an informal "approval" of the Committee. These meetings are unofficial and only in an official meeting of the Committee will an approval, or disapproval, be issued. The informal meeting should take place on the same day as regularly scheduled Committee meetings. If this is not possible, the Committee may appoint one or more members to meet with the applicant at a mutually acceptable time.

A minimum of four submittals will be required of the applicant: a schematic design submittal, a final design submittal, and two construction document submittals. All submittals must meet high standards of quality and professionalism. Submittals must be complete. Any proposal deemed incomplete by the Committee, based on the requirements listed on the application form, may be refused until deemed complete.

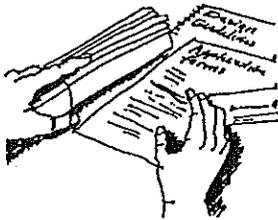
At each submittal stage, three copies of all plans must be submitted. One set of those plans will be returned to the applicant with an approval stamp, conditional approval, or denial. Comments for necessary revisions will accompany a conditional approval or denial.

Plan submittals should follow the following format requirements:

- Plans shall be submitted on 24" x 36" or 30" x 42" sheets.
- The sheets of each set of plans must be bound on the left side and consecutively numbered. If mounted presentation boards are used, separate bound and unmounted plans shall be submitted along with the boards.
- All plans having a border shall be not less than 1" on the left side (bound side) and not less than 1/2" on all other sides.
- Each sheet shall have a title block showing lot number, owner's name, consultant's name(s), date, scale, north arrow and sheet title.

All submittals shall be delivered by the applicant to the Committee at the Cloisters sales office or as otherwise designated by a Committee member.

APPLICATION & SCHEMATIC SUBMITTAL



Submittal of a loose schematic design to the Design Committee is required of each applicant. The review of the schematic design will allow the Committee to make suggestions to the applicant and his/her consultants. This will allow changes to occur before a large investment has been made in design work. Commencing work on the final design prior to schematic design approval is done at the risk of the applicant. An Application Form must be completed and submitted with the schematic design. This form should be used as a checklist by the designer and the applicant to ensure that the submittal is complete. Applications and other related forms will be available at the Cloisters sales office.

A non-refundable processing fee, as determined by the Committee's current fee schedule, must be included with the schematic submittal. This will cover the costs of the entire design review including schematic design, final design, construction documents, and final walk-through. This fee does not apply to any fees required by the city of Morro Bay.

The following is a summary of the minimum requirements for the schematic design submittal.

- Application and fee
- A dimensioned and labeled site plan including conceptual building layout, hardscape layout, mechanical equipment areas, and preliminary grading/drainage.

- A labeled floor plan including all dimensions of all rooms, approximate square footages, and approximate finish floor elevations. Interior information is required for background purposes. The Committee is not intended to provide comments on interior design.
- Exterior building elevations for each side of the building showing massing, style, heights, balconies, roof pitches, door locations, window locations, materials, and finishes.
- Landscape master plan including schematic design of hardscape, driveways, decks, spas, overhead structures, walks, plant massing, tree locations, and preliminary plant list. The hardscape and detail elements need not be exhaustive in the drawn details at this point. Plant list must indicate botanical as well as common names of all trees, shrubs, and ground covers.
- Schematic lighting plan including location and type of all outdoor lighting.
- Color and material samples for all exterior finishes. Include paint, wood, roofing, stucco, brick, stone, etc.

The schematic submittal will receive comments and suggestions from the Design Committee. If there are only minor changes, the Committee may grant a conditional approval. These changes must then be incorporated into the final design plan. If the changes are significant, the applicant may be required to resubmit a revised schematic design and obtain approval of the Committee before progressing to the final design.

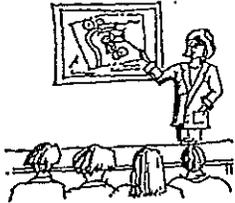
FINAL DESIGN SUBMITTAL

The final design submittal is a detailed refinement of the schematic which should resolve all primary issues of the design. The final design should closely resemble the approved or conditionally approved schematic plan. The applicant is cautioned regarding significant deviations from the approved schematic plan in that the Committee may deem the new plan to be a separate submittal. The final design submittal will include the following minimum information.

- Dimensioned and labeled site plan. Include lot coverage and other statistics; existing and proposed grading/drainage, key spot elevations; finished floor elevations, building layout; mechanical equipment locations; and layout of landscape elements (e.g. pool, spas, decks, overhead structures, etc.).
- Dimensioned and labeled floor plans. Include square footage totals; window and door locations; finish floor elevations; patios; decks; and balconies.
- Exterior elevations for each side of the building. Include style, materials, height, roof pitches, balconies, decks, door locations, window locations, landscape elements, and planting.

- Final landscape master plan. Include final design and location of all hardscape elements; general location of plant material; and refined legend showing names and sizes of plant material. (This is not a planting plan. Shrubs and ground covers can be shown in concept masses.)
- Irrigation conceptual design. Include the types of irrigation equipment being proposed such as spray heads, drip components, valves, backflow prevention device, etc. by zones. Head and pipe layout is not required for this submittal.
- A final color and materials board. Show a set of color chips and samples of roofing material, tile, block, paving, etc. These samples should be on an 8-1/2" x 14" or 8-1/2" x 11" format. Exhibits may be larger if they can be folded into the required format.

**REVIEW BY THE
COMMITTEE**



The Committee will review the applicant's plans for both the schematic design and final design submittals. The following is the process by which the Committee reviews these plans.

Upon receiving the submittal, the Committee will determine whether the submittal is complete. If a submittal is incomplete, the applicant will be notified, within 14 days, of additional materials required to make the submittal complete.

If the submittal is determined to be complete by the Committee, the application shall be set for hearing at an open meeting of the Committee. The applicant will be given notice of the time, date, and place of the hearing. The applicant is encouraged to bring his/her consultants to these open hearings.

Reasonable effort shall be made by the applicant to contact neighboring Lot Owners, give them reasonable opportunity to view the submittal, and allow them to make written or oral comments to the Committee. Neighbors that must be notified are the owners of lots contiguous to the applicant's; lots directly across the street from the applicant which fall wholly or partially within the boundaries of the applicant's lot extended across the street; and any other lots which, in the sole and absolute discretion of the Committee, will be affected. These notices shall normally be by regular U.S. Mail to the address of the Lot Owner according to County Assessor's records.

A copy of the submittal will be kept at the Cloisters sales office (or other location determined by the Committee) for review and comments by neighbors. An agenda of lots for which submittals have been made, and the scheduled date of open hearings for them will be posted at that same location.

The applicant and other lot owners will be given a reasonable opportunity to speak at the first meeting in which the submittal is considered by the Committee. If significant changes take place in the design, the Committee may choose to hold subsequent open hearings on the project.

Aside from these open hearings, the Committee may hold meetings without notifying the applicant, neighbors, or other lot owners.

Prior to a vote by the Committee, an applicant may withdraw from consideration or continue the consideration to a later meeting, for the purpose of modifying his/her submittal. Any continuance requested by the applicant or his agents, shall extend the time permitted to the Committee by the CC&R's to act upon a submittal.

When the time arrives for the Committee to vote on a submittal, it may approve, disapprove, or conditionally approve a submittal. Upon disapproval of a final design submittal by the Committee, the applicant must apply anew and pay the initial application fee again.

Approval of a submittal by the Committee shall last a period of one year. This may be extended during its last three months for a period of up to one year if the conditions of the lot and surrounding area have not changed substantially in the meantime.

If a final submittal is conditionally approved, the Committee will notify the applicant of changes which must be made to the submittal before it may be approved. Once these changes have been made, the submittal will receive an approval from the Committee. If the Committee determines these changes to be minor, they may allow them to be incorporated at the construction document phase.

Once a final design submittal is approved, it may be submitted to the City of Morro Bay Planning and Building Department. If the Planning Director requires changes, these must be reviewed and approved by the Cloisters Design Review Committee before proceeding. The City will process the submittal with the adopted rules and procedures for approval of a Coastal Development Permit.

**CONSTRUCTION
DOCUMENT SUBMITTAL**

Following approval of final design plans, applicants should begin work on the construction documents. If any changes occur in the construction documents which significantly differ from the approved final design, the applicant must notify the Committee prior to proceeding. The Committee may consider the changes during a regular meeting or as part of the construction document submittal. The Committee may or may not approve the changes. Once the construction documents are complete, the applicant must submit them to the Committee. All plans must be prepared according to applicable local and state building codes.

The following is a list of required drawings for the construction document submittal:

- Site and grading plan which precisely locates all structures relative to the property boundaries and critical spot elevations, drainage and walls.
- Foundation plan showing type and dimensions of all foundations.

- Floor plans which fully dimension all spaces. These must clearly identify all features and accessories in the structures.
- Exterior elevations for each side of the building which are fully dimensioned. Include heights; material and color callouts; roof pitches; balconies; decks' doors; and windows. Colors and materials may reference materials board.
- Longitudinal sections showing all interior heights and volumes with all dimensions.
- Framing plan including roof plan showing dimensioned layout of overhangs, drainage system, and location of all roof penetrations.
- All construction, structural, and architectural details necessary to build the structure.
- Electrical plans may be required by the Committee depending on the complexity of the design.
- Landscape layout/construction plan with fully dimensioned layout of all hardscape elements. Landscape lighting may be included on this plan.
- Landscape construction details for all built features in the landscape including but not limited to trellises, patios, fences, and walls.
- Irrigation plan and details showing complete layout of mainline, laterals, and irrigation heads. The plan must include location of POC, backflow prevention device, meter, and quick couplers. Pressure and flow information for all components of the systems should be noted.
- Planting plan and details including layout of individual plants. All plants must be called out by botanical name, common name, size, quantity, and spacing.
- Specifications in sheet or book format for quality of all materials and workmanship.

The Committee will only verify that the construction documents conform to the approved design plan. If they do conform, the Committee will issue a letter of approval for the applicant to submit with his/her plans to the City of Morro Bay Building Department. The City has its own procedures of approval and may require revisions to the plans. The Committee will not provide plan check services.

Once the plans receive the final Coastal Development Permit approval from the Building Department and the Building Permit is issued, three sets of the City approved plans should be submitted to the Committee. The Committee will briefly review these final plans to determine whether they are still consistent with the approved final design. The Committee may appoint one member or a representative to conduct this final review.

If the construction documents are consistent with the approved design, the Committee will approve them. One copy of the approved plans will be kept by

the Committee for its records. The other two sets of approved plans will be returned to the applicant.

If there are changes required by the City in the design which conflict with the approved final design, the Committee will review the changes. If the changes are minor or if they do not affect the exterior appearance of the design, the Committee may approve the changes.

If the changes are not considered minor, or do affect the exterior appearance of the design, the Committee may or may not require changes to the construction plans. These changes must then be resubmitted to the Building Department for its approval of any changes to the issued permit. The Committee will make every reasonable effort to accommodate changes required by the City, as long as the revisions are consistent with the Guidelines.

**CONSTRUCTION
OBSERVATIONS**

Once the applicant has obtained the final Committee approval and the appropriate permits from the City, construction may begin.

During construction, the Committee or assigned Committee members may make up to three visits to the construction site to monitor conformance to the approved plans. A final walk-through by the Committee will take place when construction is complete. If any deviations from the approved plans are necessary during construction, these changes must be brought to the Committee's attention and approved before being constructed. Any construction which is not in substantial compliance with approved plans can result in a work stoppage and replacement at the Lot Owner's expense.

During the construction visits, the Committee will only be concerned with areas which are covered in these Guidelines. The City Building Department will conduct its own inspections to monitor conformance with City codes and regulations. City inspections will be independent of any Committee visits.

Once a final walk-through has been conducted and approval has been granted by the Committee, a Notice of Completion form will be completed. A Committee member and the Lot Owner will both sign this form. One copy will be sent to the City, a second copy will be kept for the Committee's files, and a third copy will be given to the Lot Owner. This will constitute the end of the Cloisters plan review process for the Lot Owner, unless remodeling of the building or major landscape elements is proposed.

III. COMMITTEE POLICIES



The Cloisters Design Committee (often referred to as the "Committee") is created by the CC&R's. Its composition, powers, and responsibilities are determined by the CC&R's. The Committee's mission is to regulate all new residential construction (including landscaping), and ongoing replacement work. This regulation of development and maintenance of the Cloisters is intended to ensure a very high quality neighborhood.

Only policies relevant to the applicant are included in these Guidelines. There are other policies pertaining to the Committee which are not stated in these guidelines. These can be found in the CC&R's.

POLICIES

The powers of the Committee are key elements in the success of the Cloisters, as they must be in any Planned Unit Development. Properly exercised, they

The Cloisters

will be instrumental in creating and preserving the Cloisters as an attractive, livable, and prestigious neighborhood thereby enhancing the lifestyle and property values for the lot owners.

The main concern of the Committee is the exterior appearance of the homes and landscape. Structural concerns are the responsibility of the City Building Department.

Approval of the Committee is required in addition to (not in place of) all permits / requirements imposed by governmental agencies and other entities which have jurisdiction over the Cloisters.

If at the time that an applicant seeks an approval of a submittal from the Committee, conditions are present on the applicant's lot which are in violation of these Guidelines or the CC&R's, a majority of the Committee shall be entitled to withhold approval, pending correction of the violation. The Committee's time to approve or disapprove the application shall be extended pending the correction.

Any fees required to process the submittal shall be paid before the processing commences, and before any time limitations begin to elapse. Provided that the appropriate fee has been paid at the time of the Schematic Design Submittal and application, no additional fee shall be payable for the other submittals of the same application. All fee amounts may be imposed at the discretion of the Committee to reasonably defray the costs of processing applications, meeting rooms, refreshments, staff members, consultants, telephone calls, etc.

PROCEDURES

If requested by the applicant in writing or orally at the hearing, the applicant shall be notified in writing of the results of any voting, including any conditions of approval or disapproval.

Meetings and hearings shall be held informally and the Chairperson or acting Chairperson at any session shall have complete charge of the procedures during such session.

A brief record shall be kept of those meetings during which comments from the applicant and neighbors have been solicited. Such record shall, in the event of controversy, reflect the names of all persons heard and the results of all votes.

A deadlocked vote, with less than all of the Committee members present, or with less than three members present, shall cause the continuance of the matter to a subsequent hearing. If public comments have been taken, no new notices of the time and place of the subsequent hearing need to be given to the applicant or the neighbors. A deadlocked vote with all Committee members present shall be considered a vote in favor of the applicant.

RESPONSIBILITIES

The Committee is responsible for final interpretation of the Design Guidelines.

The Committee is charged with reviewing all plans for the development and improvements to private areas within the Cloisters. The Committee's responsibility is to ensure architectural compatibility. The Committee also determines compliance with protective restrictions contained in the conditions of approval of the tract, the mitigation measures, the CC&R's, and the goals of the developer as set forth in these Design Guidelines. These Guidelines and the activities of the Committee are intended to complement these protective restrictions.

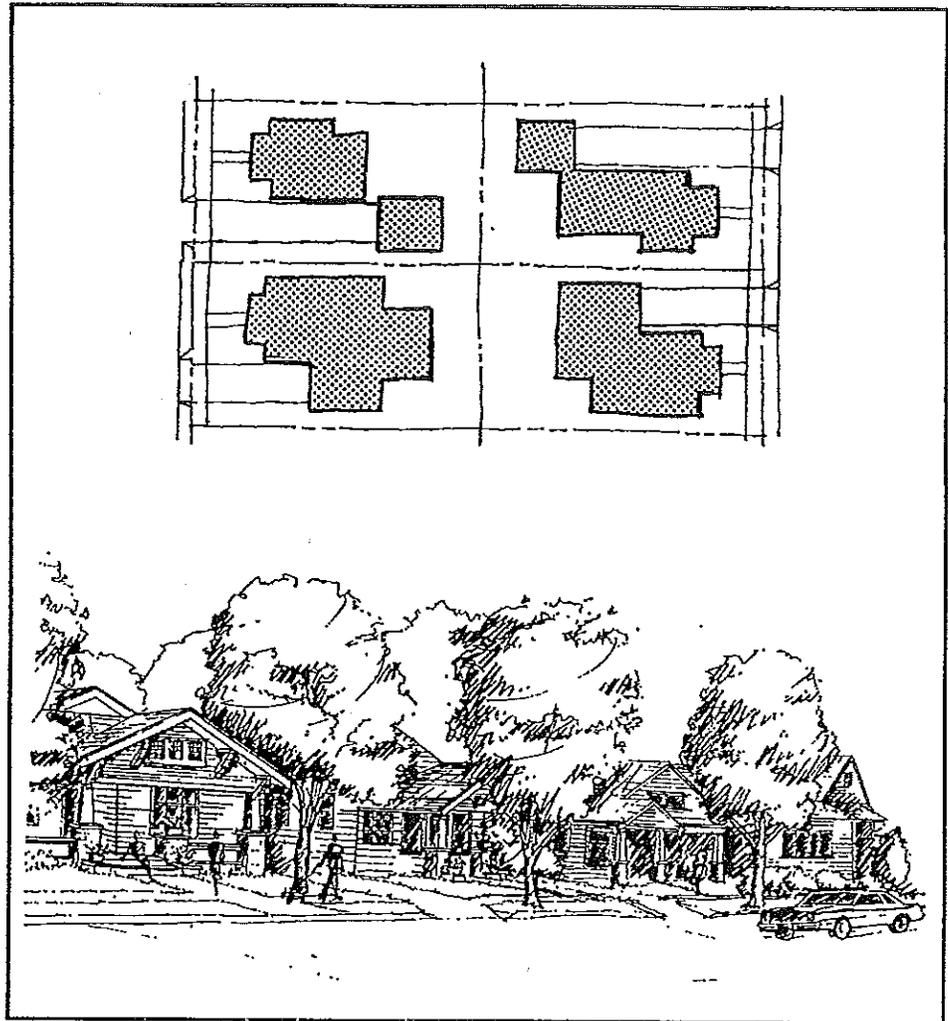
The Committee will not be responsible for the compliance by the applicant or his/her consultants, agents, or contractor with any of the following: state or local laws; building codes; permitting processes; or other requirements. Nor will the Committee be responsible to anyone for faulty design, placement, or construction. All such concerns are solely the responsibility of the applicant and his/her consultants, agents, and contractors. It is the sole responsibility of the applicant and his/her consultants, agents, and contractors to determine all such requirements and to comply with them.

The Committee does not consider and assumes no responsibility for:

- The structural capacity, safety features, or building code compliance of the proposed improvements or structures.
- Whether the location of the proposed improvement or structure on the building site is free from these possible dangers: geologic hazards, natural hazards, hazards caused by conditions occurring on the property, or other hazards caused by conditions off the property.
- The internal operation or functional integrity of the improvement.

Committee members should see the CC&R's for further policies of the Committee. The creation of the Committee is set forth in the CC&R's. If there are any conflicts in language between these guidelines and the CC&R's, the language in the CC&R's shall prevail.

IV. SITE DESIGN



GOAL

Initiate site design reflecting a strong relationship between homes and landscape elements. Site planning must respond sensitively to the scale of the neighborhood and the coastal character of the Cloisters property.

OBJECTIVES

- Locate structures / landscape elements to maximize ocean views, usable outdoor space, and efficient solar exposure while being considerate of neighboring property owner's views.
- Minimize any potential visual impact of the Cloisters homes to existing neighborhoods and Highway One by understanding the scale of the project. Site plans should reflect a respect of the coastal habitat as the dominant environment.
- Position driveways and garages carefully to minimize adverse visual impact of a "garage scape" to the neighborhood; be sensitive to the views of the neighboring properties to the extent feasible.
- Require imaginative site planning that contributes to the "sense of place" of these neighborhoods.

**BUILDING
ORIENTATION**

Intent:

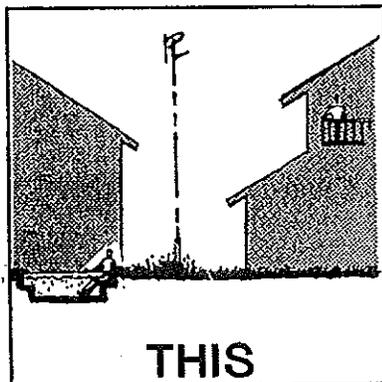
Maximize the optimal solar exposure and view potential. Minimize intrusion of privacy, and utilize building orientation to take advantage of passive solar effects.

Guidelines:

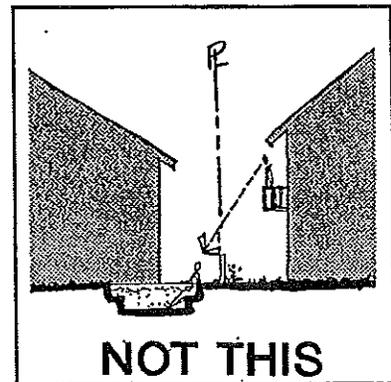
- Locate structures / landscape elements to frame and preserve view corridors whenever possible. (Refer to Site Plan and Viewshed Corridor Diagram in Appendix.)
- Orient courtyards, patios, and balconies on the southern and western side of the home for maximum solar exposure.
- Strategically locate buildings, trees, and low garden walls to function as a wind break from the ocean winds (usually from the northwest).
- Locate trees so that they do not completely block sun from private spaces such as patios and courtyards. Use deciduous trees to provide passive solar access during winter months and shade during summer months.

(Note: Morro Bay has a very temperate climate with an average summer temperature of 70 degrees.)

- Carefully locate activity areas and uses to avoid negative impacts on neighbors.



Consider locating functions that require privacy away from property lines



Avoid locating spaces like balconies near property lines to avoid neighbor conflicts.

**BUILDING EASEMENTS
AND SETBACKS**

Intent:

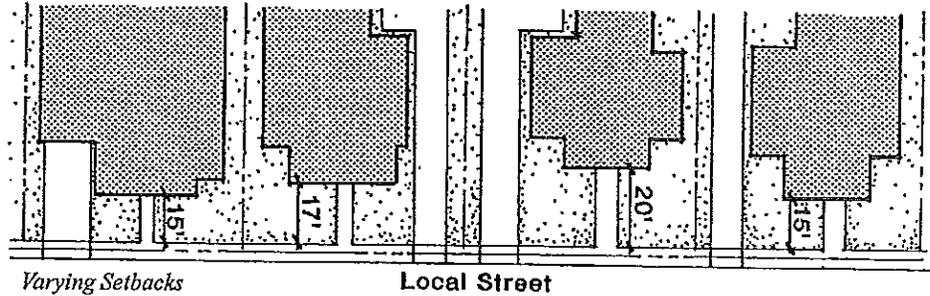
Establish an appropriate distance between residences, streets, and open space. Allows for privacy; habitat protection and enhancement; and an interesting streetscape.

Guidelines:

- Provide varying front yard setbacks that will create more variety, interest and individuality in the residential development. Avoid a repetitive mass produced appearance along local streets by varying front yard setback a minimum of 2' offset from neighboring residence whenever possible.

The Cloisters

- To preserve the view of Morro Rock, the ocean, the dunes, and open space, no fences or structures are allowed within the view corridors. (Refer to Site Plan and Viewshed Corridor Diagram in Appendix). One exception to this standard is the property line picket fence which is required for rear slope areas in the view corridor.



Building Setbacks:

When figuring setbacks and designing building footprints, applicants should provide ample space for a creative and attractive landscape.

Street Yard Setbacks:

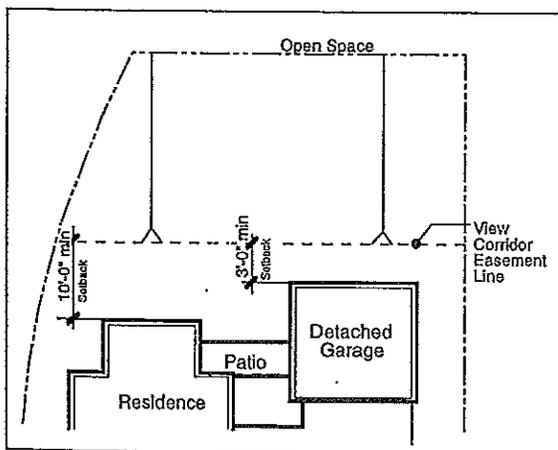
- A 20' minimum setback from property line to main building, which is typically 15' back from sidewalk.
- A 25' minimum setback from property line to garage front, which is typically 20' from back of sidewalk.

Side Yard Setbacks:

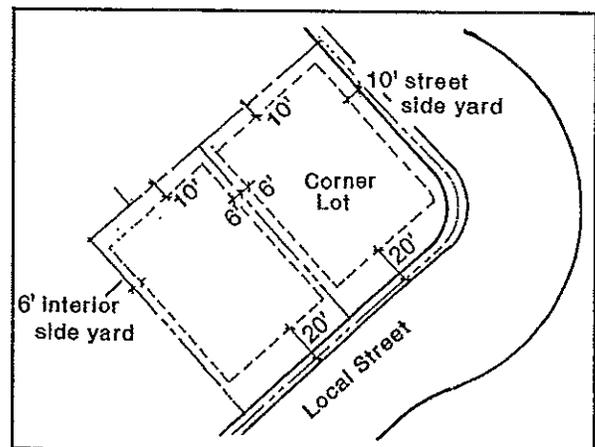
- Interior side yard setbacks shall be a minimum of 10% of the average lot width with a maximum distance of 6 feet. For detached garages only, a minimum setback of 3 feet may be allowed.

Corner Lot Side Yards:

- Corner lots have a 10' side yard setback from the property line where side yards are adjacent to the street.



Minimum Building Setbacks for View Corridor Lots



Minimum Building Setbacks for Typical Lots

Rear Yard Setbacks:

- A 10' minimum setback from property line to main structure.
- 3' minimum setback from property line to detached garage structure.
- Lots along the view corridor are to use the view corridor line as their rear yard property line for building setback purposes. (Refer to Site Plan and Viewshed Corridor Diagram in Appendix.)
- Owners of perimeter lots outside the view corridor shall not build within the rear slope area. The original top of slope shall be considered the building setback. Some landscape structures may be allowed within the slope area. Refer to the guidelines for Perimeter Lots Outside the View Corridor.

Floor Area Limitations:

- Maximum lot coverage on any lot is 45% of the gross lot area.
"Building Lot Coverage" means the coverage of a lot by all portions of the building, either at or above ground level, including garages, carports, roofed porches and cantilever portions of the building and the area of raised uncovered decks over 30 inches in height which encroach into any setback areas, excluding roof overhangs, eaves, open decks, or similar architectural extensions.

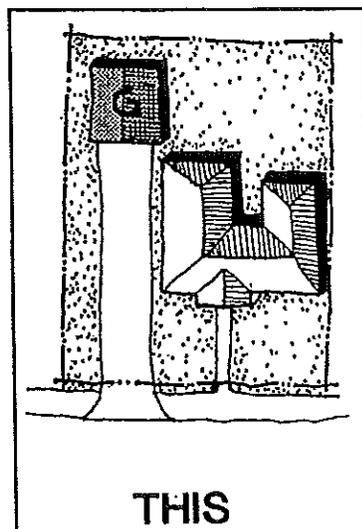
**GARAGE
STRUCTURES**

Intent:

Promote a functional and attractive arrangement of structures that will de-emphasize the potential dominance of automobile / garage presence along local streets.

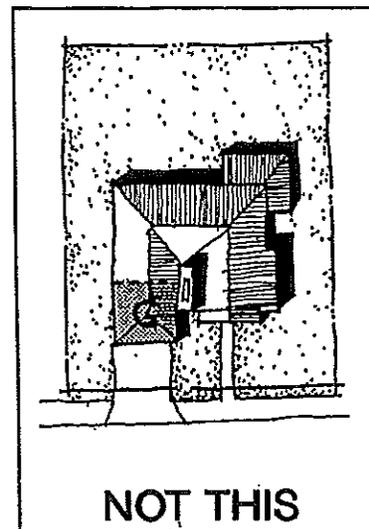
Guidelines:

- The driveway width is limited to a maximum of 16'. Larger driveway areas near the garage door may be approved when garages are at the back part of the lot and the driveway area immediately adjacent to the garage doubles as a patio. (See page 29.)



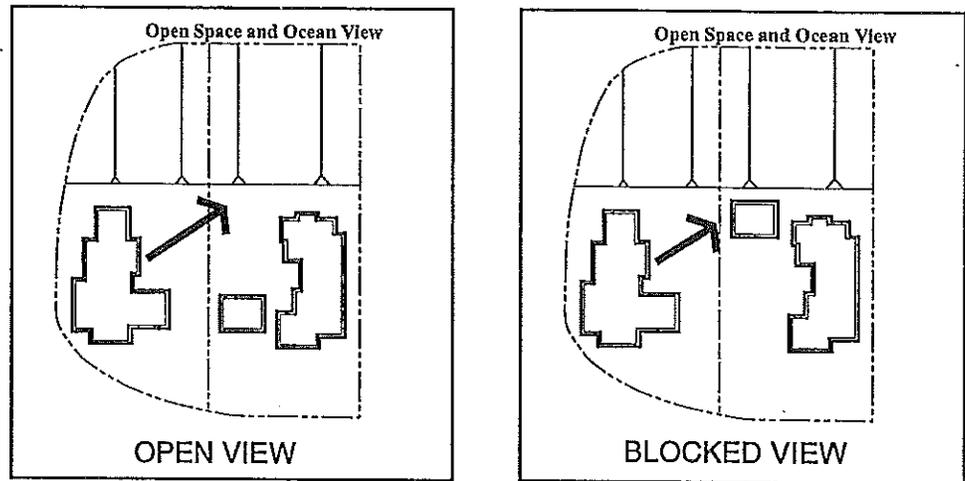
THIS

Preferred garage location on most interior and east facing lots.



NOT THIS

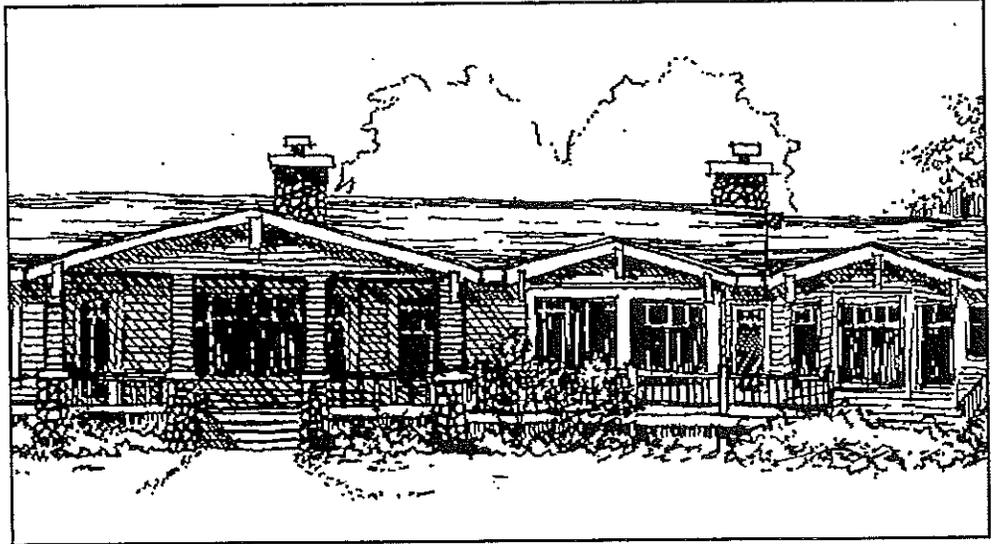
Garage dominates house entry.



Consider open space views of neighbors when siting garages. On coastal view perimeter lots, garages can be set back and still be sensitive to neighbors views.

- Garage structures should be set back behind the front of the house a minimum of 4 feet. The garage must be at least 25 feet back from the property line, which is typically 20 feet back from the sidewalk.
- Driveways should not dominate the landscape or the entry to the home.
- Reduce the garage dominance along the streets by locating garages behind the house.

V. BUILDING DESIGN



GOAL

Establish general parameters that require sensitive, imaginative, and appropriate building design. Provide design direction that is consistent with the adjacent coastal environment and California seaside neighborhoods.

OBJECTIVES

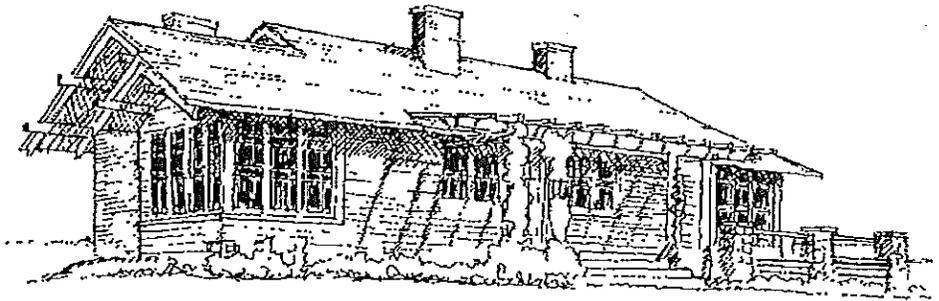
- Provide guideline criteria by which a desired architectural quality can be understood and developed without overly constraining creative possibilities.
- Illustrate how form and massing articulation, when applied to building design, can minimize the visual impacts of structures.
- Establish height limits to preserve views, minimize visual impacts, and facilitate variety in the skyline.
- Recommend appropriate materials, finishes, and colors to complement the natural coastal landscape.
- Provide safety, security, and design enhancement with criteria for appropriate exterior lighting and mechanical equipment location.
- Establish efficiency standards that will reduce impacts on air quality and water consumption.

ARCHITECTURAL CHARACTER

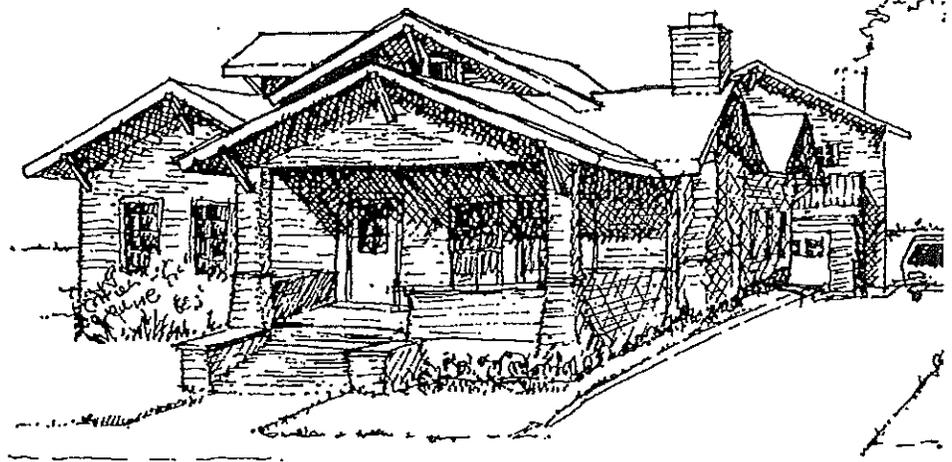
- Although no one particular design style is required, homes with a Bungalow, Craftsman, or Cape Cod character define the vocabulary which will be allowed in the development. Architectural styles such as Modernistic, Neoclassical, Tudor, Southwestern, Mediterranean and Western Ranch are prohibited.

The Cloisters

- The architectural character of the Cloisters should be readily identifiable from the street through consistent architectural elements such as window proportions, doors, balconies, roofs, materials, and appropriate detailing.
- Architectural elements such as windows, overhangs, materials and detailing should be consistent with the architectural style selected. Care should be taken to not combine elements from different styles as this could dilute or weaken the overall design continuity.
- Careful detailing and articulation should also occur at the rear of structures. This will eliminate adverse visual impacts to the adjacent lots.



Craftsman Style Architecture



Bungalow Style Architecture

In this design manual, examples of “Bungalow”, “Craftsman”, and “Cape Cod” architecture are shown and described in the Appendix. “Craftsman” style of architecture (influenced by Arts and Crafts, and Prairie styles) originated in the early 1900’s, and became popular with Gustav Stickley’s magazine, and the southern California architects, the Greene brothers. Craftsman style architecture always emphasizes the building’s structural elements such as, rafter tails, beams, brackets, and joinery.

The Bungalow style architecture described in these guidelines, is often referred to as "California Bungalow" style. This style evolved from the Craftsman style around the 1920's and therefore has many of the same architectural elements. These design guidelines describe the Craftsman and Bungalow architectural details individually, but these details can also be intermixed.

Traditional California Bungalow elements:

- Low pitched gable roof
- Large eave overhangs with triangular knee-braces
- Exposed roof beams and rafter tails
- Vertically oriented multi-paned windows
- Lap siding
- Large front porches protruding from the main house instead of flush with the facade
- Elevated front porch
- Garage located behind the home (often detached)
- Dormers
- Interior detailing: built-in cabinetry such as bookcases, shelving, and china cabinets; fireplaces, wood detailing, wooden window trim, wooden moldings.

Common Craftsman elements:

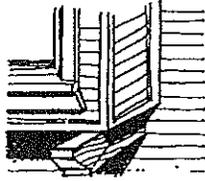
- Low pitched gable roof
- Large eave overhangs
- Exposed roof beams and rafter tails
- Multi-paned windows grouped together (often oriented vertically)
- Lap siding or shingle siding, with stone and brick detailing
- Large porches integrated into the building design
- Elevated front entry
- Garage located behind the home
- Trellis structures
- Oversized wood structural detailing
- Transom windows
- Interior detailing: built-in cabinetry such as bookcases, shelving, and china cabinets; fireplaces, wood detailing, wooden window trim, wooden moldings.

BUILDING FORM AND MASSING

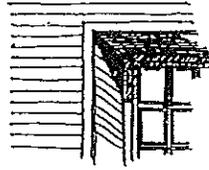
Intent:

Increase the blending of the form, mass, and profile of individual homes with the natural terrain. Minimize the visual impact to the site, Highway One travelers, and surrounding neighborhood.

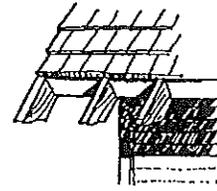
The Cloisters



Projection



Recess

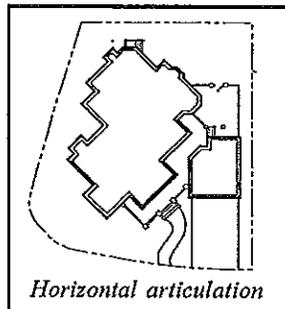


Overhang

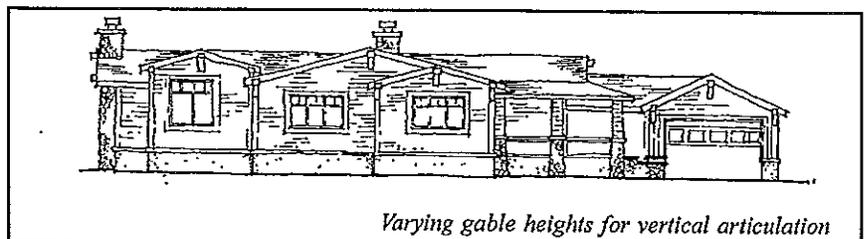
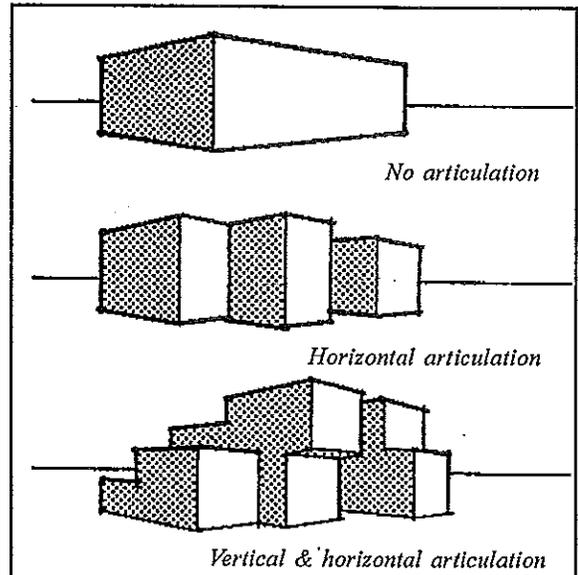
Building Articulation

Guidelines:

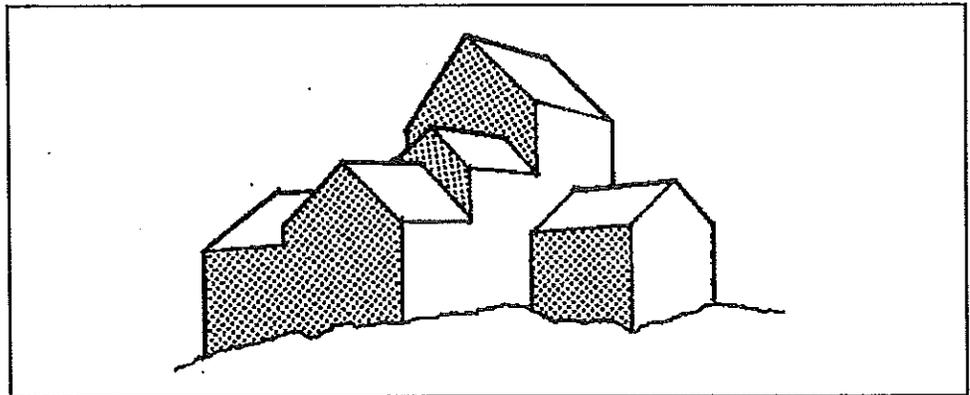
- Soften the overall building mass with architectural features such as garden walls, porches, balconies, arbors, and trellises. "Tacking on" architectural features as an attempt to hide poor massing will not be permitted. Interesting articulation strengthens the home design by providing shadow and depth.
- Vertical and horizontal variation of form should be appropriately implemented to add richness and variety to the overall building mass.
- Use of varying ridge heights and wall planes will provide a deliberate sense of proportion and scale to the building.
- Large expanses of wall surface area on the front and rear elevations of the building are prohibited.



Horizontal articulation

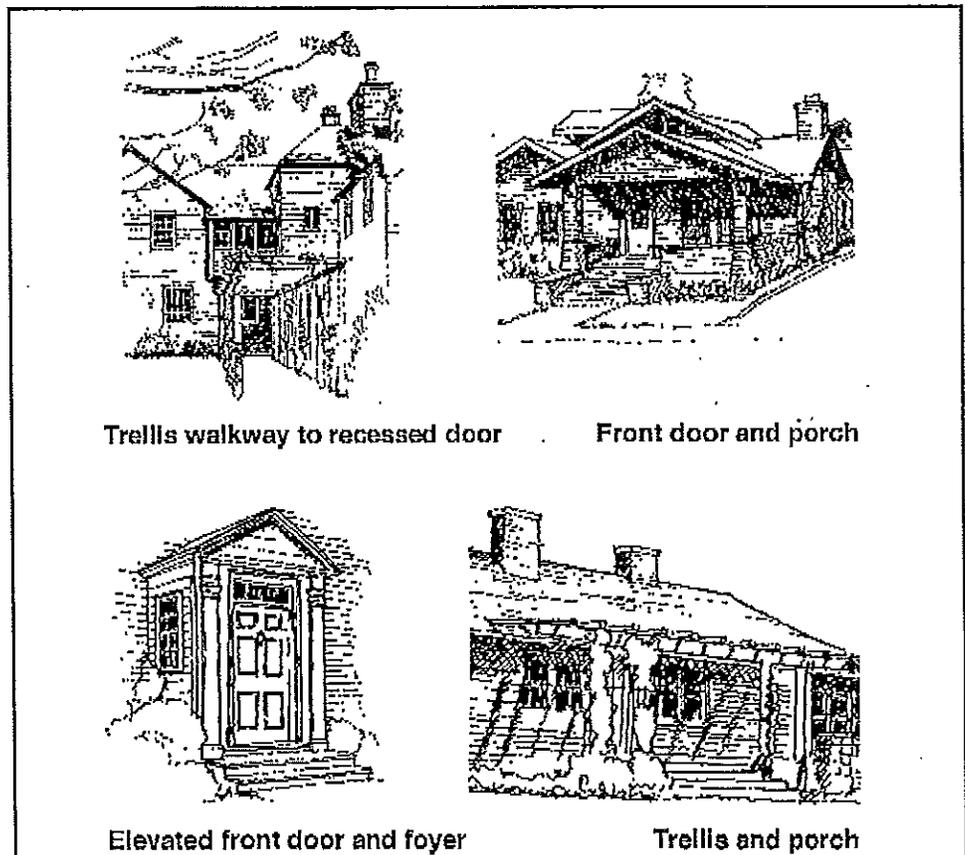


Varying gable heights for vertical articulation



Schematic diagram of variable ridge heights

- Each home must have a well-defined entry. Careful application of roof and facade detailing will create interest and scale. Emphasize entry ways by recessing or projecting outward. Avoid front doors that are within the same plane as the house facade. Entryway enhancement can be achieved by the use of entry patios, double entry doors, wing walls, side lights, roof overhangs, front porches, etc.
- Porches are strongly encouraged because they help unify the Cloisters neighborhood.



Trellis walkway to recessed door

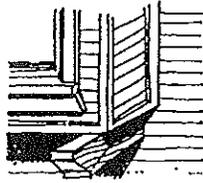
Front door and porch

Elevated front door and foyer

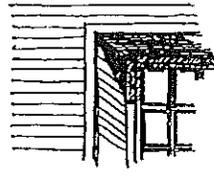
Trellis and porch

Entryways

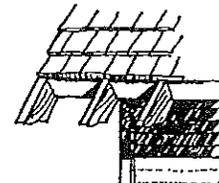
The Cloisters



Projection



Recess

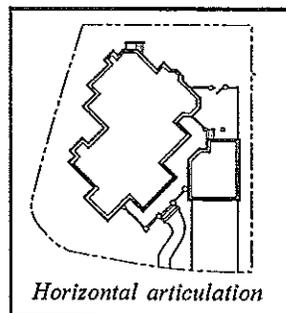


Overhang

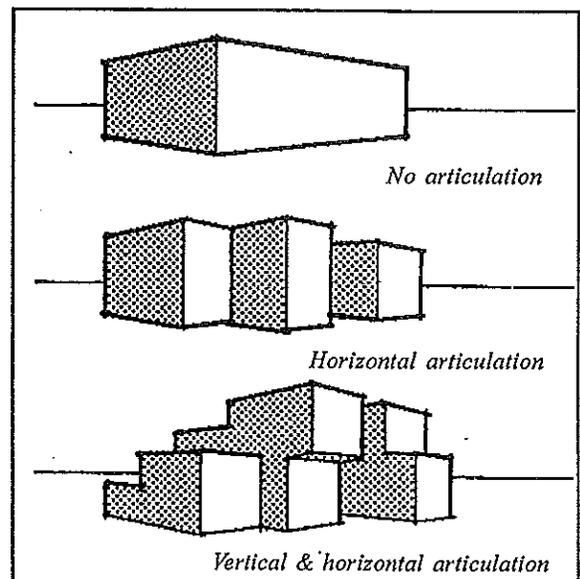
Building Articulation

Guidelines:

- Soften the overall building mass with architectural features such as garden walls, porches, balconies, arbors, and trellises. "Tacking on" architectural features as an attempt to hide poor massing will not be permitted. Interesting articulation strengthens the home design by providing shadow and depth.
- Vertical and horizontal variation of form should be appropriately implemented to add richness and variety to the overall building mass.
- Use of varying ridge heights and wall planes will provide a deliberate sense of proportion and scale to the building.
- Large expanses of wall surface area on the front and rear elevations of the building are prohibited.



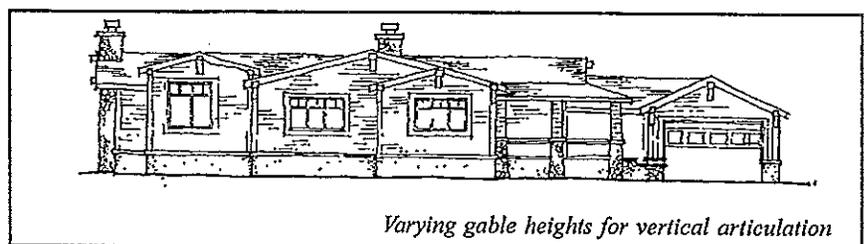
Horizontal articulation



No articulation

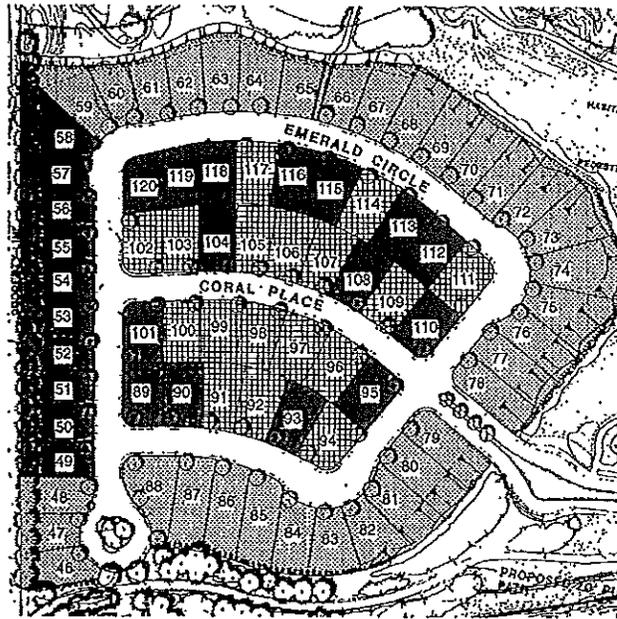
Horizontal articulation

Vertical & horizontal articulation



Varying gable heights for vertical articulation

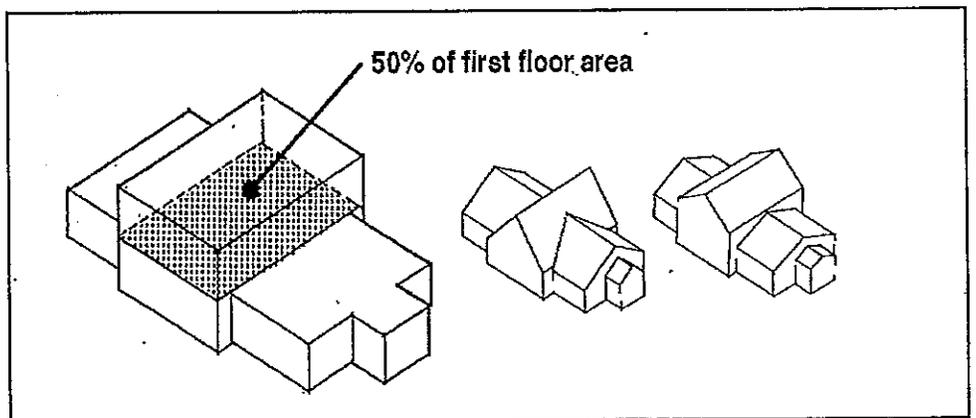
BUILDING HEIGHTS (South Cluster)



-  MAXIMUM BUILDING HEIGHT 14'
-  MAXIMUM BUILDING HEIGHT 17'
-  MAXIMUM BUILDING HEIGHT 26'
(UPPER STORY LIMITED TO 60% OF THE FIRST FLOOR)

Two-Story Homes:

The second level floor area of the home must not exceed 50% of the ground floor footprint area of the principal structure.

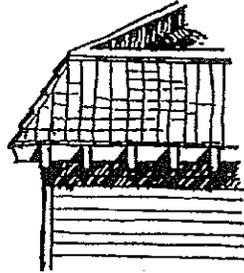


2nd Level Floor Area

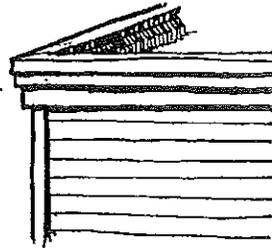
The Cloisters

Roof Forms:

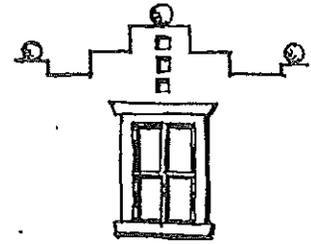
- Roof overhangs and eaves must be carefully detailed.
- Roof forms such as mansard roofs, A-frames, flat roofs, and trendy architectural elements are prohibited.



Mansard Roof



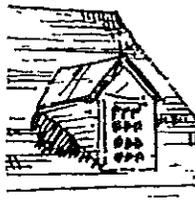
Flat Roof



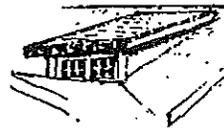
Trendy

Roof Forms

- Dormers, which are common elements of both Cape Cod and Bungalow architecture, are encouraged.



Gable Dormer



Shed Dormer



Hip Dormer

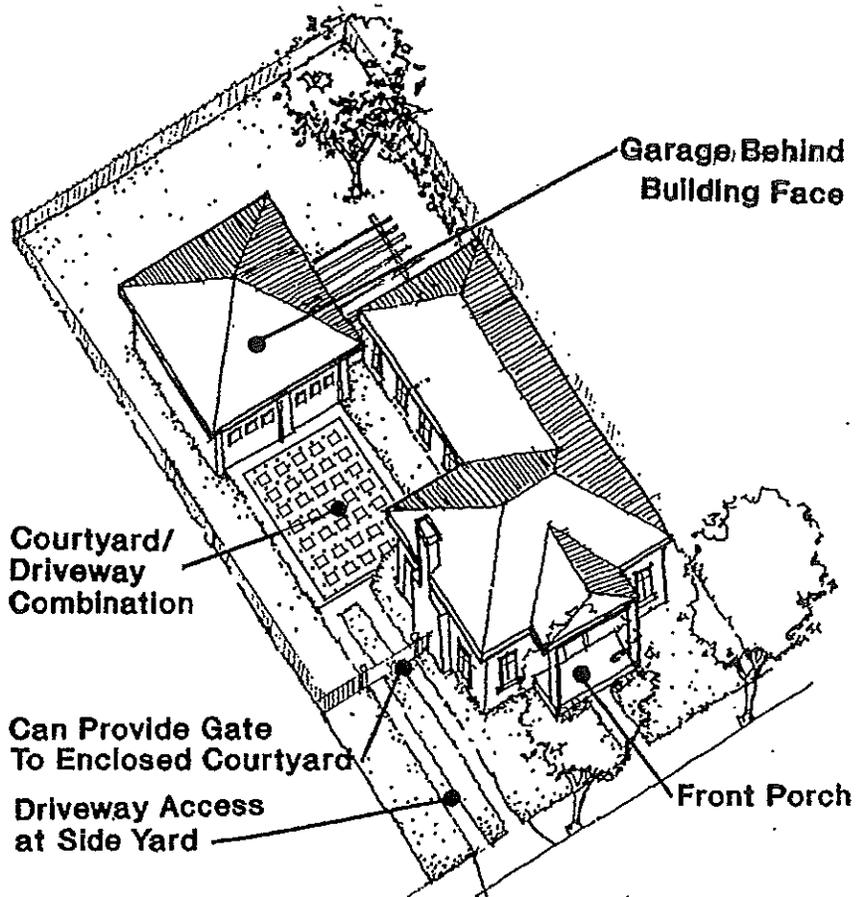
Dormer Variations

- Higher pitched roofs (6:12 - 12:12) are common with Cape Cod style architecture.
- Low pitched (3:12 - 4:12) gable roofs with wide un-enclosed eaves are encouraged with Bungalow and Craftsman style homes. Low pitched roofs will enable buildings to stay within the height limitations.
- Exposed roof rafters and decorative beams (characteristic with Craftsman / Bungalow architecture) are encouraged. Rafters and beams should not be noticeably absent when using that style. (Refer to character sketches in Appendix.)

**DETACHED STRUCTURES
AND GARAGES**

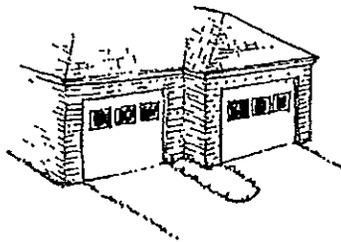
Intent:

Provide design continuity with the main structure and minimize visual impacts of garage doors on the street scene.

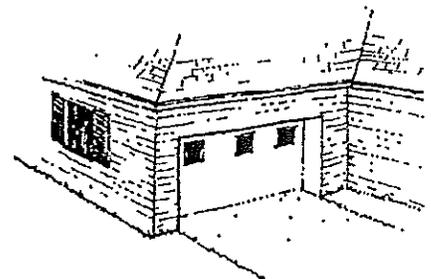


Guidelines:

- Garages may either be attached or detached to the main structure. They must not dominate the street facade.
- Staggering the garage doors, offsetting the garage a few feet, or recessing the doors to provide relief are methods of introducing variety to the structure. (See pages 17-21.)



Staggered Doors



Recessed Door

Garage Door Examples

The Cloisters

- The garage and the garage doors must be well articulated.
- Long lasting and attractive roll-up doors are preferred.
- Maintain the same design elements and character as in the main structure. This applies to all secondary structures and carports, whether attached or detached.
- Though apartments or granny flats are prohibited, guest units without cooking facilities are permitted.
- All structures, including garages, must meet all exterior architectural design standards and guidelines for residential structures established in these Guidelines. This prohibits aluminum storage sheds.
- Recreational vehicles and boats stored outdoors must be completely hidden from street and neighbors. Storage for vehicles can be incorporated into the automobile garage or detached structure. However, care must be taken in the design to avoid a "fire station" look. Storage or parking of boats and motor homes/trailers in the front yard for more than seven (7) continuous days is prohibited.

EXTERIOR MATERIALS AND FINISHES

Intent:

Establish criteria for the selection of materials and finishes that will complement the natural landscape. Maintain the desired coastal architectural character for the Cloisters neighborhood.

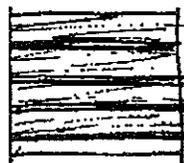
Wall Surfaces:

- Materials and finishes will play a key role in maintaining continuity within the Cloister neighborhood as well as with the surrounding neighborhoods.

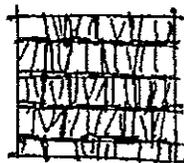
Guidelines:

- Natural materials that harmonize with the surrounding environment are encouraged. Materials such as brick, stone, wood, light textured stucco, and split-faced concrete block are suitable when used on the appropriate architectural style.
- The materials and finishes selected should be consistent with the architectural

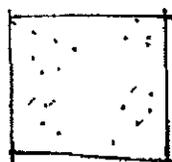
PRIMARY MATERIALS



Siding



Shingles

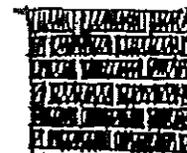


Stucco

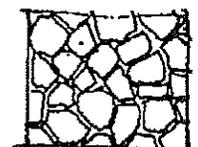


Board and Batten

ACCENT MATERIALS



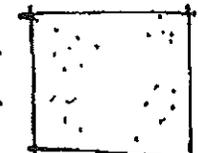
Brick



Stone



Split Face Block



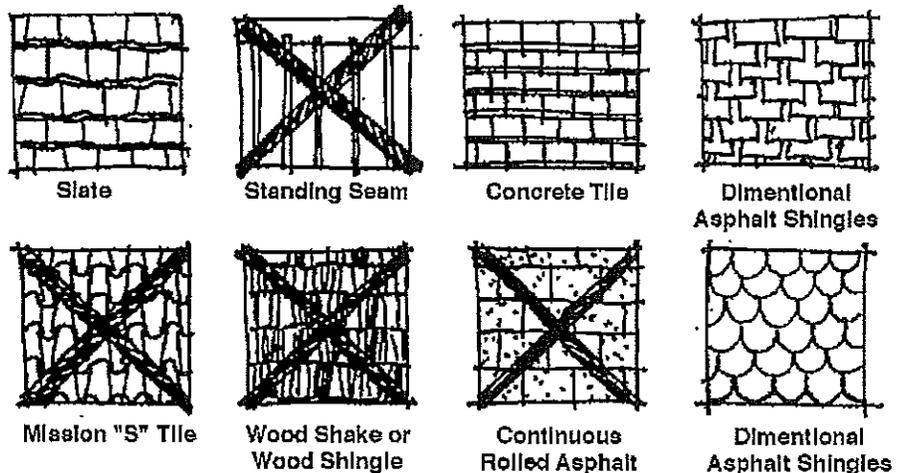
Stucco

style chosen. Inappropriate materials include highly reflective or sleek surfaces; T-111 siding; precision block; metal or plastic siding; and large unbroken expanses of stucco or glazing.

- Craftsman and Bungalow architecture most often utilizes wood clapboard or shingles. However, stone, brick, split-faced block and stucco may also be used. (See pages 34-35.)
- Hardboard siding such as masonite may or may not be approved by the Committee. However, wood siding is strongly encouraged.
- Cape Cod architecture consists primarily of clapboard siding and shingles. The chimney is stone or brick.
- To avoid awkward transitions, careful detailing consideration should be taken at the intersections of different materials. Do not introduce too many material types into a single home.

Roofing:

- Suitable roofing materials include flat, unglazed concrete tile, clay roofing tiles, slate, and dimensional asphalt shingles.
- All roofing materials must be noncombustible. Wooden roofs of any form are



Roofing Materials

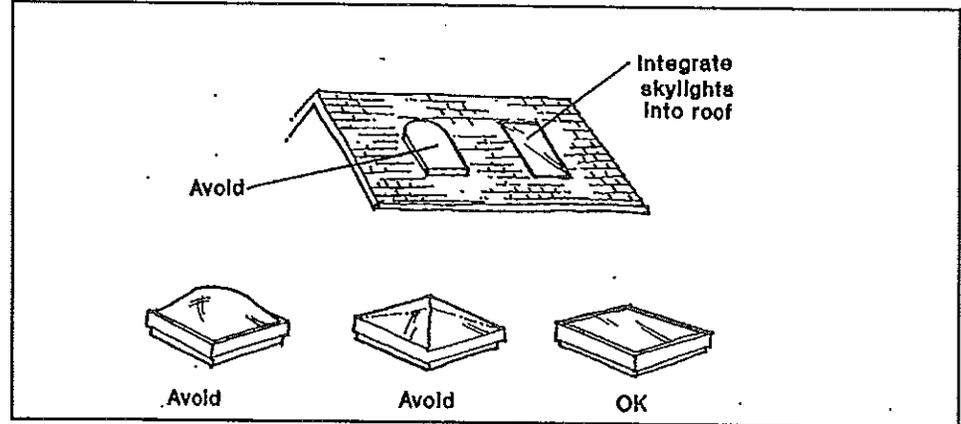
strictly prohibited for fire safety reasons.

- Other unacceptable roofing materials include glazed tiles of any kind, metal shingles, metal tiles, or terra cotta mission tile (Exceptions may be granted for mission tile on the ridge line).
- Dimensional asphalt shingles may vary in pattern (i.e. scallops, diamond shaped, etc.) creating a more authentic and interesting look.
- Roof articulation with dormers and skylights is encouraged. Skylights, if used, should be designed as an integral part of the roof with their form and color blending into the building.
- Flat skylights with clear or bronze glazing are encouraged. Bubble or dome skylights with frosted / colored glazing are prohibited.

Skylights:

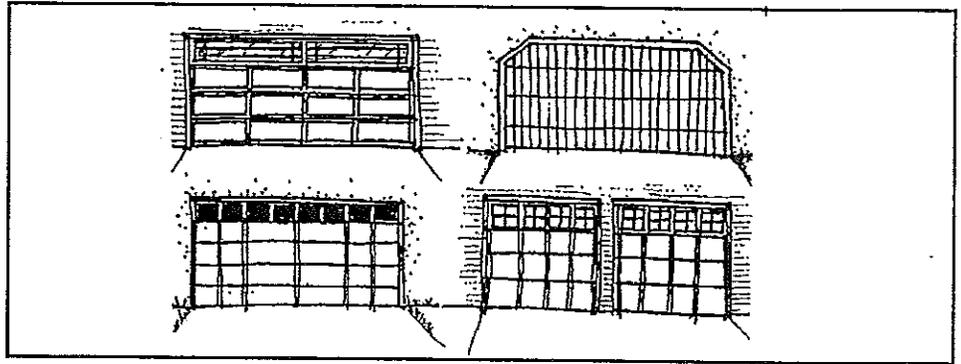
The Cloisters

Skylight examples



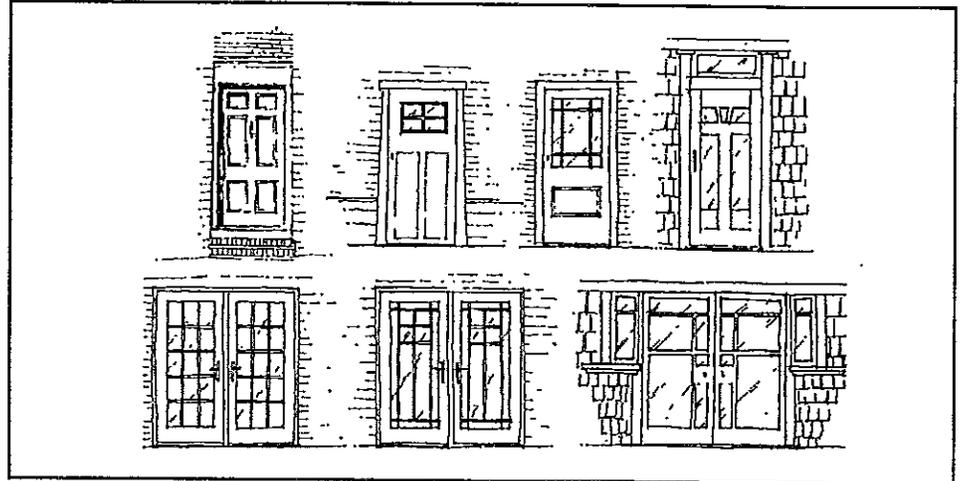
- Doors and Windows:*
- Doors and windows, including the garage doors, are a critical visual element. They should be carefully selected and detailed.

Garage Door Examples



- Garage doors should be multi-paneled with subtle adornment detail to provide shadow relief.

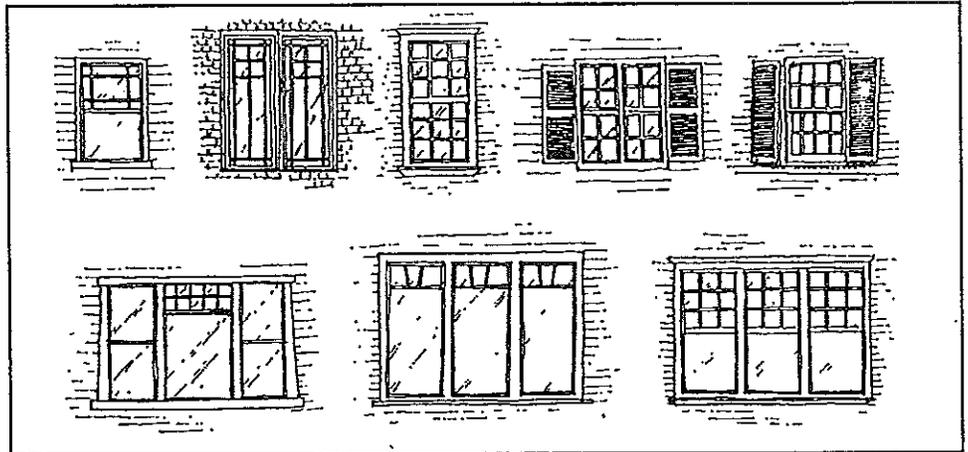
Door Examples



- Multi-paned or french doors are encouraged. True divided light glazing with exterior mullions are preferred over internal mullions at doors and windows.

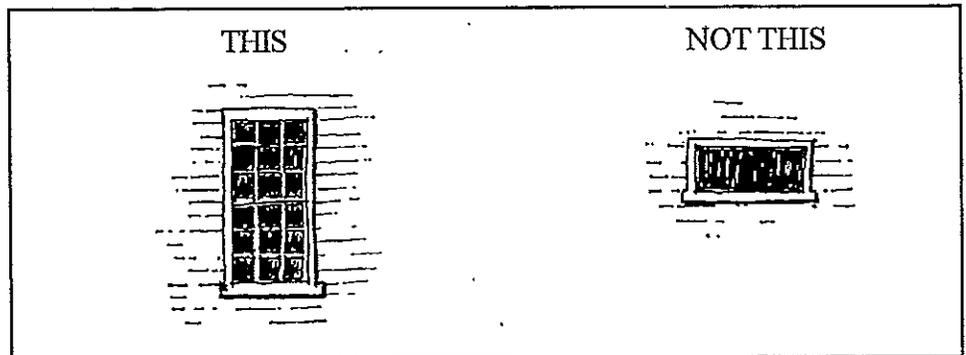
- To diminish noise infiltration, exterior doors should be 1-3/4" solid core with perimeter weather stripping where appropriate. All frames and seals should be thoroughly caulked and weather stripped to prevent air intrusion.
- Clad windows with divided lights and clear glazing; wood; vinyl; or painted metal window frames are most desirable. Silver or gold metal frames and large expanses of glazing are prohibited. Dark, tinted, or reflective glass is also prohibited.

Window examples



- To capture ocean views use groupings of windows or picture windows with wooden mullions.
- Window boxes and balconies are common in Craftsman/ Bungalow style architecture and are encouraged.
- To help create the desired architectural character, windows should have vertically orientated panes.

Window proportions and shape

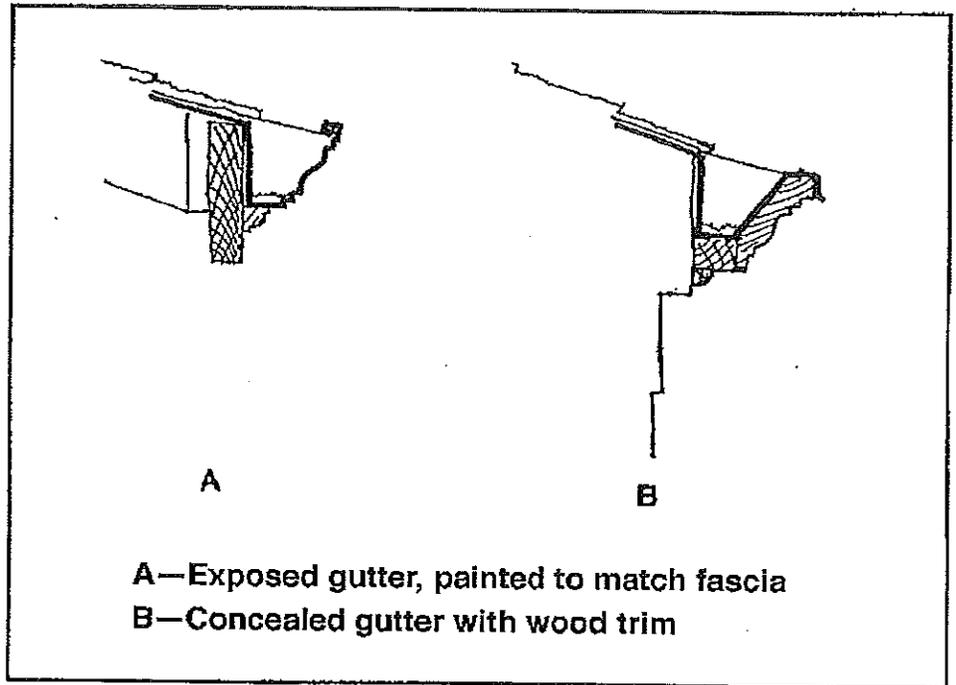


The Cloisters

Gutters and Downspouts:

- Gutters and downspouts should either be concealed or designed as a deliberate architectural feature. Any exposed gutters and downspouts should be painted to match the surface to which they are attached (unless the gutter and downspout material is copper or other architecturally desirable character).

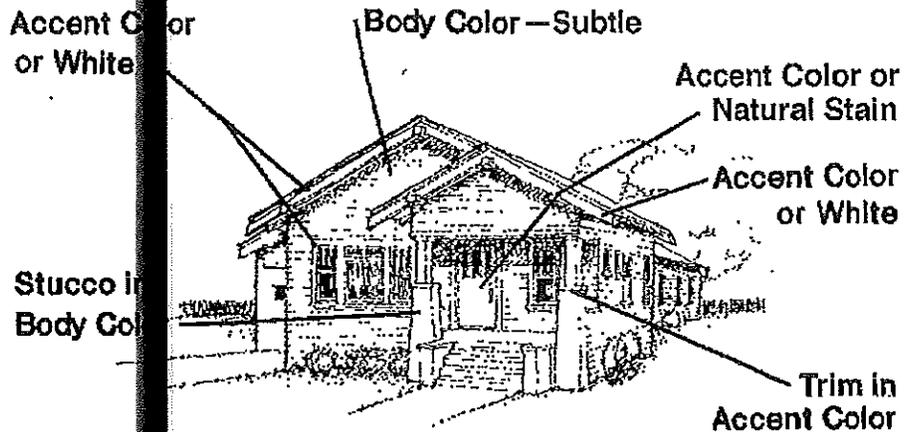
Gutter Examples



- Water from the roof drains could be efficiently utilized for landscape irrigation. Allowing this water to drain off site should be avoided if feasible. Refer to the Landscape Design section of these guidelines for recommended methods of conservation.
- Create visual compatibility between the structures and the natural surroundings, promoting a subtle color selection instead of a bold approach.
- Simple color schemes involving a maximum of three colors are recommended.
- Each color scheme should include a body color as well as accent colors to be used on windows, doors, balustrades, trellises, shutters, and fences. In general, the brighter a color, the more sparingly it should be used.
- Remember that certain materials such as stone and brick have distinct coloring in their natural state. They should be thought of as an element of the color palette used.

Exterior Colors:

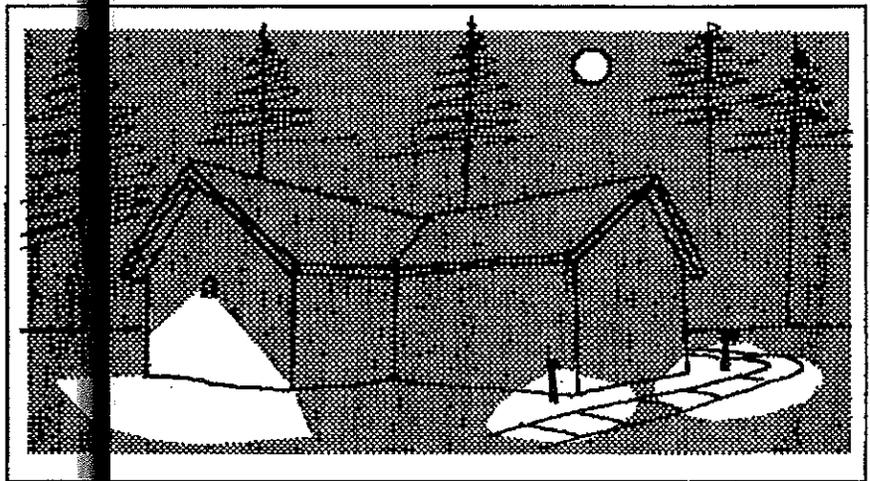
Guidelines:



EXTERIOR LIGHTING

Guidelines:

- Minimize exterior lighting to reduce disturbance to wildlife habitat areas. The dune area of the Cloisters project is designated as an Environmental Sensitive Habitat Area; home to species such as the Morro Bay Blue Butterfly and Snowy Plover. These species may be disturbed by night lighting.



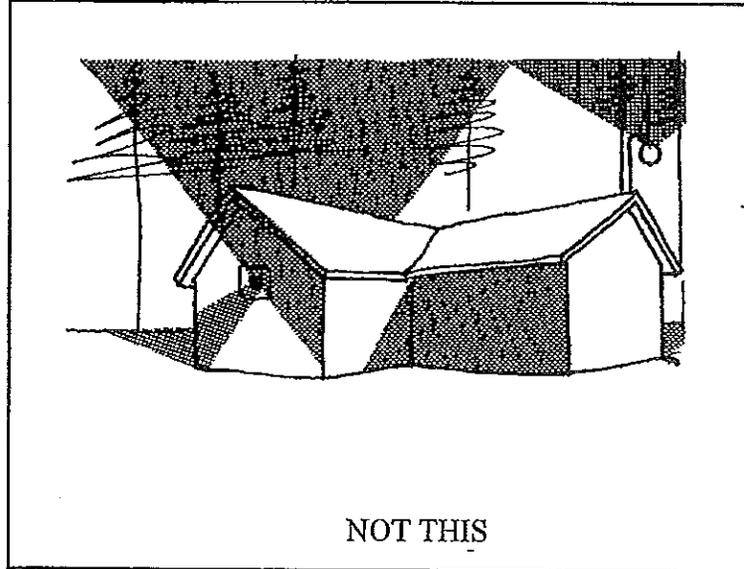
THIS

- Light fixture selection must be compatible with the architectural character of the building.
- The color, size, and number of fixtures should be carefully considered to enhance the residential environment. These elements should not overpower the desired subtlety of the neighborhood.
- Fixtures should be selected and arranged so that they directly illuminate downward, not into the sky.
- Security lighting where necessary shall be hooded, recessed, or located in such a manner that lighting illuminates only the intended area. Avoid off-site glare or unnecessary illumination.
- Bright lighting of exterior spaces which casts glare or light beyond the area

The Cloisters

immediately near the house, is prohibited on lots adjacent to open space areas as well as those by the view corridor.

- No lights will be allowed on the top of any structure.



- The use of low voltage lighting is encouraged wherever possible.
- All lighting and electrical work must be constructed to meet the most recent edition of PG&E's Energy Conservation Home Standards.

MECHANICAL EQUIPMENT AND UTILITIES

Intent:

Provide direction toward proper location and/or screening of equipment.

Guidelines:

- Mechanical equipment such as air conditioners, water softener tanks, solar collectors, duct work and meters, whether part of the structure or elsewhere, shall be screened. Materials that are architecturally compatible with the main structure should hide mechanical equipment from neighboring lots and public view to the greatest degree possible.
- Solar heaters, if used, should be carefully located to minimize any negative visual impacts.
- Though hidden from public view, the utility equipment and meters must be accessible to the utility companies. These must meet all utility company requirements.
- Areas for trash container storage shall be incorporated into the building design. Otherwise, they should be suitably screened with walls and landscaping. They should be located at the rear or interior side yards. (See pages 39-42.)
- All flashing, sheet metal, vents and pipe stacks should be painted to match the adjacent roof or wall material.

- No satellite dishes larger than 3 feet in diameter are permitted. Any antennas and permitted satellite dishes shall be screened from public and neighboring view.
- Visible short wave radio antennas are prohibited.
- All residences shall have residential fire sprinkler systems.

WOOD STOVES AND FIREPLACES

Intent:

Establish efficiency standards that protect our environment by reducing impacts to air quality.

- All wood stoves and fireplaces must be the most air pollution free units available at the time of home construction.
- EPA inserts or the equivalent shall be installed on all fire places and wood stoves.
- All boilers, burners, heaters, or water heaters using natural gas should reduce NO_x emissions by the greatest amount possible.

WATER EFFICIENCY

Intent:

Minimize water consumption by reducing the impact of new home construction in Morro Bay.

- All homes shall incorporate low flow toilets, shower heads, and faucets.
- Water collection and reuse for non-potable purposes such as landscape irrigation is strongly encouraged.
- Drought tolerant planting is required for most planting areas. (See Landscape Design Section.)

SPECIAL UTILITY

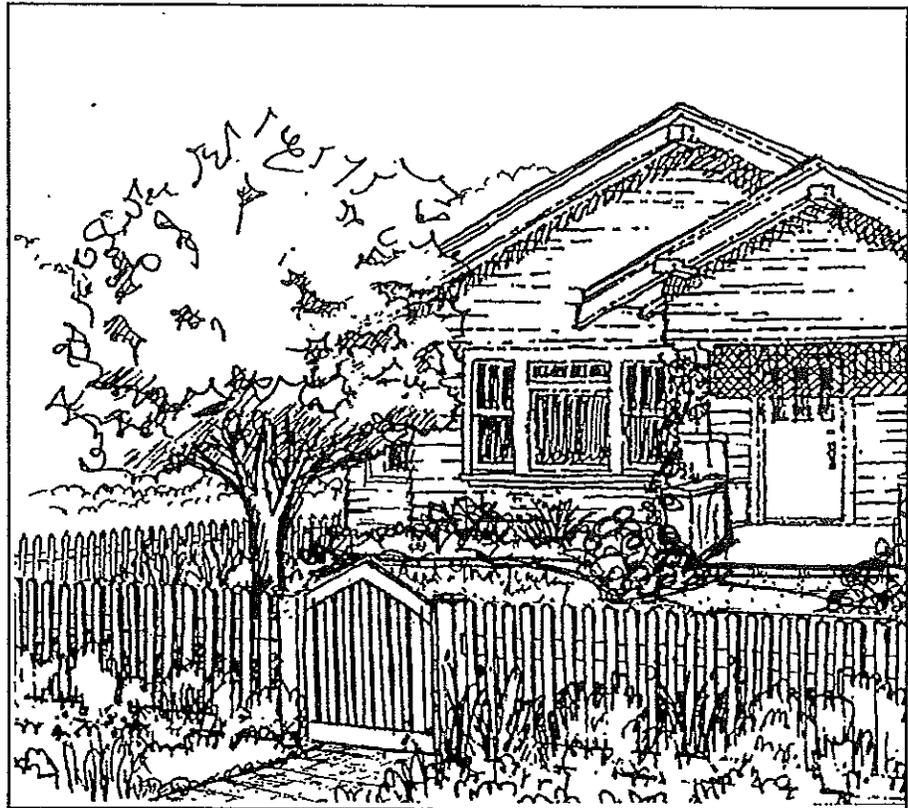
Intent:

Promote long-term energy conservation and pollution reduction by strongly encouraging outlets for electric vehicles.

- Every owner is strongly encouraged to provide a dedicated 240/120 volt, 30/20 amp branch circuit which shall be terminated in an approved manner for a future electric vehicle charging outlet, in a location acceptable to the building official at the City of Morro Bay.

Note: In California, sales of new vehicles must be:
2% by 1998 - Zero Emission Vehicles (ZEV)
5% by 2001 - ZEV
10% by 2003 - ZEV

VI. LANDSCAPE DESIGN



GOAL

Stimulate environmentally sensitive, imaginative, and functional landscape designs which provide the continuity and character necessary to distinguish the Cloisters as a neighborhood with a landscape that responds to the architectural style and the unique site.

OBJECTIVES

- Establish unity of materials and design elements.
- Keep fencing and walls in character with the residences.
- Use driveways and other hardscape as an opportunity for design enhancement.
- Use plant material to strengthen the architectural statement, define enjoyable outdoor spaces, and provide transition between neighborhood and open space.
- Require efficient water use through selection of drought tolerant plant species and appropriate irrigation design.
- Keep landscape structures consistent with the scale and character of the building design.
- Use appropriate outdoor lighting for both aesthetics and safety purposes.

UNIFYING ELEMENTS

The ocean and dune environment adjacent to the Cloisters home sites creates a very unique coastal neighborhood. The personality of the neighborhood will be enhanced when the following ideas are incorporated to further marry the project to the site.

- Use plant material in private spaces which complements the streetscape planting and the surrounding native vegetation of the property.
- Design landscape elements to complement the architecture, existing project fences and existing signs.
- Use colors which coordinate with the building colors as well as the colors of the ocean, dunes and site vegetation.
- Provide creative transitions from the domestic landscape to natural open space.

FENCING & WALLS

Intent:

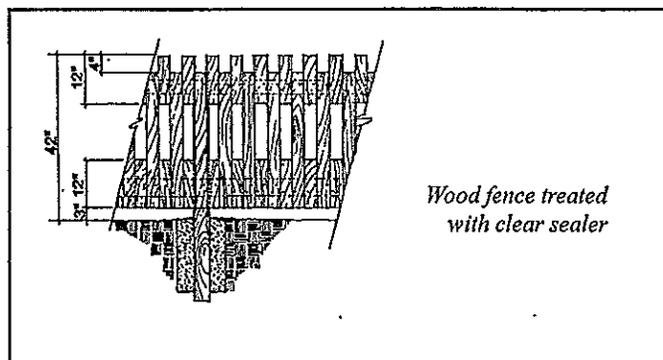
Reinforce the architectural themes and coastal neighborhood atmosphere of the Cloisters.

Definition:

Fence refers to any vertical structure made of wood, masonry, stone, etc. "Fences" may include hedges depending on their location and function.

Guidelines:

- Project fencing is provided along the back property line of lots that border the open space. Lot owners will own the fence segment along their property line and will be responsible for required maintenance.
- View Corridor and perimeter lots with Cloisters picket fencing on the rear property line must continue that fencing type on the side yard property line, if fencing is desired. The picket fencing is only necessary within the view corridor easement or rear yard portion of the lot. Construction and paint color must match the existing picket fence.



Wood fence treated with clear sealer

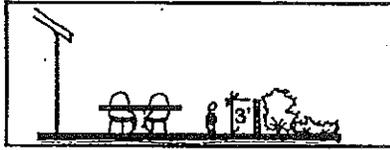
Cloisters Project Picket Fence

- Any new fencing along the view corridor easement boundary shall match the project fence shown and may not exceed 42 inches in height. Lot owners along this easement may not construct a fence in the rear yard that crosses the entire width of their lot, unless the fence is 42 inches tall or less. A taller fence may be

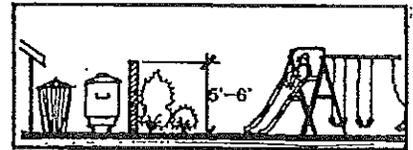
The Cloisters

allowed for a partial length if it is deemed necessary by the Committee.

- Establish an appropriate height for the fence based on its function. Lower fences are encouraged to preserve views and promote an open neighborhood atmosphere.



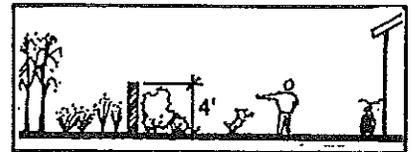
A 3' fence will provide semi-private areas and boundaries for small children



A 5'-6' fence may be necessary to screen trash cans

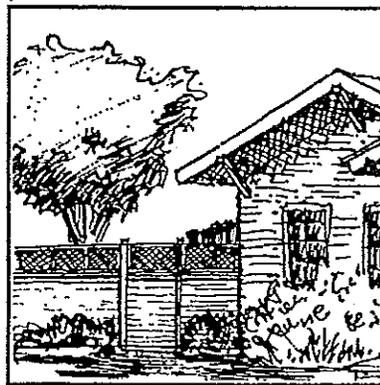


A 5' fence can screen utility area

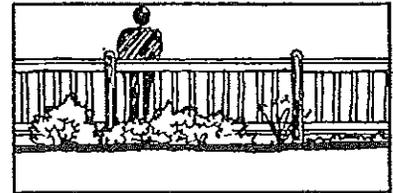
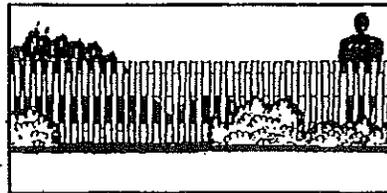
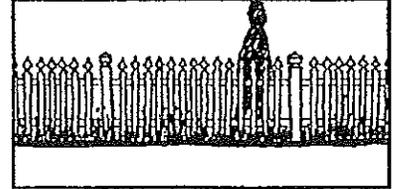
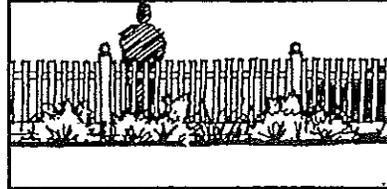


A 4' fence will keep most animals out of garden

- Fencing should complement the architectural character of the home. The following examples demonstrate this.

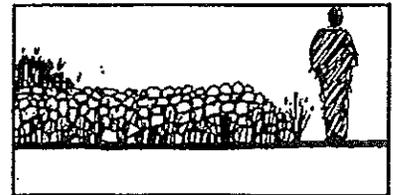


- Low picket fences will complement the project architectural style. A variety of designs are encouraged. In the front yard, solid fences must be no taller than 3', and fences which are open to light must be no taller than 3'-6".



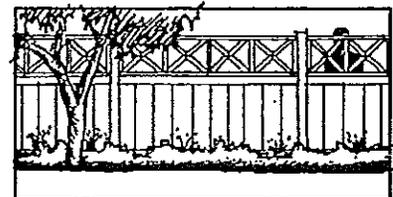
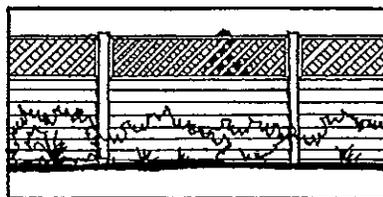
Samples of Low Picket Fences

- Low masonry walls such as stone may also be used if appropriate to the architecture. For example, if a Craftsman style home has a rock wainscoat or columns, a stone garden wall could be appropriate.



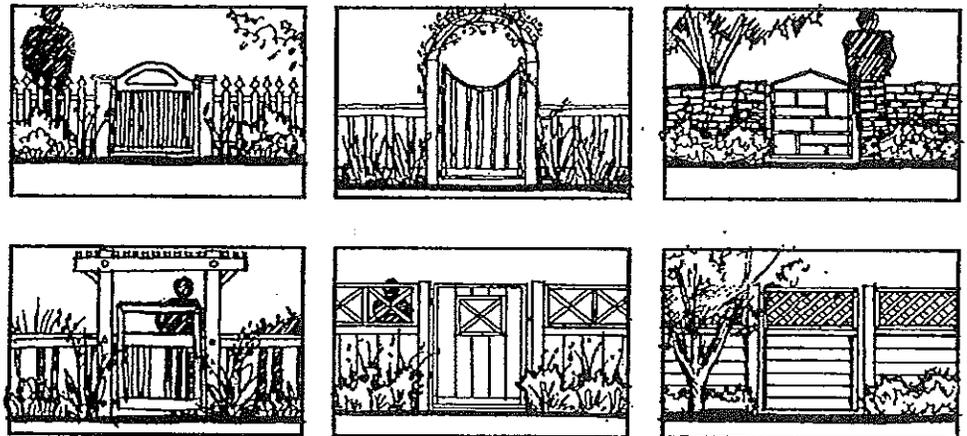
Samples of Stone Walls

- Taller fences may be used in side and rear yards except at the view corridor. These may be a maximum of 5'-6". They may be solid or semi-transparent. However, they must be constructed of wood.



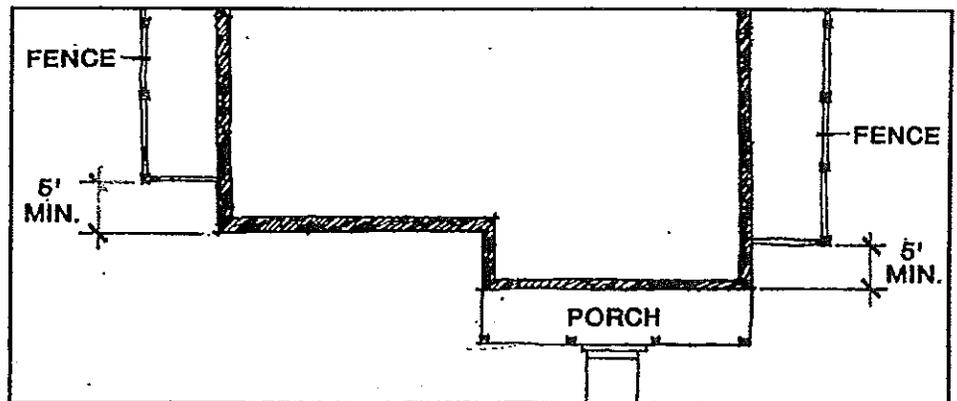
Samples of Taller Fences

- Gates may become a focal point in the landscape design and attention should be given to their design expressions.
- Connectors / fasteners should be made of weather-resistant aluminum, galvanized steel or stainless steel. Other materials may corrode easily in the salt air.



Samples of Gate Designs

- The maximum height for a fence in the back or side yard is 5'-6".
- The maximum height for a fence in the front yard is 3'-6" for pickets and 3' for solid fences. Exceptions for gates and arbors may be granted, subject to Committee approval and City Codes.
- Side yard fences must be set back 5' from the nearest building face before returning into the building. Flush fences may be approved when the same building material is used on the fence and house, like examples shown on page 40.



Setback for Side Yard Fences

- Stucco, chain link, precision block and slumpstone in particular are prohibited fence materials. Wrought iron is prohibited for fencing, but it is acceptable as a gate material.

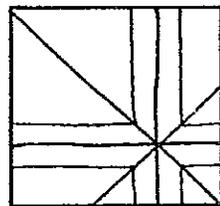
HARDSCAPE

Intent:

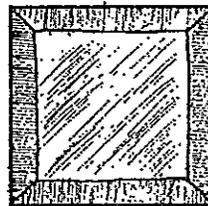
Ensure that all hardscape used in a design is high quality and responds to the other elements of the residence. Hardscape includes patios, courtyards, driveways and any other paved outdoor surface.

Guidelines:

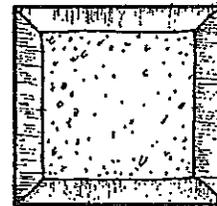
- Hardscapes with special surface treatments are encouraged. Special treatment is defined as applying score lines, color, texture, masonry, unit pavers, etc. An example of non-treated paving would be natural grey concrete with minimum expansion joints. If plain concrete is desired, the use of patterned score lines, salt finish, or broom finish to dress up the surface will be required. Avoid large monotonous expanses. The following are some examples of acceptable paving treatments.



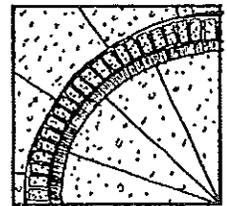
Scored Concrete



Broom-finish concrete



Salt-finish concrete



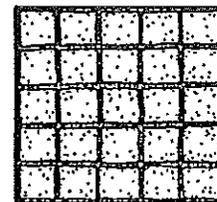
Concrete w/ tile or brick accents



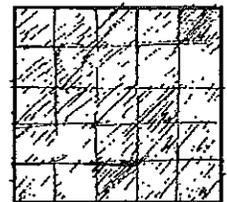
Brick



Brick in patterns



Tile



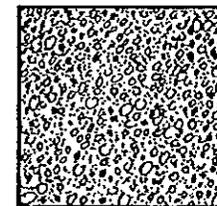
Slate



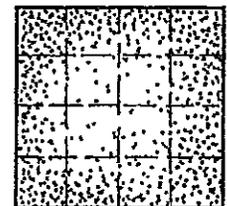
Exposed aggregate



Flagstone



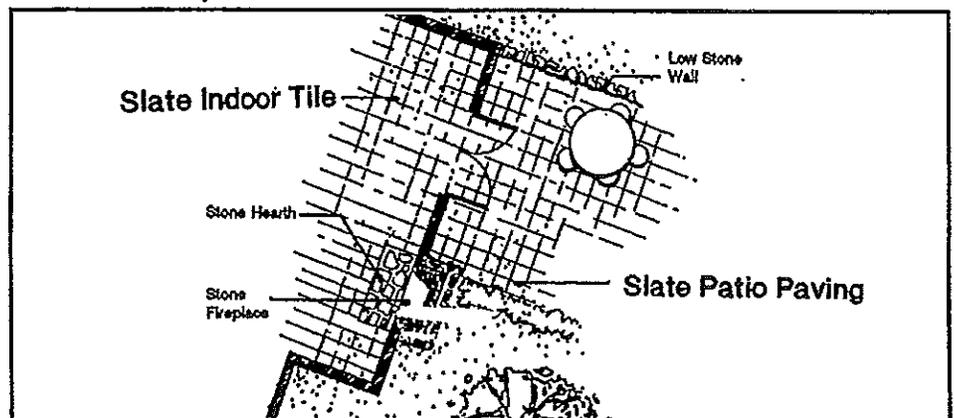
Gravel



Turfblock

Sample Paving Materials

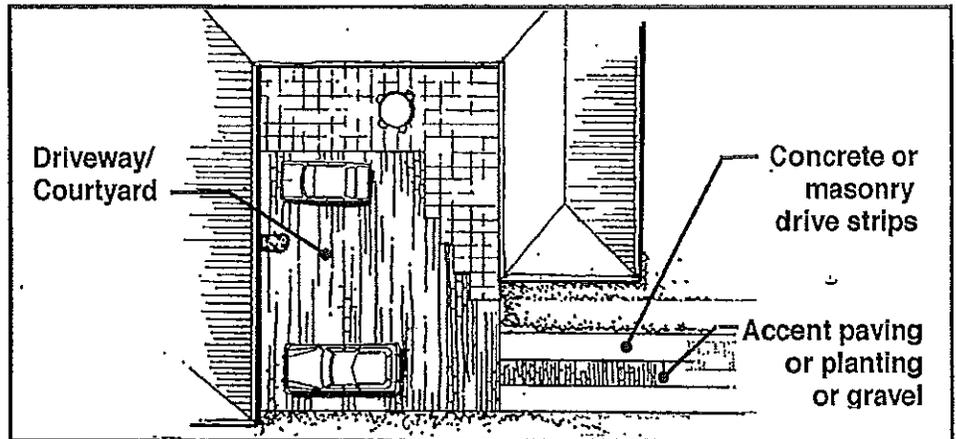
- The relationship between interior spaces and the outdoor environment may be strengthened when a patio area is paved in a similar material or color as the adjoining indoor room.



Strong Interior/Exterior Relationship

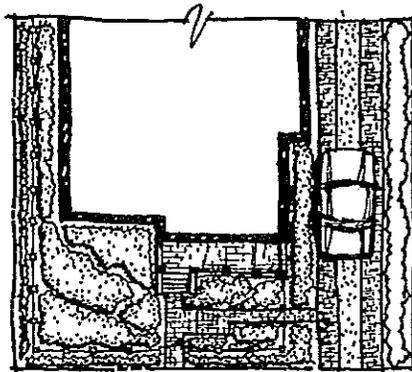
The Cloisters

- Large areas of groundcover, rock or "rockscapes" are prohibited. This includes the use of colored rock, lava rock, or reflective white rock. Rocks or gravel should be used as accent only and not as a groundcover for large areas, unless otherwise allowed in these guidelines. Small areas of gravel, river rock or other local rock may be approved for use between driveway strips or planting borders.
- Maximize the use of beneficial and multi-purpose paving. Many uses in one paving area will reduce the need for many different paved or impermeable spaces. For example, a carefully located garage may have a driveway that can also act as an outdoor entertaining area or children's play court.

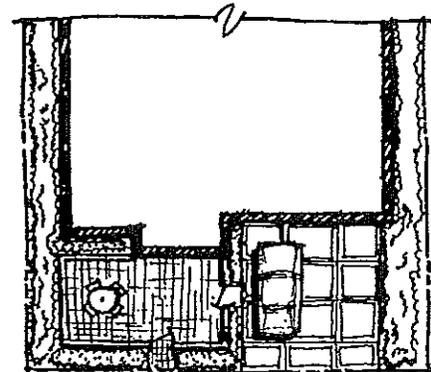


Maximum Use of Multi-purpose Hardscape

- Hardscape in the front yard should be limited to an entry walk and front porch. The soft landscape should be the most predominant feature in the front yard. Small patios and expanded entry walks may be appropriate to create usable seating space.



THIS: Minimal hardscape in front yard



NOT THIS: Large areas of hardscape dominate the front yard

PLANTING

Intent:

Promote water conserving planting design which enhances the character of the Cloisters and complements the surrounding natural environment.

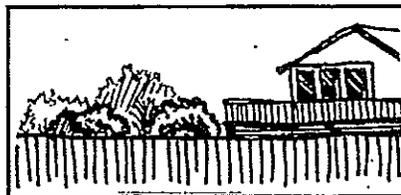
Guidelines:

- All property within a lot must be landscaped by the owner. Pre-approved planting and irrigation plans for easement areas and slopes on perimeter lots, including lots 1,13-32, and 46-82 are on file at the sales office and City. These plans show a minimum basis for landscape improvements. Lot owners may submit more detailed improvement plans for approval by the Committee and City.

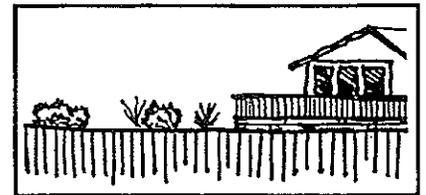
Requirements for these lots include using a majority of drought tolerant and coastal thematic plant species. Care must be taken to avoid invasive plant species that might escape to the natural environment. Great efforts have already been made in the dune habitat area to eradicate invasive species and allow the native species to recover. View corridor lots, as depicted in the CC&R's and guidelines, have an added height limitation of 4' for planting within the view corridor area of the lot.

Homeowners are responsible for maintaining all landscape areas.

- Plant material should be used to soften structural edges, create outdoor spaces and for screening.
- Plants should be arranged in groups and spaced to allow them to develop into masses. Avoid spacing plants far apart so individual shaping is a temptation, unless they are designated as a single specimen or accent plant.



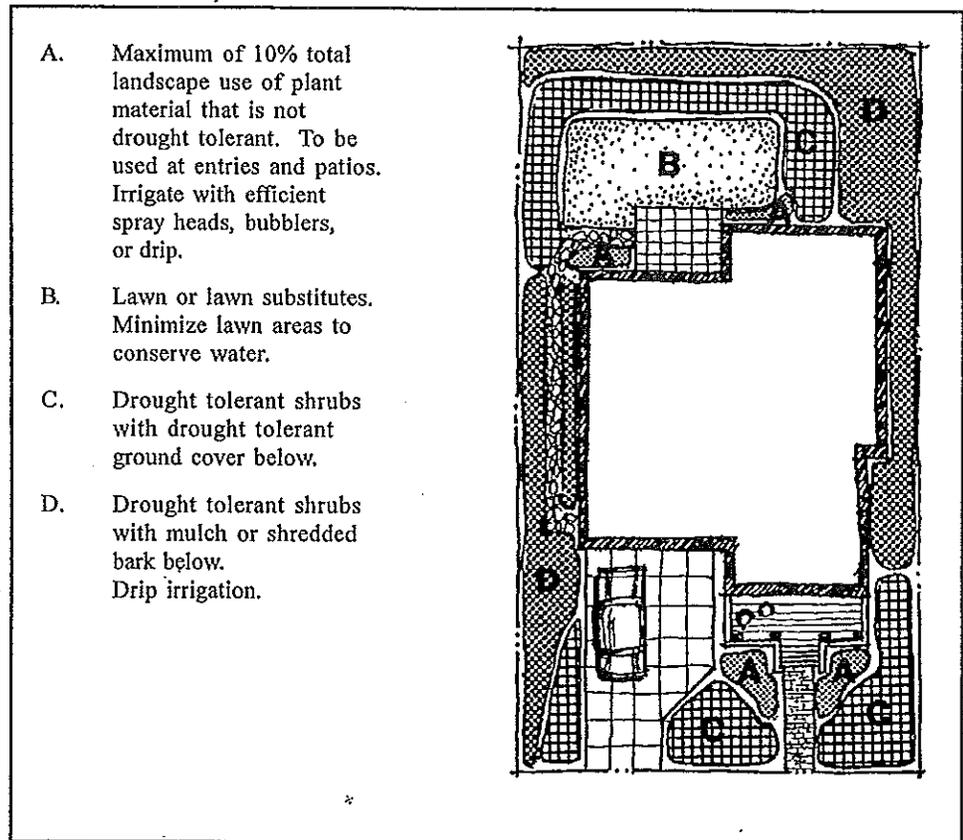
THIS: Plants are arranged in masses and allowed to develop naturally



NOT THIS: Plants are spaced far apart and individually pruned

- Formal planting designs may be appropriate when designing garden structure for perennial plantings in conjunction with bungalow, cape cod or craftsman buildings.
- Trees should be used to create an intimate scale, enclose spaces and frame views. Their placement must respect to the degree possible the long-range views of the surrounding neighbors. A list of trees in the Appendix is provided to assist owners and consultants in the selection of species exhibiting characteristics that are consistent with the coastal requirements and theme of the project. (See note below)
- Ninety percent of the selected plant material must be drought tolerant. The following diagram shows a sample of group planting by water requirements.

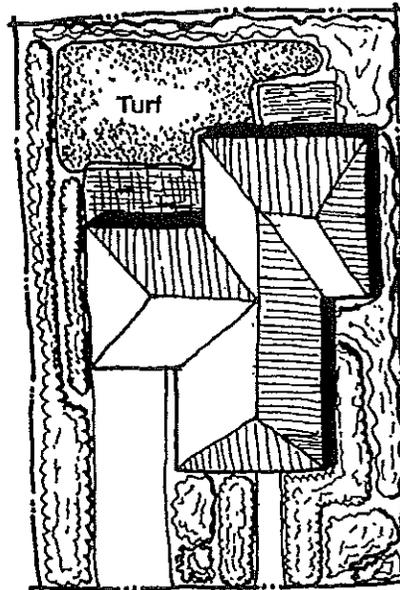
* Please NOTE: Though these guidelines require that lot owners take neighbors views into consideration, at no point should these guidelines be taken as a means for one lot owner to dictate the planting design for another lot owner.



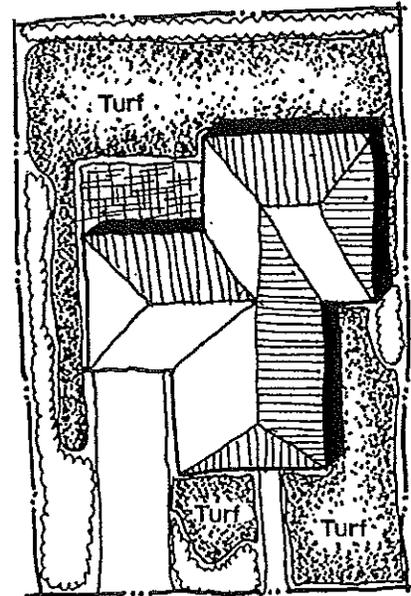
Planting Diagram for Water Use Categories

- Careful consideration must be given to the plant selection and design of landscape areas bordering open space areas. These areas should act as a transition from the domestic landscape to the natural.
- Planting areas must be covered with bark mulch at installation (approximately 2" to 3" thick) to increase the soil's ability to hold water, to reduce water requirements and to provide a clean finish to planting areas.
- Planting should be used to screen less desirable areas from public view (e.g. trash can enclosures, parking areas, storage areas and utilities).
- See Appendix for a list of recommended drought tolerant plants.
- Turf areas should be planned for active use areas only and be minimized in scale for water conservation purposes.
- Use turf to increase the size of usable outdoor space and at focused high use areas rather than as a groundcover only.
- Tall fescues are one of the best turf types for year-round green and deep rooting. This will provide a consistent look with less water.

TURF AREAS



THIS: Turf is limited to high use areas



NOT THIS: Turf is used excessively and inappropriately

- Turf use is discouraged in the front yard, and should only be used if the applicant intends its function to be a play area.
- All turf widths must be designed to facilitate efficient irrigation design.

IRRIGATION

Intent:

Provide for each residence an efficient and long term water system for the establishment and maintenance of a drought tolerant landscape.

Guidelines:

- All planting areas shall include permanent, automatic irrigation to ensure proper plant health, except when the applicant can demonstrate that other irrigation techniques are effective and/or plant material does not need regular water. If an applicant elects to pursue a landscape without an irrigation system, they must sign an agreement with the Committee agreeing to maintain the health of their landscape.
- All irrigation systems shall separate turf areas from shrub and groundcover areas. Planting shall be zoned separately according to water requirements and sun exposure. The final design plan submittal must identify exposure zones and how irrigation will be separated.
- All irrigation shall include back flow prevention (per local code).
- All spray head systems shall be designed to have head to head coverage.
- All irrigation schedules are to be adjusted quarterly to meet plant requirements.
- All irrigation systems are to be routinely adjusted to minimize runoff and discharge of water onto adjacent hardscape or properties.

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- Irrigation clocks must be programmed to operate during low water demand periods of the day, such as early mornings.
- Rain sensors are required to be linked to the clock to avoid irrigating during rainfall.
- Run times for all stations are to be adjusted to reduce runoff.
- Lot owners are encouraged to conserve water by collecting or diverting building runoff water through gutters and using it on landscape areas, if feasible.
- All irrigation systems, to the maximum extent feasible, shall be designed to apply water slowly in order to reduce runoff.
- Drip irrigation and stream spray systems are encouraged.
- Pop-up irrigation heads should be used along walks and hardscape to avoid damage to heads and prevent accidental hazards to pedestrians.

LANDSCAPE STRUCTURES

Intent:

Encourage the use of landscape structures (decks, trellises, arbors, gazebos, etc.) in proper scale and character.

Guidelines:

- Landscape structures should be used to provide entry accents, shade, shelter, focal points or gateways.
- These elements may be integral parts of the buildings or freestanding structures; however, even freestanding structures must be carefully incorporated into the site design.
- All structures must be of appropriate scale within the site design.
- All structures must be constructed of wood or wood with other compatible materials (e.g. stone, concrete, etc.) approved by the Committee.
- Metal (except as hardware for wood construction) and plastics are prohibited as materials for landscape structures. The coastal influence on metal creates a high maintenance routine to combat rusting, so it is not recommended for structural use.
- Any colors applied to these structures must be complementary to the buildings and be approved by the Committee.
- Placement of structures must conform to all setbacks and must consider visual impacts.

MAILBOXES

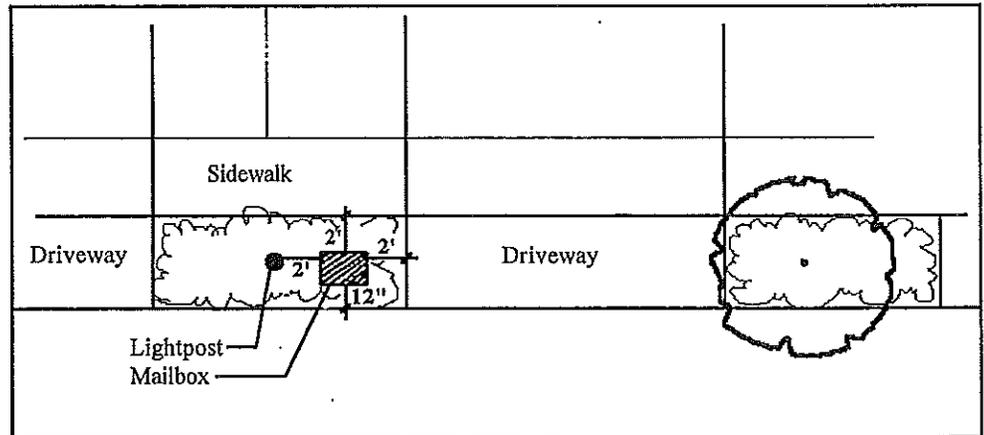
Guidelines:

Individual homeowners shall be responsible for installing a mailbox post and box per the design found in the Appendix. The house address number must be shown on the front door of the box in 1" high numbers. Owners names are optional. Advertising on boxes or supports is prohibited. Customers must remove obstructions, including vehicles, that impede efficient, safe delivery to the

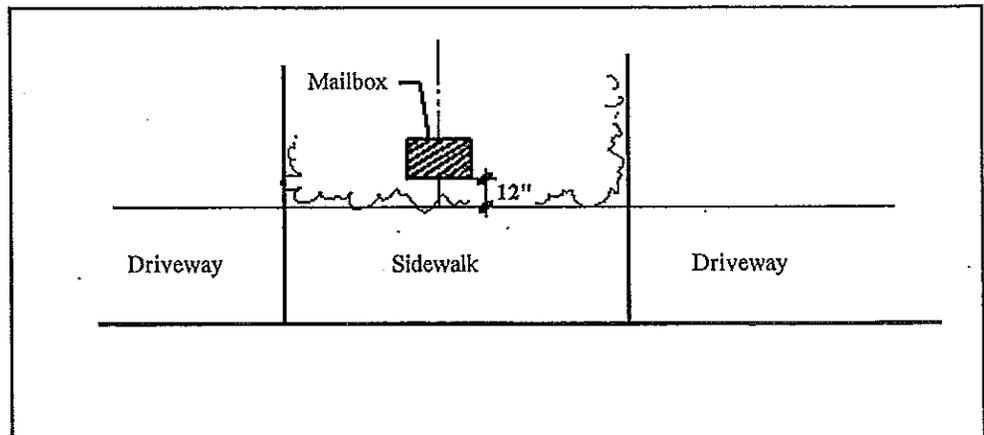
receptacles or service may be withdrawn.

The mailbox structure shall be for one to four homes depending upon specific lot layout (see diagram in Appendix). This diagram is tentative and homeowners are responsible for checking the final location map on file with the committee or sales office.

The mailboxes on lots 6-41 and lots 46-120 shall be installed in the planting strip adjacent to the street with the face of the box 12" back from the curb. Lots 1-5 and 42-45 shall install the post so that the face of the mailbox is 12" back from the edge of the sidewalk. Shared posts shall be located on the property line between sharing lots, or as close as possible. Single mailbox posts shall be located close to a property line as well. Locate mailboxes 2' from lightposts, driveways and sidewalks (for Lots with planting strips). A minimum setback of 5' from trees is preferred, with an exception of 3' if necessary.



Mailbox location for lots 6-41 and 46-120



Mailbox location for lots 1-5 and 42-45

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Prior to installation, the homeowner is responsible to consult with the utility company for location of utilities and underground services. Post holes shall be hand dug to avoid breaking pipes.

ART / SCULPTURE

Intent:

Encourage the use of art and sculpture in the landscape as an intimate personal expression.

Guidelines:

- Subtle art and sculpture is encouraged.
- All art pieces should be located in intimate spaces and any art visible to the public must consider the impact on the viewer.
- The use of large, bold, or highly visible art is prohibited, unless it is completely screened from public and neighborhood view.
- Plastic or plaster facsimiles of humans and animals larger than one cubic foot as well as plant figures such as deer, squirrels, etc. are prohibited in front yards or any area visible by the public. They may be included in non-public spaces if they are screened.

LIGHTING

Intent:

Encourage dramatic, yet subtle, landscape lighting and prohibit excessive outdoor lighting schemes.

Guidelines:

- Adequate outdoor lighting should be provided to ensure safety. However, light levels must not be a nuisance to adjacent properties.
- Light fixtures must be complementary to the architecture and



Path Lighting



Accent Lighting



Specimen Tree Lighting

neighborhood character.

- Quality and well directed light is the goal. Do not specify too many light fixtures.
- Light source for wall washing and tree lighting shall be hidden.
- Light should be used only to accent focal points, not the entire yard. (no flood lighting.)

lighting.)

- Colored lightbulbs and lenses are prohibited.
- Lights which are activated by a motion sensor will not be permitted if lights are activated from a distance greater than 14 feet.
- Lighting should not cast glare or "spill over" onto adjacent lots or into the Environmentally Sensitive Habitat Area. (See page 35 and 36.)
- Path lighting must be subtle and allow pedestrians to find their way without being excessive.
- Light fixtures used as bold ornaments on masonry columns are prohibited.
- Low voltage lighting conserves energy and must be used in the landscape whenever possible.

MAINTENANCE

Intent:

Homeowners will be required to diligently care for an approved and implemented landscape for the benefit of the entire neighborhood. This is mandatory of all lot owners under the CC&R's. The following guidelines are contained in these Design Guidelines to help the lot owner prepare for meeting this responsibility during the period of construction.

Guidelines:

- Lot owners should direct their design team to create and install low maintenance plantings. In addition, long-lasting landscape improvements should be designed and constructed.
- Regular and necessary care of wood products is required. Neglecting to paint and water seal shall not be permitted.
- Repairs to hardscape items and replacement of expired plantings shall be timely.
- All landscaped areas shall be maintained diligently to ensure proper health, growth and appearance of all landscaping.
- All areas shall be kept free from debris, trash and weeds.
- Lots which have not yet been built upon must be maintained by the lot owner. The lot shall be kept clean of trash. Grasses and weeds should be mowed and/or removed periodically.

**VII. PERIMETER LOTS OUTSIDE OF VIEW CORRIDOR
(Lots 1, 10-18, 22, 23, 24, 46-67, 74, 75)**

GOAL

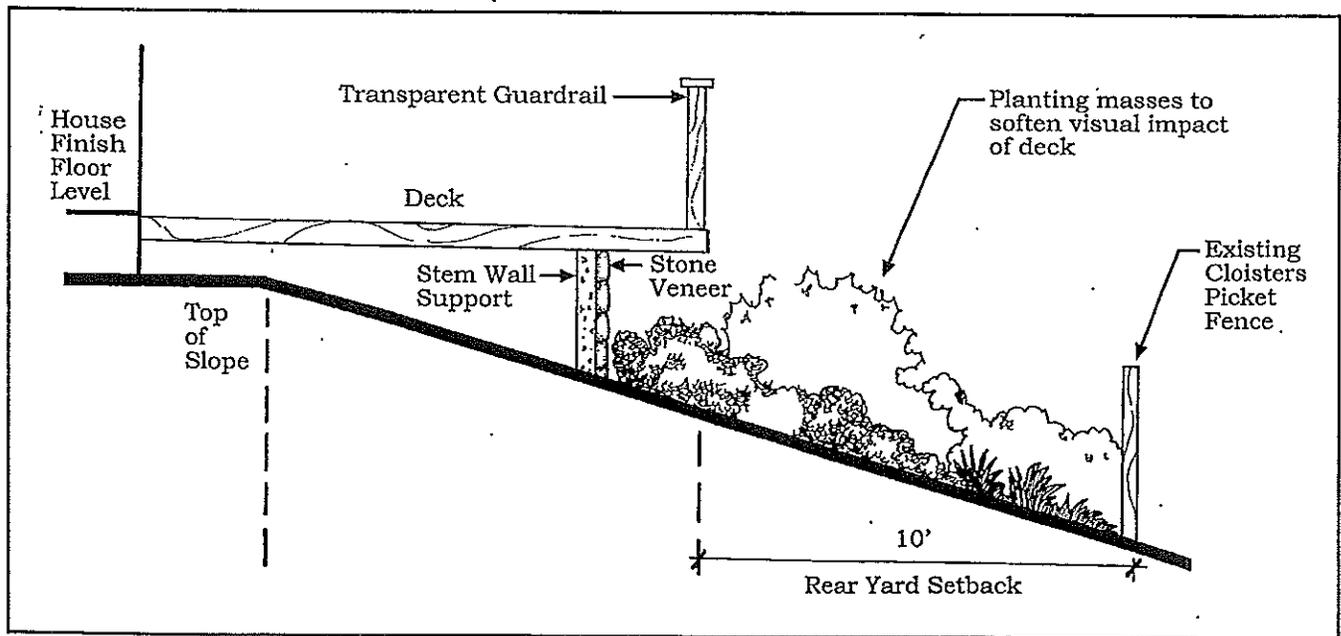
Each of the above referenced lots has an approved landscape plan for the rear slope area on file with the City of Morro Bay Planning Department and at the Cloisters sales office. The planting and irrigation plans establish a minimum requirement for the landscaping of these areas. At a minimum, each lot owner is responsible for implementing those plans and maintaining the landscape. Lot owners may submit plans with a more detailed landscape for approval by the Committee and the City.

Unlike the perimeter lots with a view corridor easement, owners of these lots may be allowed structural landscape improvements such as decks and walls within the slope area. A 10' rear yard setback will apply to any proposed landscape structure improvements. Manipulation of existing grades shall not direct drainage onto an adjacent lot.

The following guidelines apply to the area between the top and bottom of slope.

Decks:

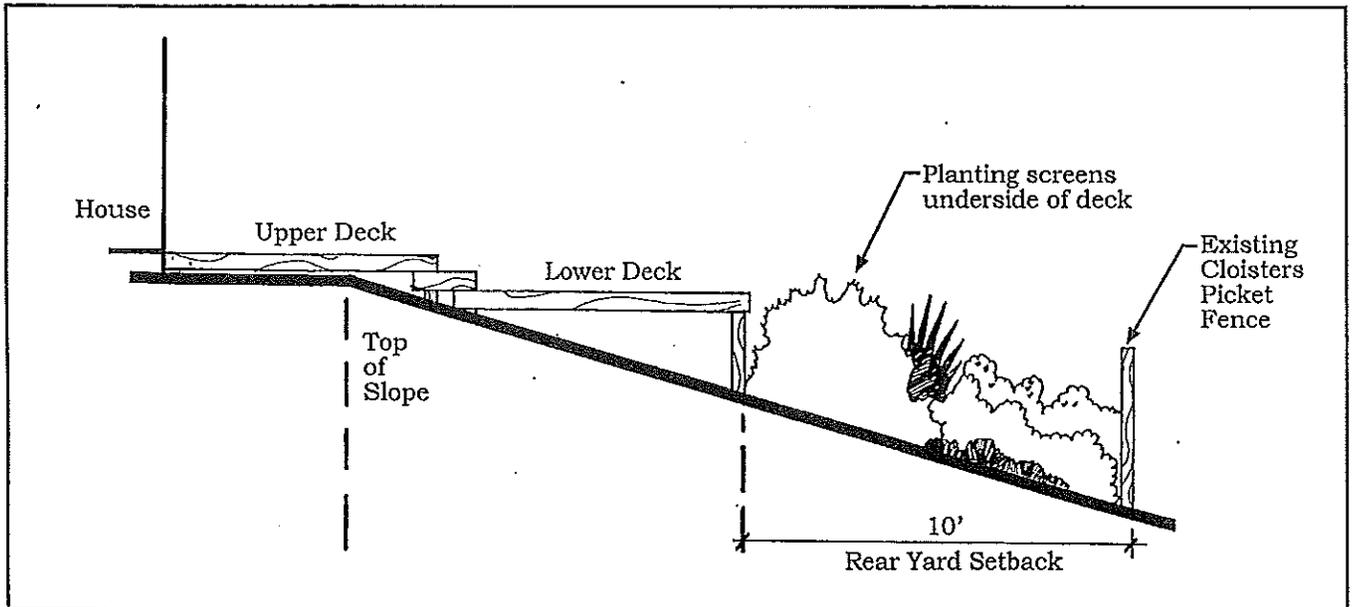
- Decks may be allowed since their pole type construction works well in slope conditions. However, exposed support structures shall be screened in order to improve aesthetics.
- Enclosing or screening the under side of the deck with planting and architectural material such as stone, block, brick, or wood complementing



Sample Deck Extending in Slope Area

the house is desirable. Natural stone materials will greatly complement the natural coastal plantings.

- Terracing the deck down the slope is recommended to help soften the visual effect of the structure and blend it into the natural surroundings.

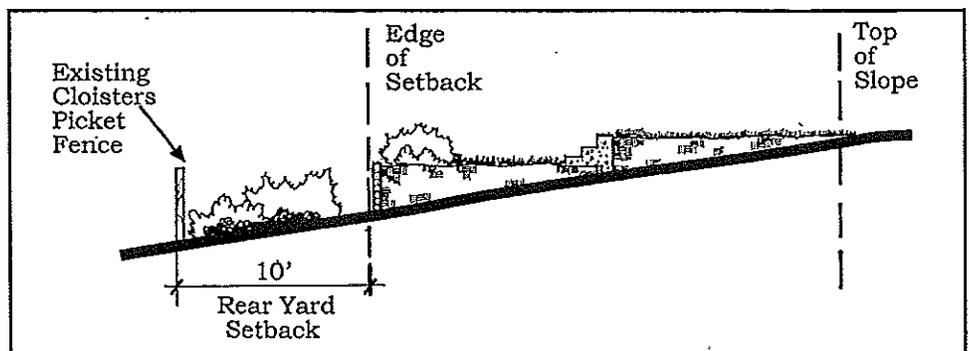


Deck Terracing Example

- Decks requiring a guardrail must use mostly transparent guardrail materials. The railing may not exceed current building code heights, so that views from neighboring properties may be preserved. Decks not requiring a guardrail are preferred.
- Fully enclosed decks or sunrooms are not acceptable. No railing over 42" or overhead structure shall extend within the slope area. An exception may be granted for fully transparent windscreens.
- Stem walls supporting decks may not exceed a height such that the top of deck is higher than the finished elevation of the first floor of the main structure.

Retaining Walls:

- It is recommended that retaining walls not exceed 3-1/2' in height and



Example of Terraced Retaining Walls

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must not exceed the finished lot grade of the building pad.

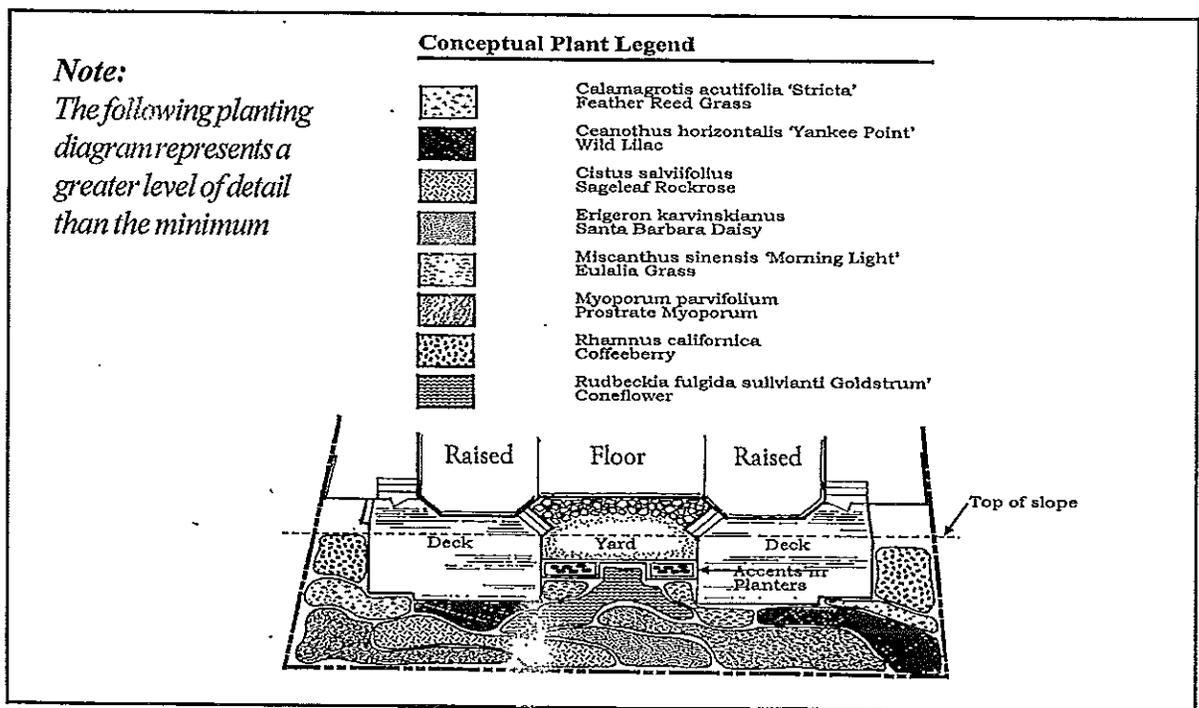
- Walls may be terraced to accommodate a less obtrusive design. Double walls must accommodate planting between terraces.
- Terracing walls down the slope (rather than using one taller wall) is recommended to help soften the visual effect of the structure and blend it into the natural surroundings.

Side Yard Fencing

- Lots with project picket fencing (1, 13-18, 22, 23, 24, 50-67, 74, 75) shall continue that picket fencing along the side yard property line within the slope area.
- Lots 46-58 may utilize side yard fencing of their own design along the slope side property line. Lower fencing is recommended if views are available along the back side of the lots.

Planting:

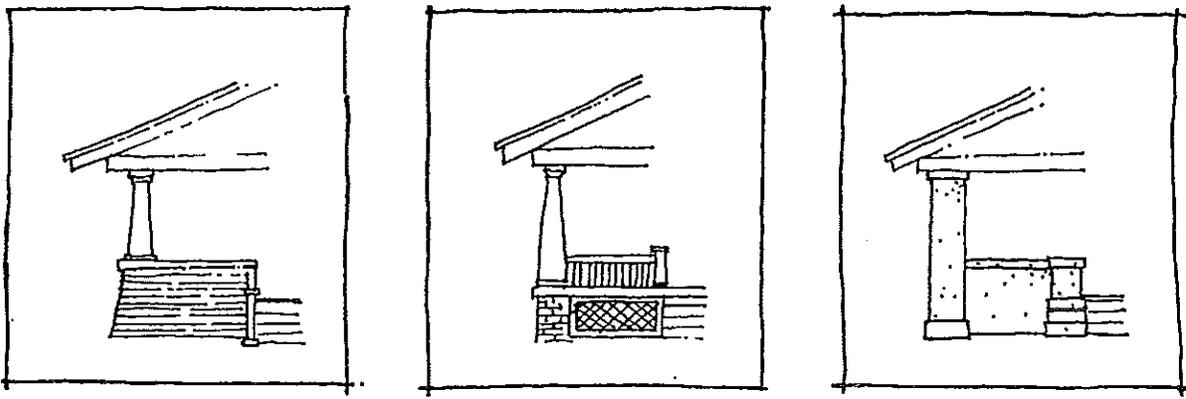
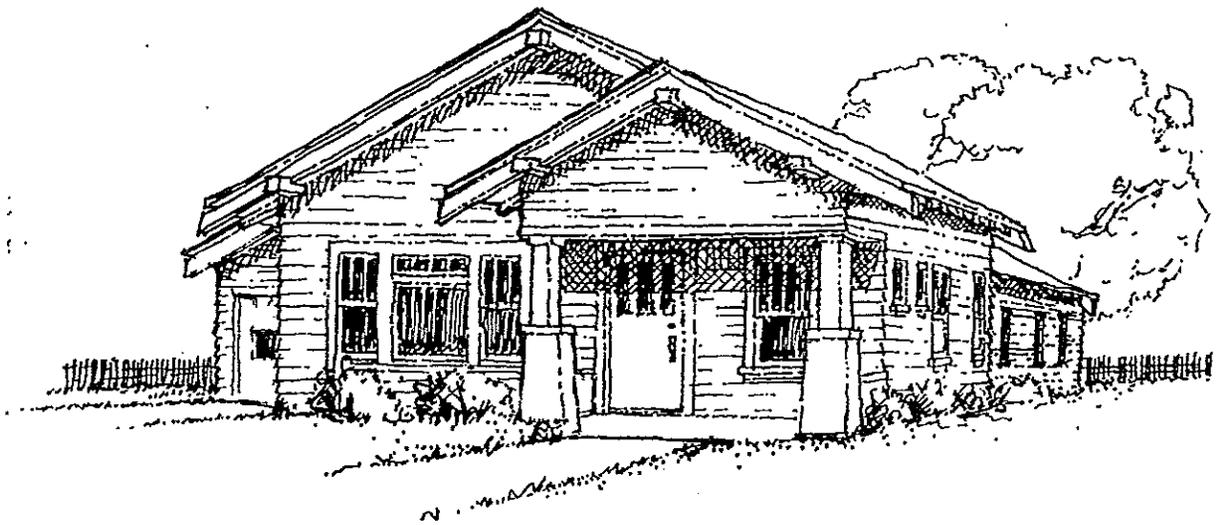
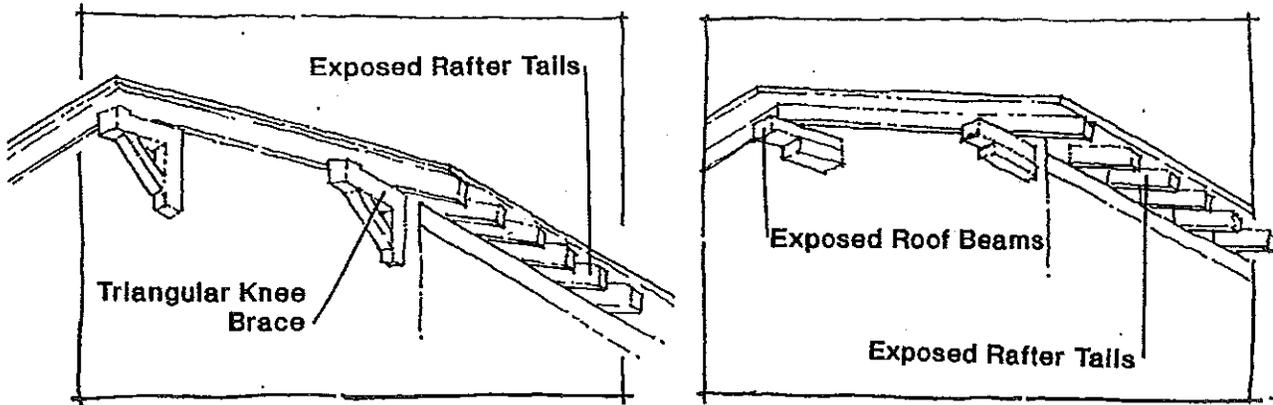
- Planting must be in compliance with the approved planting plans such that a majority of the plants must be drought tolerant and of a coastal thematic species.
- The slope plantings were designed to provide a visual plant transition to the open space and natural environment. If plants other than those designated by the approved plans are introduced, care must be taken to avoid invasive type species that might escape into the dune environment. Great efforts have already been made in the dune habitat area to eradicate invasive species and allow the native species to recover. Also, as in the view corridor, no plants shall exceed 42" tall.
- Lots 46-58 may use plants or trees over 42" tall, but no higher than the buildable height of the lot.



Conceptual Planting Diagram Example

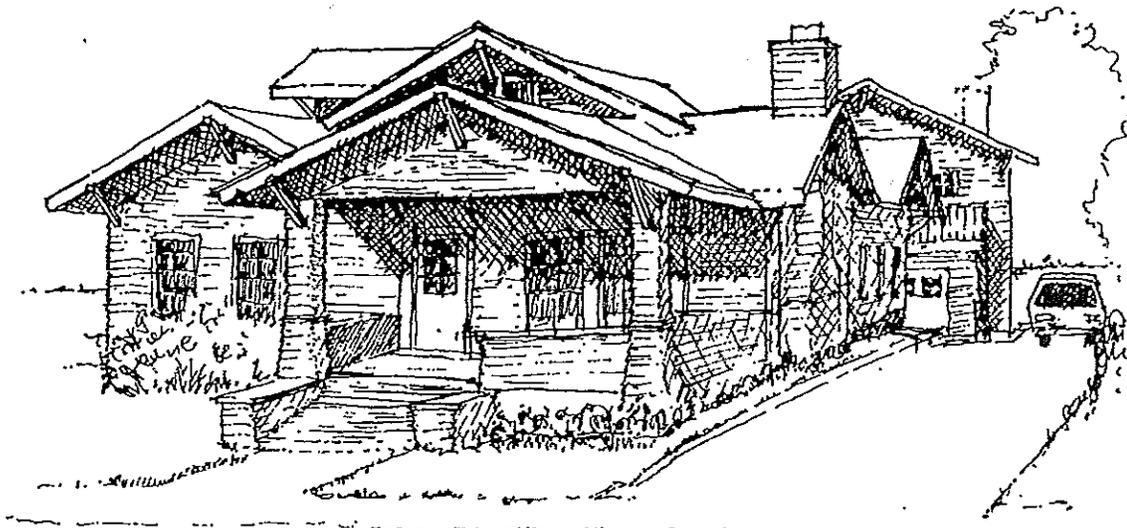
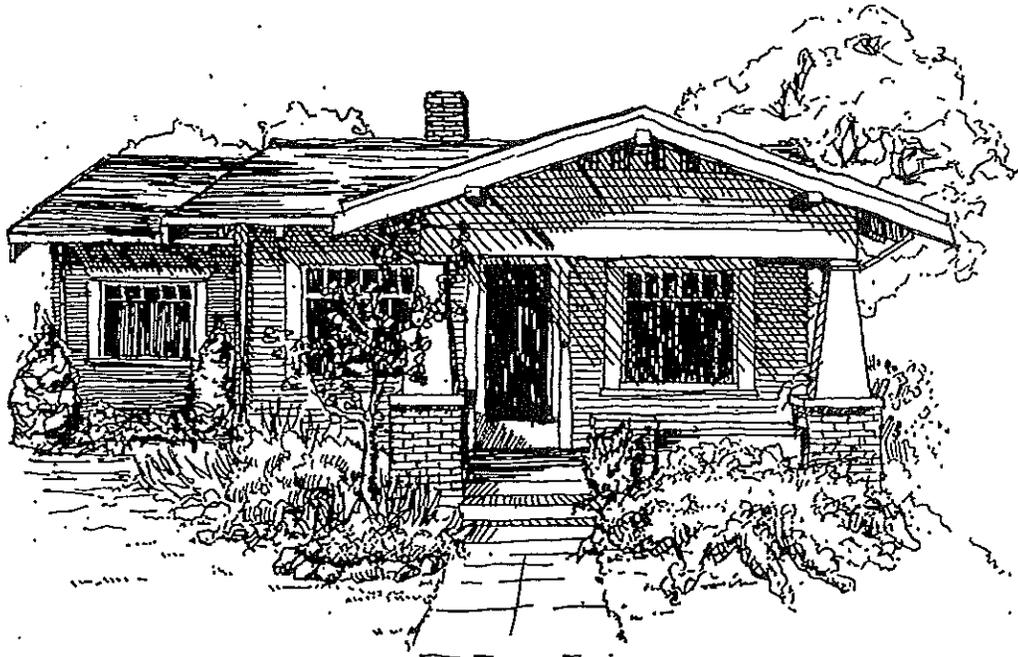
APPENDIX

ARCHITECTURAL CHARACTER SKETCHES

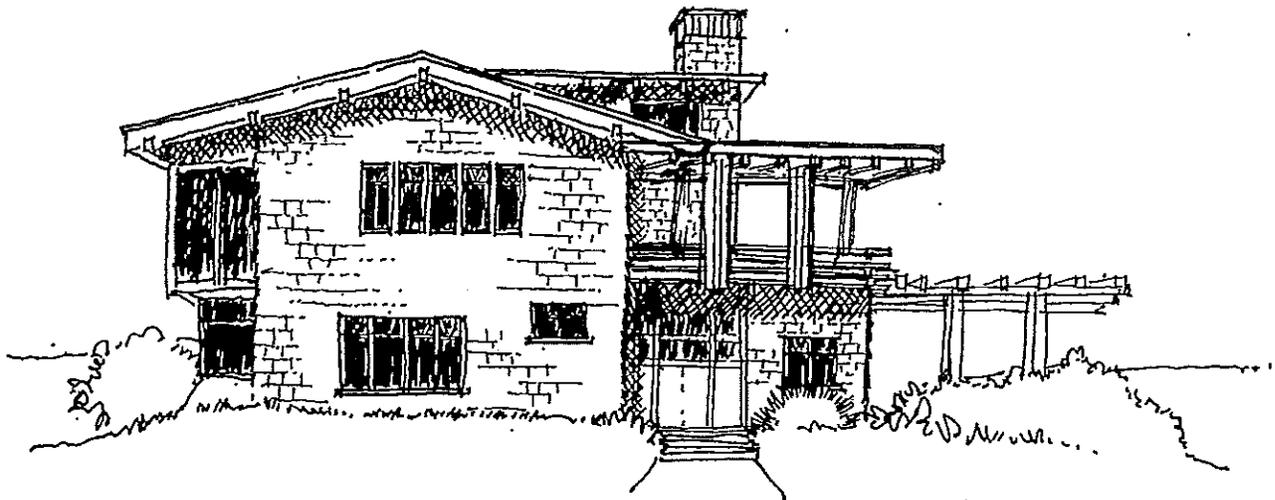


Porch Supports and Railings

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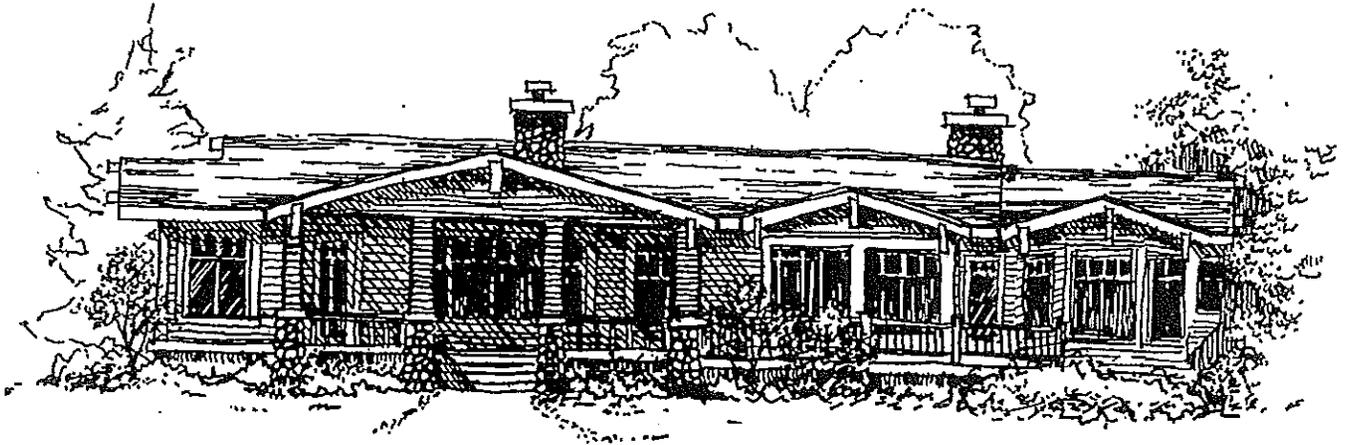


The Traditional California Bungalow is characterized by the low pitched gabled roof, large overhangs, exposed roof beams and rafter tails, vertically oriented multi-paned windows, and lap siding. Traditional California Bungalows, more than any other style, incorporate large front porches and often locate the garage behind the home. The low pitched gable roof typical of this style will be beneficial in the areas where there is a 14' height limit. The upper picture shows a bungalow built without top dormers, allowing it to fit in the 14' height limit zones.

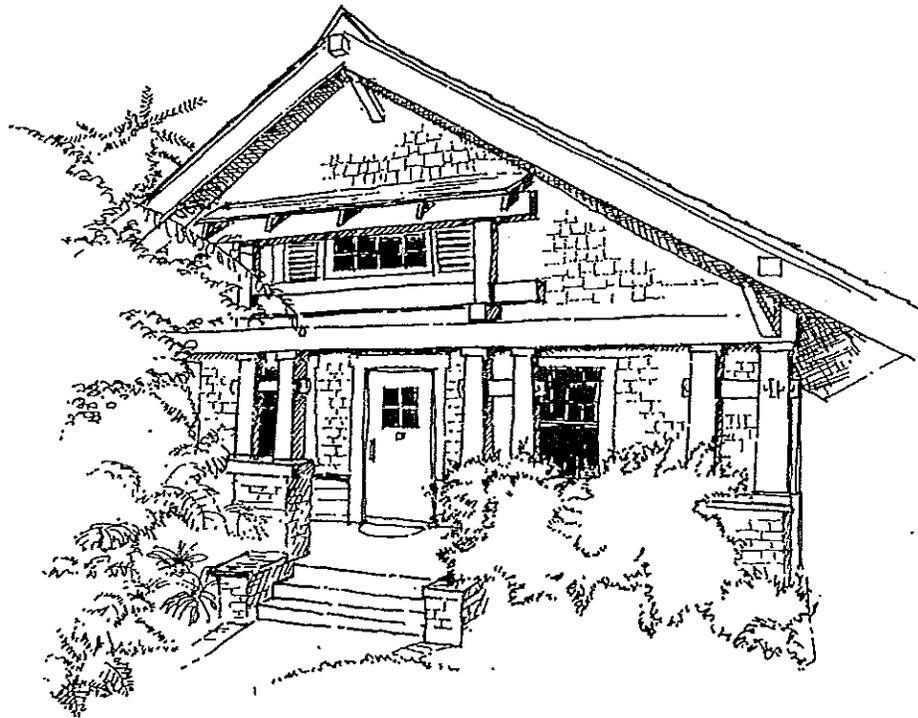


Craftsman Style architecture is characterized by the gently pitched gable roof (good for 14' height limit areas), large overhangs with exposed roof beams and rafter tails, and wood shake or lap siding. Trellises, large porches and patios are often well-integrated into the house design. Craftsman architecture tends to incorporate more stone and bricks for accenting on the base of the building, chimneys, patios, walls and paving. Windows, though not exclusively, are most often vertically oriented and in groups of two to five instead of single. Grouping the windows can be advantageous in capturing ocean or open space views.

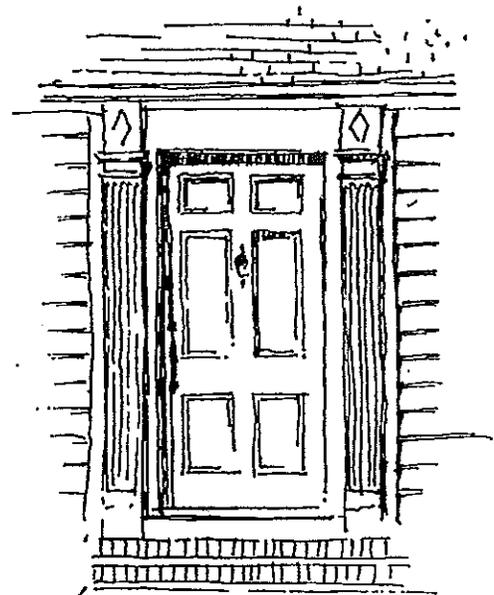
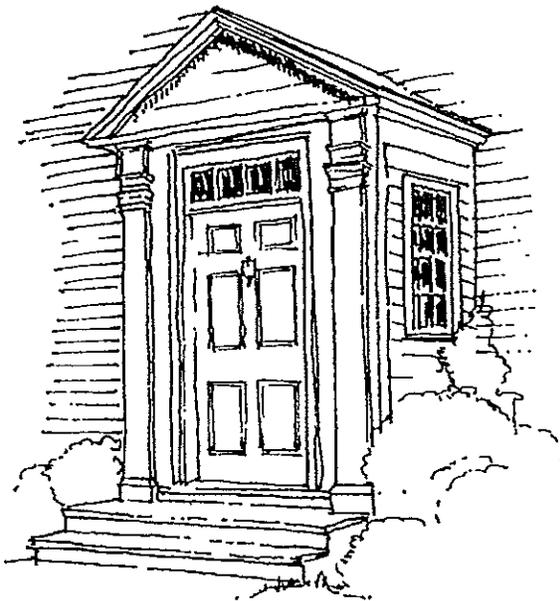
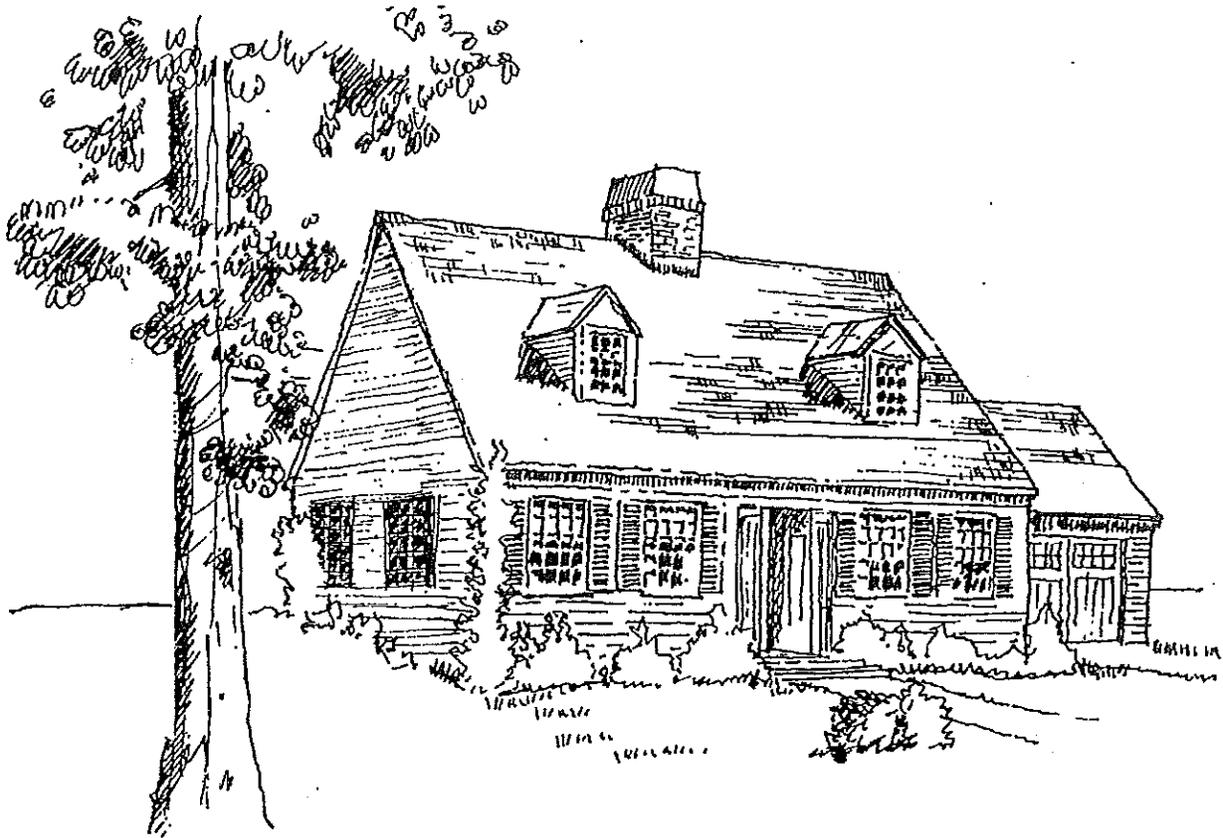
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This Bungalow combines key elements of a Traditional California Bungalow (prominent elevated front porch multi-paned windows, exposed rafter tails and roof beams) with common Craftsman/ Arts and Crafts elements (stone accents, large patio wrapping around the house and windows grouped together two to four in a row).

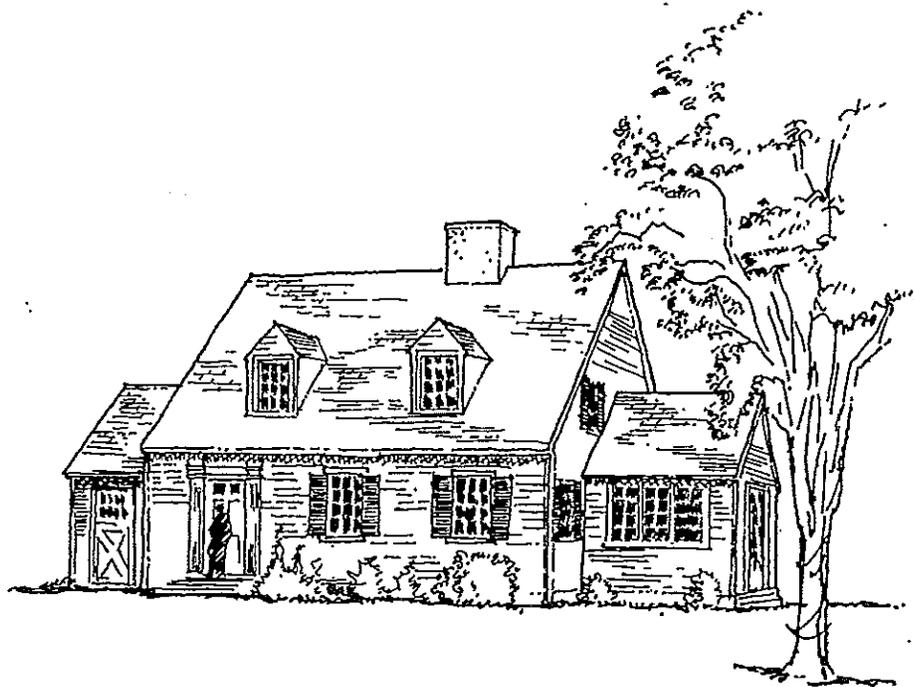


The detailing of the joints on the porch columns is characteristic of the Craftsman/Arts and Crafts style. The shingle siding and oversized timber used to frame the attic window is also common for this style.

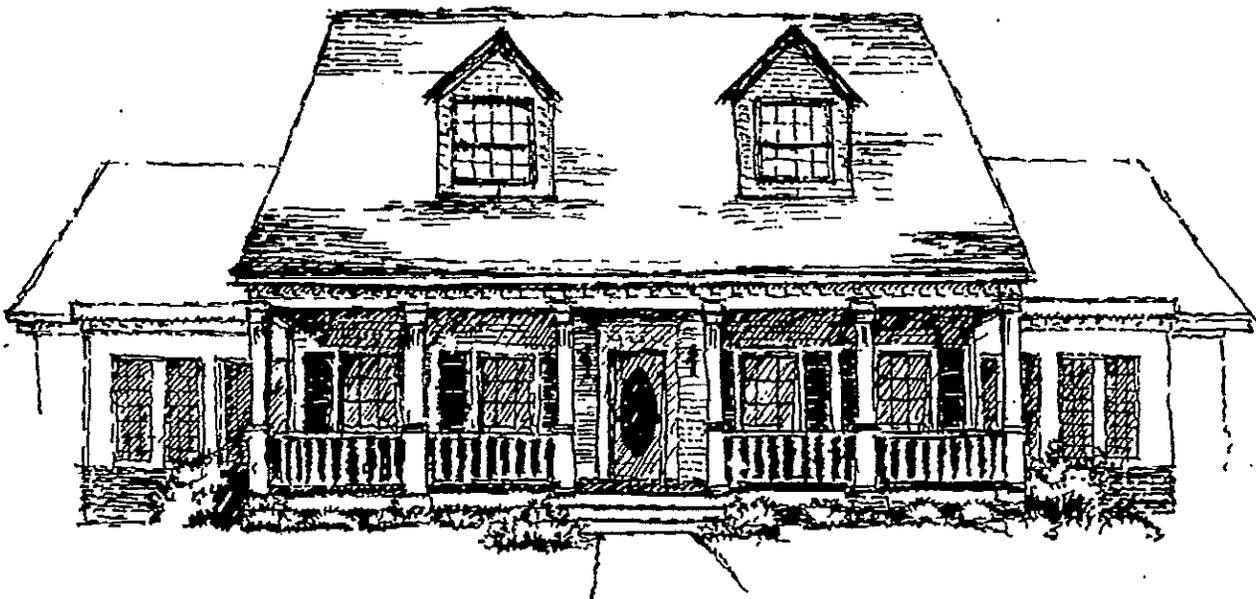
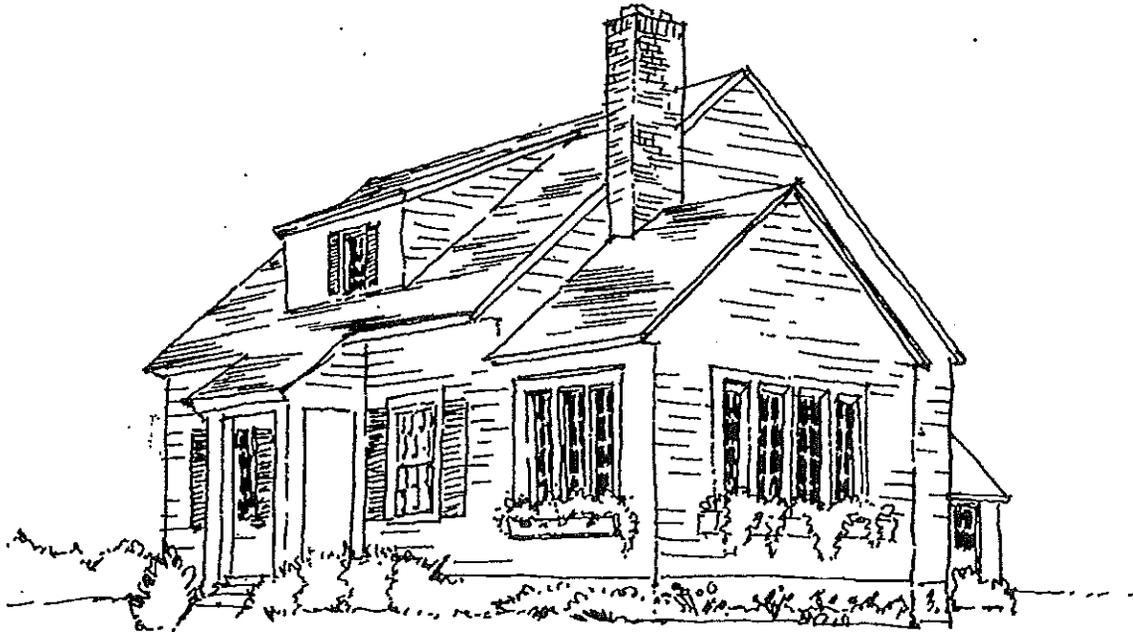


Door Examples

This is a good example of a Traditional Cape Code / Early Colonial style home. The symmetry of the front elevation, centrally located chimney, dormers, shutters, vertically oriented multi-paned windows, wood siding and high pitch roof with a slight overhang are characteristic elements of Traditional Cape Code architecture.

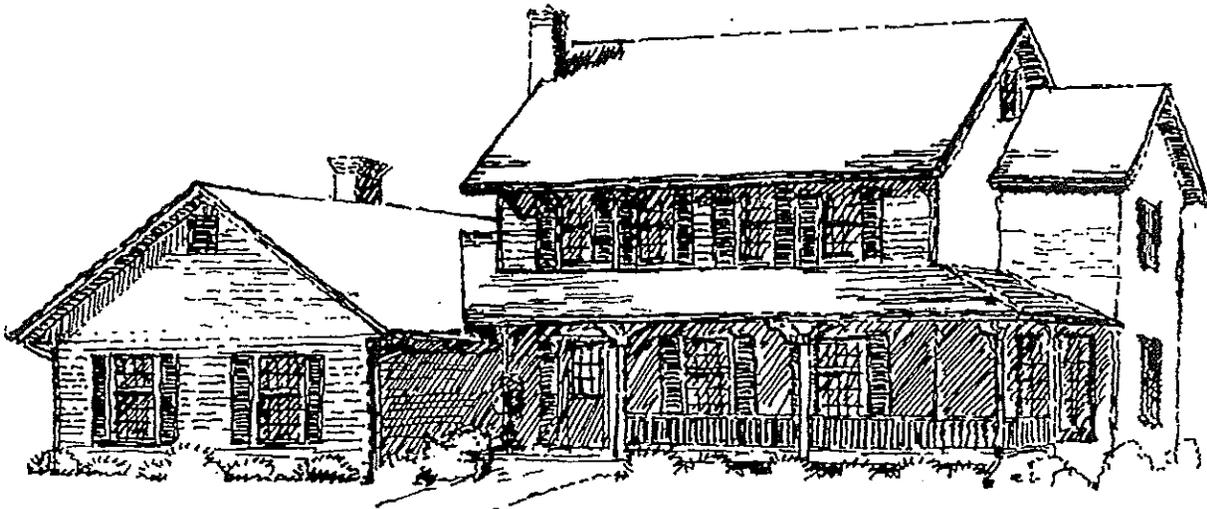
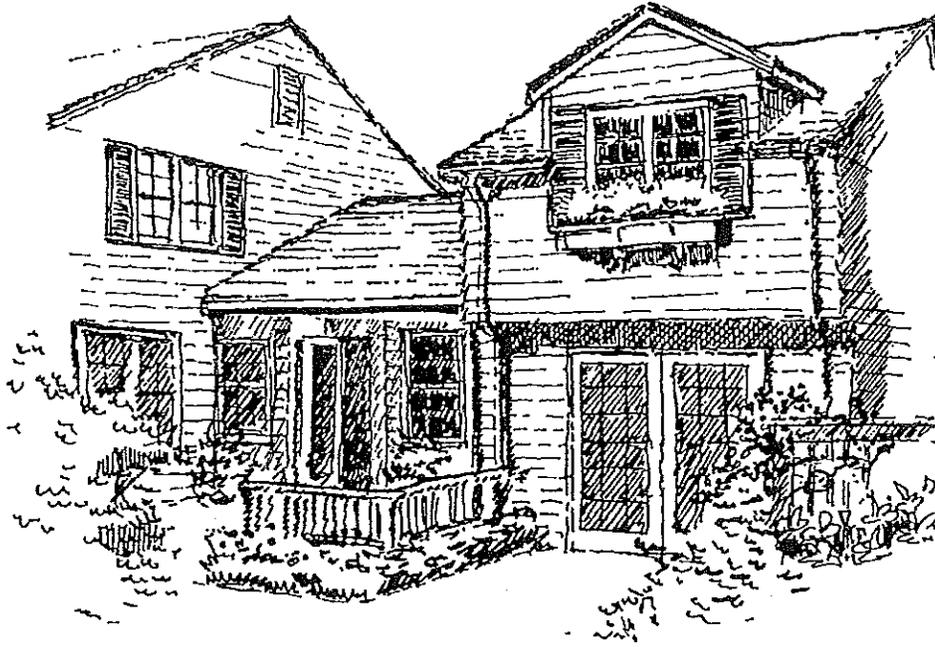


The Cape Code / Early Colonial style is apparent through characteristic elements such as high pitched roof, minimal overhang, vertically oriented multi-paned windows, dormers, wood clad siding and front porches.

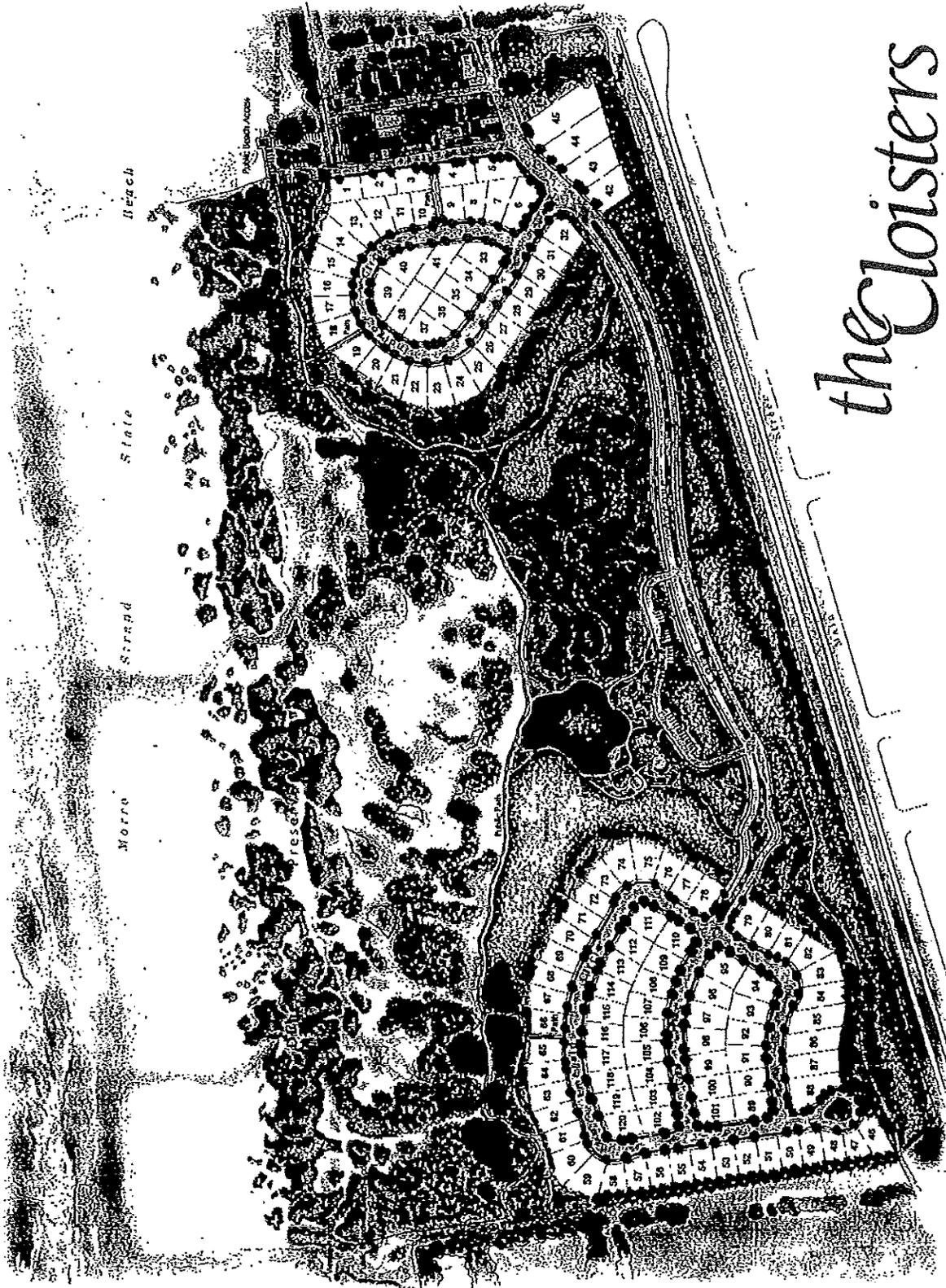


These Early Colonial style homes have a nice Cape Cod flare with their symmetry, dormers, high pitched roof, minimal overhang window boxes, shutters and wood siding. Though trellises are not a traditional Cape Cod element, through the use of materials and careful detailing, it is well integrated.

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The higher pitch roofs, minimal overhang, dormers, multi-paned windows, wooden shutters and wood lap siding give these homes a Cape Cod / Early Colonial character.

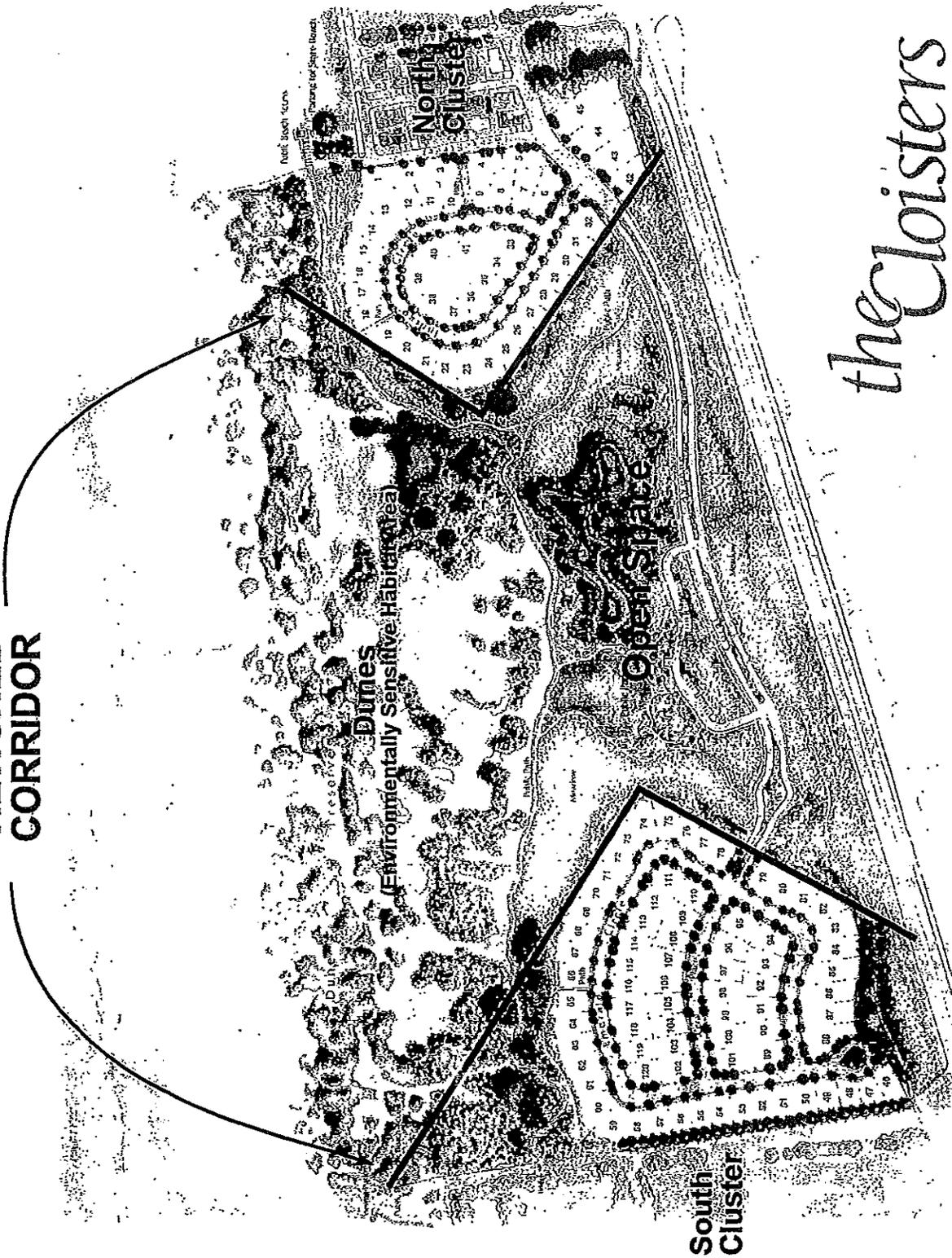


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MORRO BAY, CALIFORNIA

Site Plan

**VIEWSHED
CORRIDOR**



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MORRO BAY, CALIFORNIA

Viewshed Corridor Diagram

SUGGESTED LANDSCAPE PLANTS FOR HOMEOWNERS

BOTANICAL NAME

COMMON NAME

Trees

Arbutus unedo	Strawberry tree
Callistemon viminalis	Weeping Bottlebrush
Laurus 'saratoga'	Hybrid Laurel
Melaleuca quinquenervia	Cajeput Tree
Prunus blireiana	Purple Leaf Plum

Shrubs and Ground Covers

Acacia redolens	Acacia
* Arctostaphylos manzanita 'Dr. Hurd'	Manzanita
* Arctostaphylos hookeri 'Monterey Carpet'	Manzanita
* Arctostaphylos 'uva ursi'	Manzanita
Armeria maritima	Sea Thrift
Artemisia schmidtiana 'Silver Mound'	Silver Mound
* Artemisia californica	California Sagebrush
* Baccharis pilularis 'Pigeon Point'	Coyote Brush
Calamagrostis acutiflora 'Stricta'	Feather Reed Grass
Carissa grandiflora 'Tuttle'	Dwarf Natal Plum
Carissa grandiflora	Natal Plum
* Ceanothus griseus 'Yankee Point'	Ceanothus
* Ceanothus rigidus 'Snowball'	Ceanothus
* Ceanothus gloriosus exaltatus 'Emily Brown'	Ceanothus
* Ceanothus 'Concha'	Ceanothus
Cistus 'Warley Rose'	Warley Rose Rockrose
Cistus salvifolius 'Prostratus'	Sageleaf Rockrose
Cistus purpureus	Orchid Rockrose
Coprosma kirkii	Creeping Coprosma
* Erigeron glaucus	Beach Aster
* Eriogonum arborescens	Santa Cruz Buckwheat
* Eriogonum crocatum	Saffron Buckwheat
Festuca amethystina 'Superba'	Blue Sheep's Fescue
Helictotrichon sempervirens	Blue Oat Grass
Heuchera sanguinea 'Maxima'	Coral Bells
Lavandula dentata	French Lavender
* Lupinus albifrons	Silver Lupine
* Mimulus aurantiacus	Sticky Monkey Flower
Myoporum parvifolium 'Prostratum'	Myoporum
Pennisetum setaceum 'Rubrum'	Red Fountain Grass
Phormium tenax 'Tom Thumb'	Dwarf Flax
Phormium tenax 'Sundowner'	Flax
* Rhamnus californica 'Eve Case'	Dwarf Coffeeberry
Rosmarinus officinalis 'Prostratus'	Dwarf Rosemary
Rudbeckia fulgida var. Sullivantii	Goldsturm Black-eyed Susan

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BOTANICAL NAME

COMMON NAME

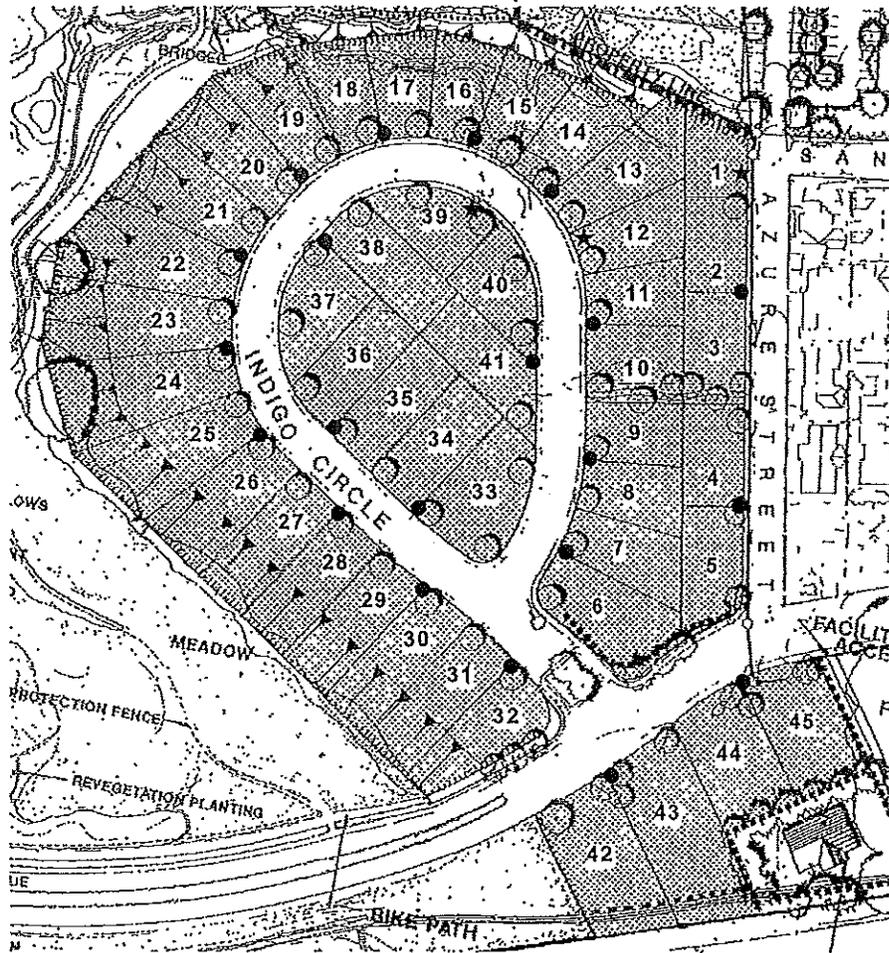
Shrubs and Ground Covers (cont.)

* Salvia mellifera	Black Sage
Salvia x superba	Salvia
Salvia leucantha	Mexican Bush Sage
Santolina virens	Santolina
Santolina chamaecyparissus	Lavender Cotton
Tulbaghia violacea 'Silver Lace'	Variegated Society Garlic

* Native to California

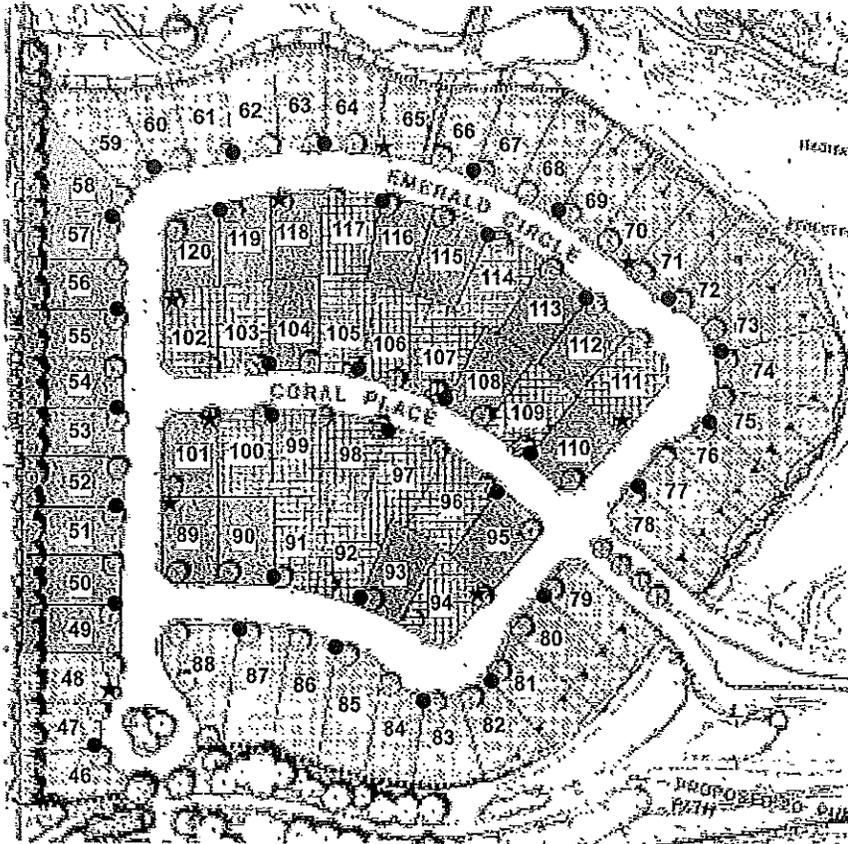
This suggested list is comprised of drought tolerant plants suitable for the Cloisters project in Morro Bay, California. It is only a partial listing of the many plants available.

MAILBOX LOCATIONS (North Cluster)

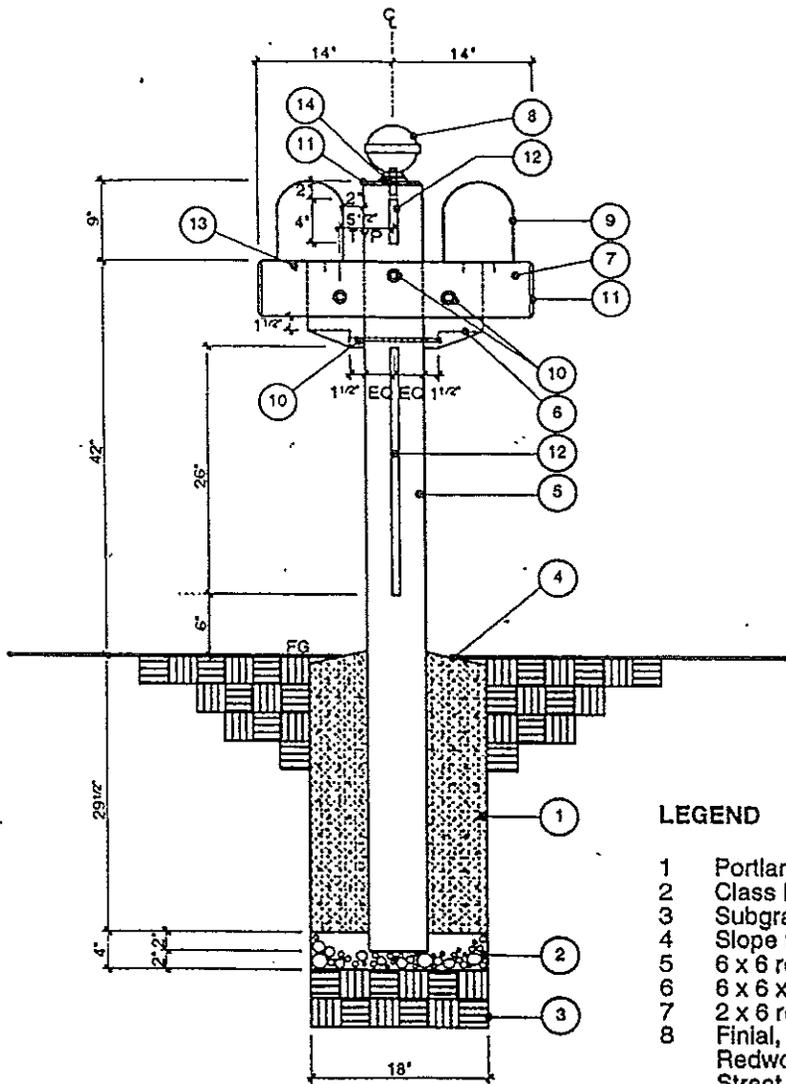


- ★ Single Mailbox
- Double Mailbox

MAILBOX LOCATIONS (South Cluster)



- ★ Single Mailbox
- Double Mailbox



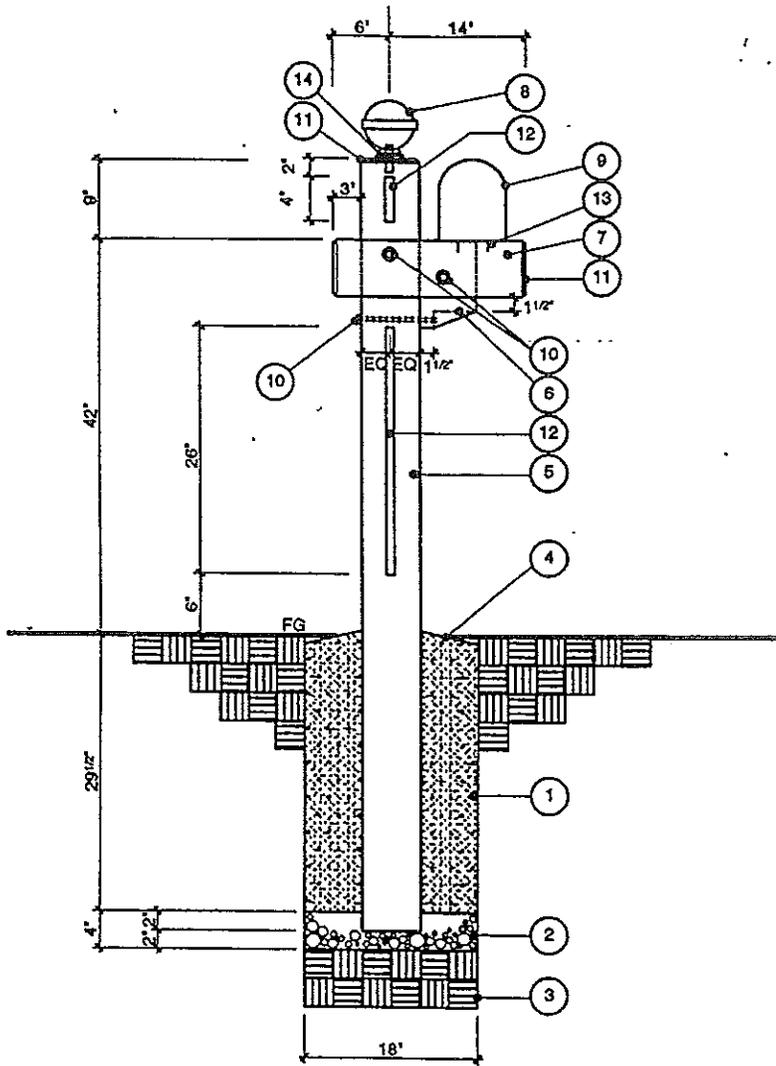
DOUBLE MAILBOX

LEGEND

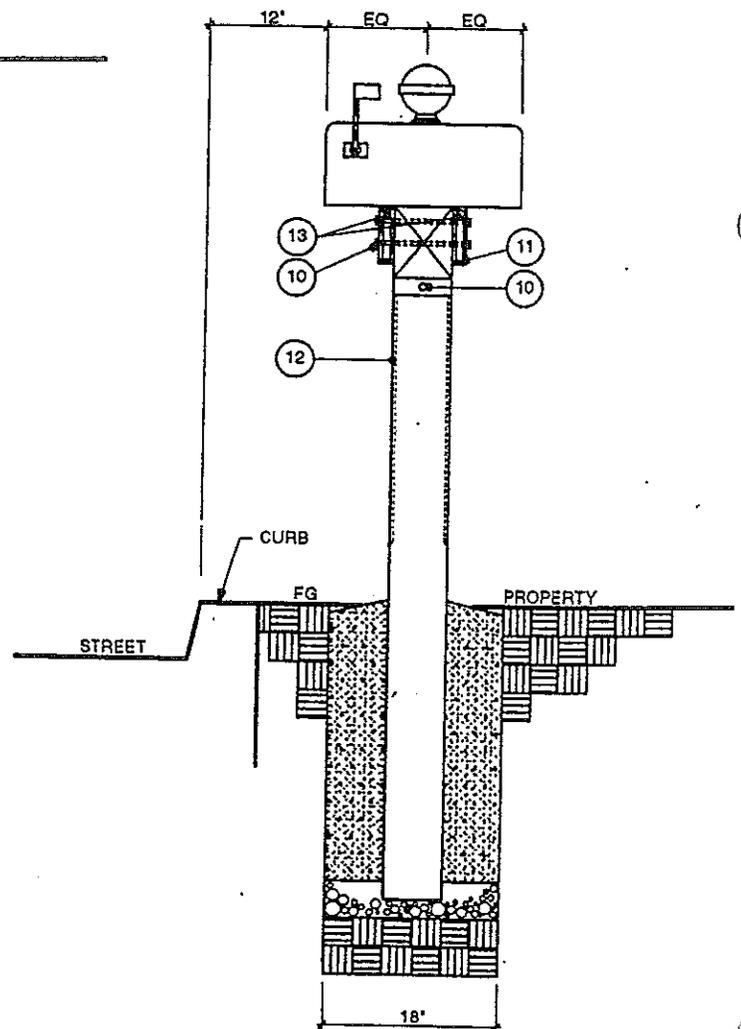
- 1 Portland cement concrete 2800 psi @ 28 days
- 2 Class II agg base @ 95% relative compaction
- 3 Subgrade @ 95% relative compaction
- 4 Slope footing away from post base
- 5 6 x 6 redwood post S4S construction heart
- 6 6 x 6 x 10 redwood support, S4S construction heart
- 7 2 x 6 redwood outrigger, S4S construction heart
- 8 Finial, Model: F106, 5" diameter; Height: 6", Base Diameter: 3", Redwood, Manufacturer: Boston Turning Works, 42 Plympton Street, Boston, MA 02118, telephone: (617) 482-9085
- 9 Mail box, heavy duty standard T1 size, 20 1/4" x 6 3/4" x 8 3/4", Model m1000. Color: Black. Manufacturer: The Solar Group, Taylorsville, MS 39168, telephone: (601) 785-4711 or developer approved equal
- 10 3/8" x 9" galv hex head bolt w/ 3/8" galv bridge washer and nut, damage threads, countersink, typical.
- 11 3/8" chamfer ends of outriggers and post, typical
- 12 1/4" depth x 1" wide router into post - front and back
- 13 1" length, 10 gauge, flat head, galv screw. (2) per outrigger. (4) total for attachment of each mailbox
- 14 3/4" x 3" wood dowel, glue finial to post with exterior wood glue

NOTE:

All wood finish coats to be by the same manufacturer.
 Manufacturer: Olympic
 All wood and metal surfaces shall be free from dirt, oil, and all other foreign substances.
 Finish: two coats Olympic stain semi-transparent, number 908.
 Smooth all finished wood surfaces using the proper sandpaper.



SINGLE MAILBOX



RECOMMENDED RESOURCE LIST

Authentic Small Houses of the Twenties, Robert T. Jones
Dover Publications, Inc., New York, 1987. (For Cape Cod styles)

A Field Guide to American Architecture, Carole Rifkind
Nal Penguin, Inc., New American Library, New York, 1980.

A Field Guide to American Houses, Virginia and Lee McAlester
Alfred A. Knopf, Inc., New York, 1984.

Backyard Design, Jean Spiro Breskend
Smallwood and Stewart, Inc., New York.

Cape Cod—Gardens and Houses, Taylor Lewis, Catherine Fallin
Simon and Schuster, New York, 1995.

Heavenly Kissers—A Color Design Guide for Bungalow Porches, John Crosby Freeman
Old-House Journal, vol. XXV, No. 4. July/August 1997.

**Landscape Plants for Western Regions—
An Illustrated Guide to Plants for Water Conservation**, Bob Perry
Land Design Publishing, Claremont, California, 1997.

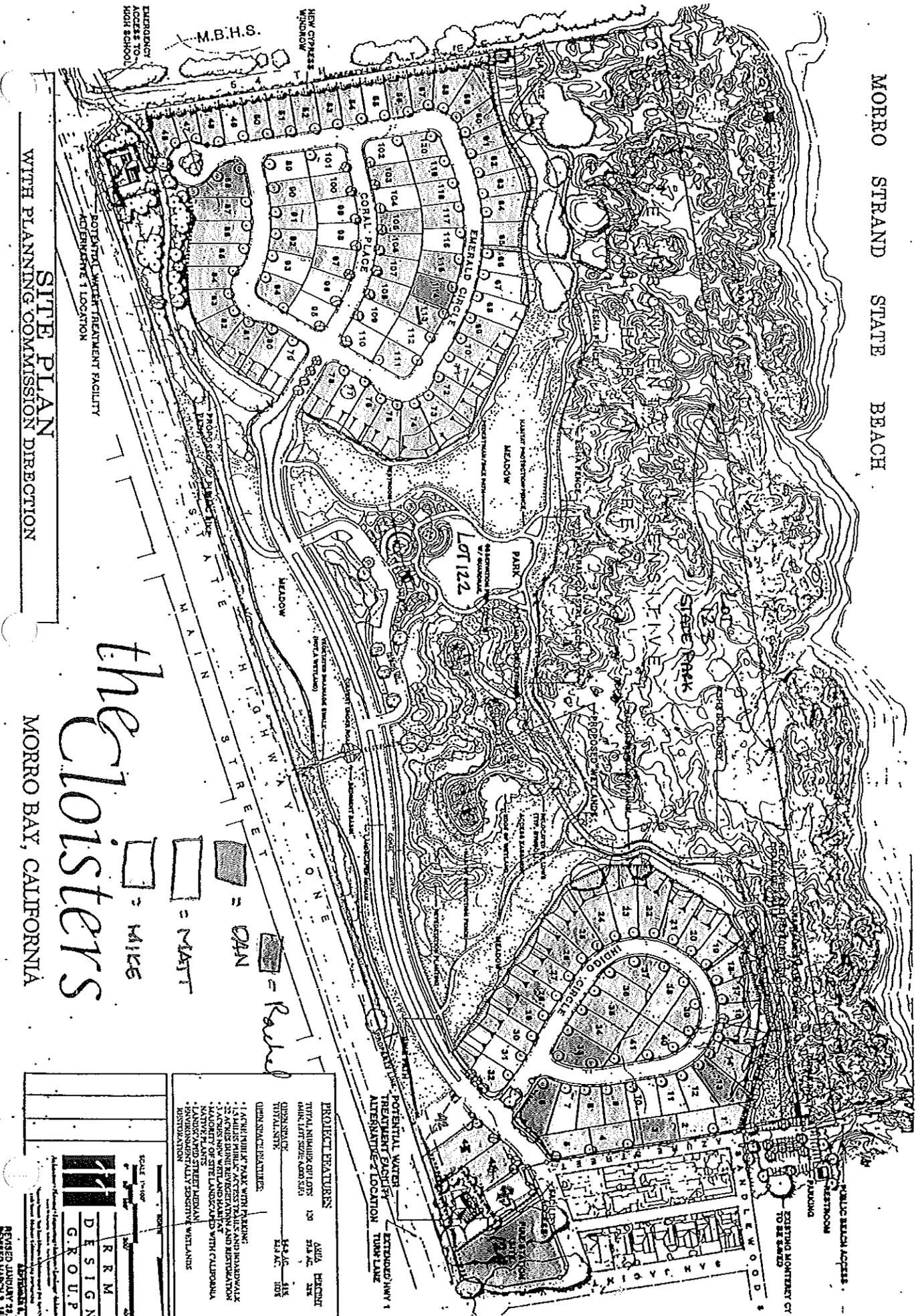
Ornamental Grasses—The Amber Wave, Carole Ottessen
McGraw-Hill, Inc., San Francisco, 1995.

Sunset Western Garden Book
Sunset Publishing Cooperation, Menlo Park, California, 1995.

Sunset Western Landscaping
Sunset Books, Inc., Menlo Park, California, 1995.

Theme Gardens, Barbara Damrosch
Workman Publishing Company, Inc., New York, 1982.

MORRO STRAND STATE BEACH



SITE PLAN WITH PLANNING COMMISSION DIRECTION

MORRO BAY, CALIFORNIA

the Cloisters

- = MIKE
- = MATT
- = DAN
- = RALPH

PROJECT FEATURES	AREA	PERCENT
TYPICAL NUMBER OF LOTS	120	51.4%
MIN. LOT SIZE (SQ. FT.)	144 AC.	51.4%
TOTAL SITE	144 AC.	51.4%

OTHER SPECIAL FEATURES:

- 1. ACTIVE PUBLIC PARK WITH PLAYING
- 2. 3.5 ACRES PUBLIC ACCESS TRAILS AND BOARDWALK
- 3. 2.5 ACRES PUBLIC BEACH AND RESTROOMS
- 4. MAJORITY OF SITE LANDSCAPED WITH CALIFORNIA NATIVE PLANTS
- 5. HANDS-ON INTERPRETIVE NATURAL HISTORY AND ENVIRONMENTAL EDUCATION
- 6. POTENTIAL WATER TREATMENT FACILITY ALTERNATIVE LOCATION

SCALE 1" = 100'

DRM DESIGN GROUP

REVISED JANUARY 22, 1988

RENEER LANSKY & CO.

DL # 1996-05033E
13 PAGES
10-8-96

RECORDING REQUESTED BY AND RETURN TO:
CITY OF MORRO BAY
595 Harbor Street
Morro Bay, California 93442

IRREVOCABLE OFFER TO DEDICATE
LOT 124, TRACT 1996

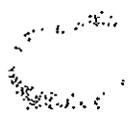
AND

DECLARATION OF RESTRICTIONS AND RESERVATIONS

THIS IRREVOCABLE OFFER TO DEDICATE LAND, LOT 124, TRACT 1996 AND RESERVATIONS (hereinafter referred to as the "Offer") is made this 10 day of September, 1996, by Keyoto-Morro Bay, Inc. a California corporation, and Morro Bay-Natalie, Inc., a California corporation (hereinafter collectively referred to as the "Grantors").

I. WHEREAS, Grantors are the legal owners of a fee-interest in certain real property located in the City of Morro Bay, County of San Luis Obispo, State of California, legally described as set forth in attached Exhibit A hereby incorporated by reference (hereinafter referred to as the "Property") and commonly known as the Cloisters Project; and

II. WHEREAS, Grantors applied to the City of Morro Bay, pursuant to the City's Local Coastal Program certified by the Commission, for Vesting Tentative Map TM-01-90, Tract No. 1996 (hereinafter "Tract Map"), Conditional Use Permit 28-90, and Coastal Development Permit 42-90, which was approved by the City Council of the City of Morro Bay on December 9, 1991; the Coastal Development Permit was appealed to the California Coastal Commission, which, on July 9, 1992, approved the Coastal Development Permit (A-4-MRB-91-44) pursuant to conditions attached hereto and incorporated herein as Exhibit C; on December 14, 1992, the City of Morro Bay took final action on the Major Modification of the Concept Plan for the Cloisters Project to conform the City's previous



approvals to actions taken by the Commission on the Appeal; and on August 16, 1993, the Planning Commission for the City of Morro Bay reviewed and approved the Conditional Use Permit Precise Plan for the Cloisters Project.

III. WHEREAS, pursuant to the Project Approvals, the following specific condition has been required (hereinafter "Specific Project Condition"):

City of Morro Bay SPECIAL CONDITION 9e, "Fire Protection," December 9, 1991, and PRECISE PLAN CONDITION 2, "Fire Station," August 16, 1993:

"2. FIRE PROTECTION

"e. The applicant shall dedicate to the City one acre of land at the southwest corner of San Jacinto Street and SR 1, or at another comparable location for use by the City as a fire substation, or alternatively, at the city's discretion provide fire impact fees to the city for use in purchasing a comparable site elsewhere.

NOW AND THEREFORE, in consideration of Recordation of Final Map 1996, the Grantors hereby irrevocably Offer to Dedicate to the City of Morro Bay dedications in perpetuity over a portion of the Property as follows:

1. DESCRIPTION. This Offer of Dedication includes Lot 124 of Tract 1996.
2. DURATION/ACCEPTANCE. This Irrevocable Offer of Dedication shall be binding upon the Grantors and their heirs, assigns, or successors in interest thereto for a period of 21 years. This Offer may be accepted by the City of Morro Bay (hereinafter referred to as the "Grantee"). Such acceptance shall be effectuated by recordation by the Grantee of an acceptance of this Offer in the form attached hereto as Exhibit B. Upon such recordation of acceptance, this Offer and terms, conditions, and restrictions shall have the effect of a grant in perpetuity that shall run with the land and be binding on the heirs, assigns, and successors of the Grantors.
3. RESERVATIONS. This Offer of Dedication is subject to the following reservation in favor of Grantors, their successors, heirs and assigns:
 - a. Until the notice of completion for Tract 1996 public improvements, a right of entry by the Grantors, their agents and assigns, upon the Dedicated Area, including access, for

the purposes of implementing any Project Conditions, construction of any and all improvements set forth in the Project's City approved Final Improvement Plans and City approved modifications thereto.

AMEND DRAINAGE
EASEMENT

b. There is reserved to the Grantors, their successors, heirs and assigns, including the owners of any residential lots within Tract 1996, drainage easements, on, over and across Lot 124. Structures may be placed or erected on Lot 124 subject to a drainage and grading plan approved by the City of Morro Bay. Tract 1996 storm water drainage shall be of such design to incorporate inflows from Lot 124.

4. RESTRICTIONS. In the event that Lot 124 is not used as a Fire Station, and the City does not sell it, the following restrictions shall apply to the future use of Lot 124:

2-STORY
PROVISIONS (VIEW ANALYSIS)
POSSIBILITY? NEEDED

a. Grantors shall have a right of first refusal to purchase Lot 124, to meet any bona fide offer to the City for the purchase of said lot.

RANGE IN
LOT SIZE
5775' TO
4960' TO
7500'

b. Any future development of Lot 124 shall be subject to all of the Conditions of Approval for the Cloisters Project, ensuring compatibility with adjacent residential uses.

c. Any use or development of Lot 124 shall be subject to all of the provisions of the Declaration of Covenants, Conditions, and Restrictions recorded for Tract 1996, and; more specifically, without limitation, the architectural review, control, and approval process' set forth in said Declaration.

d. The only use which may be made of Lot 124 is for single family residential purposes, as provided in the Declaration of Covenants, Conditions, and Restrictions for Tract 1996.

5. BENEFIT AND BURDEN. This Offer shall run with and burden the Dedicated Areas and all obligations, terms, conditions, and restrictions running with the land and shall be binding upon and inure to the benefit of the successors and assigns of both the Grantors and Grantee, whether voluntary or involuntary.

6. REMEDIES. Any act, conveyance, contract, or authorization by the Grantors whether written or oral which uses or would cause to be used or would permit use of the Dedicated

Areas contrary to the terms of this Offer will be deemed a violation and a breach hereof. The Grantors, any Grantee accepting this Offer and any offeree of this Offer may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of the Offer and Dedication and their respective interest in the Dedicated Areas. In the event of a breach, any forbearance on the part of any such party to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

7. TAXES AND ASSESSMENTS. Grantors agree to pay or cause to be paid all real property taxes and assessments levied or assessed against the Dedicated Areas prior to acceptance of this offer, at which time all assessments shall be canceled as provided by applicable law. It is intended that this Irrevocable Offer and use restrictions contained herein shall constitute enforceable restrictions within the meaning of (a) Article XIII, section 8 of the California Constitution; and (b) section 402.1 of the California Revenue and Taxation Code or successor statute. Furthermore, the Offer, dedication, and restrictions shall be deemed to constitute a servitude upon and burden to the Dedicated Areas within the meaning of section 3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.

8. SEVERABILITY. If any provision of these restrictions is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Executed on this 10th day of September, 1996 at
San Luis Obispo, California.

GRANTORS

KEYOTO-MORRO BAY, INC., a California corporation

By France Merat
France Merat, President

MORRO BAY-NATALIE, INC., a California corporation

Pierre Merat by
By France Merat as attorney-in-fact
Pierre Merat, President
by: France Merat as attorney-in-fact

GRANTEE

City of Morro Bay

By _____

APPROVED AS TO FORM:

DATE: _____

David Hunt, City Attorney
City of Morro Bay

RECORDING REQUESTED BY:
FIRST FIDELITY TITLE INSURANCE COMPANY
Keyoko-Morro Bay, Inc. and
Morro Bay-Natalie, Inc.

AND WHEN RECORDED MAIL TO:

William S. Waller, Esq.
Waller & Bomboldt
679 Monterey Street
San Luis Obispo, California 93401

DOC No: 1996-050337

Rec No: 00023559

Official Records
San Luis Obispo Co.
Julie L. Rosenwald
Recorder
Oct 08, 1996
Time: 08:00

RF 157.00

[51]

TOTAL 157.00

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
OF
THE CLOISTERS, MORRO BAY, CALIFORNIA

ORIGINAL

1996

050337

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1996 050337

RECORDING REQUESTED BY:

Keyoto-Morro Bay, Inc. and
Morro Bay-Nautik, Inc.

AND WHEN RECORDED MAIL TO:

William S. Walter, Esq.
Walter & Borsholt
679 Monterey Street
San Luis Obispo, California 93401

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
OF
THE CLOISTERS, MORRO LAY, CALIFORNIA

THIS DECLARATION AND AGREEMENT made this 16th day of
September, 1986 by and between declarants, KEYOTO-MORRO BAY, INC., a
California corporation, MORRO BAY-NAUTIK, INC., a California corporation (hereinafter
collectively referred to as "DECLARANTS") with regard to the following facts:

RECITALS

1. WHEREAS, DECLARANTS are the owners of certain real property in the CITY of Morro Bay, County of San Luis Obispo, State of California, described as lots 1 through 124 of Final Vesting Tract MAP 1996, "Being a Re subdivision of a Portion of the Alvarado Beach in the City of Morro Bay, County of San Luis Obispo, State of California," as shown on said Tract Map recorded on October 9, 1986 in Book , Page 83 of MAPs in the Office of the County Recorder of said County (hereinafter "the Final Vesting Map" or "MAP"); and
2. WHEREAS, DECLARANTS propose a re subdivision of 172 existing lots of record into 120 single-family residential LOTS, described as LOTS 1 through 120, inclusive, clustered at the northerly and southerly portions of the PROPERTY, as depicted on Tract MAP 1996, and LOTS 121, 122, and 123, which are for open space, public and private view preservation, and scenic easements, drainage, sewer and utility easements, and appurtenant purposes and easements as set forth on the FINAL IMPROVEMENT PLANS for said Tract; and
3. WHEREAS, it is the desire and intention of the DECLARANTS to establish covenants, conditions, restrictions, and easements upon the PROJECT and each and every portion and phase thereof, which will constitute a general scheme and common plan as to the use and maintenance of the PROJECT so that all of the PROJECT shall be

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benefited and each successive owner of all or a part of the PROJECT shall be benefited by the preservation of the value and character of the PROJECT; and

d. WHEREAS, it is the intent of the PROJECT to harmonize the development of 120 residential LOTS with adjacent coastal resources, preserve natural resource values, scenic quality and views, and coastal access benefits, and foster an appreciation for the resources of adjacent dunes, Environmental Sensitive Habitat, and open space areas; and

e. WHEREAS, DECLARANTS have executed an Irrevocable Offer to Dedicate Land and Improvements, as required by the Conditions of the PROJECT Approval, to the State of California, Department of Parks and Recreation, which offers to dedicate in fee LOT 123, identified as "Environmentally Sensitive Habitat Area" on the Final Tract MAP, as recorded in the Office of the County Recorder, County of San Luis Obispo, California; and

f. WHEREAS, DECLARANTS have an Irrevocable Offer to Dedicate Land and Improvements, as required by the Conditions of the PROJECT APPROVALS to the City of Morro Bay, which offers to dedicate in fee LOTS 121 and 122, to be maintained through the formation of an assessment district, pursuant to the FINAL IMPROVEMENT PLANS on the Final Tract MAP, as recorded in the Office of the County Recorder, County of San Luis Obispo, California; and

g. WHEREAS, the DECLARANTS have executed in favor of the City of Morro Bay, a scenic view easement, as recorded in the Office of the County Recorder, County of San Luis Obispo, California, which creates scenic and view easements over that area described in Exhibit A hereto, hereinafter referred to as "Scenic View Easements," which covers portions of residential lots, LOT 121, LOT 122, and LOT 123, and which limits the height of any improvements, with the exception of the public restroom and associated park improvements, Environmentally Sensitive Habitat fencing, and any other improvements as set forth on the FINAL IMPROVEMENT PLANS for the PROJECT, to no more than four (4) feet in height, measured from the finished grade pursuant to the FINAL IMPROVEMENT PLANS for the PROJECT; and

h. WHEREAS, pursuant to the PROJECT CONDITIONS, the DECLARANTS have requested that the City form an assessment district to maintain the public park improvements, street, sidewalk, bicycle path, pedestrian path, drainage, wetland and fencing, lighting, monuments, interpretative exhibit, and coastal access improvements, including the ESHA fencing, as shown on the FINAL IMPROVEMENT PLANS for the PROJECT; and

i. WHEREAS, the DECLARANTS have established, consistent with the PROJECT CONDITIONS, access walkways as depicted on the FINAL IMPROVEMENT PLANS, providing a northerly and southerly accessway on, over, and across LOT 122, and adjacent offsite property owned by the Department of Parks and Recreation and the San Luis Coastal Unified School District, which is to be maintained as required in the PROJECT CONDITIONS by the special assessment district, if and until such time as a city-wide assessment district replaces it; and

j. WHEREAS, the DECLARANTS will hereinafter hold and convey title to all of the PROJECT subject to the protective covenants, conditions, restrictions, and easements hereinafter set forth:

NOW, THEREFORE, DECLARANTS hereby covenant, agree and declare that all of its interest, as the same may from time to time appear, in the PROJECT shall be held and conveyed subject to the following covenants, conditions, restrictions, and easements which are hereby declared to be for the benefit of said interest in the PROJECT, and the owner of said interest, their successors and assigns. These covenants, conditions, restrictions, and easements shall run with said interest and shall be binding upon all parties having or acquiring any right or title in said interest or any part thereof, and shall be to the benefit of each owner thereof and are imposed upon each of said interest and every part thereof and all rights, and titles therein as a servitude in favor of each and all other said interest as the dominant tenement or tenements and shall be interpreted to most fully achieve the above enumerated purposes of the PROJECT.

ARTICLE I DEFINITIONS

1.1 "CITY" shall mean and refer to the City of Morro Bay, California, and its City Council, Planning Commission and various departments, divisions, employees, and representatives.

1.2 "CITY IMPROVEMENTS" shall mean improvements constructed on the Property by DECLARANTS which shall be maintained by CITY.

1.3 "CLOISTERS" shall mean LOTS 1 through 120, inclusive, as shown on the MAP.

1.4 "DECLARANTS" shall mean and refer to Keyoko-Morro Bay, Inc., a California Corporation, and Morro Bay-Natalie, Inc., a California corporation, and their respective successors and assigns if any successors or assigns should acquire more than four (4) undeveloped LOTS from the DECLARANTS for the purposes of development.

1.5 "DECLARATION" shall mean and refer to this DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE CLOISTERS, MORRO BAY, CALIFORNIA, as amended or supplemented from time to time.

1.6 "DESIGN COMMITTEE" or "COMMITTEE" shall mean the COMMITTEE created in accordance with Article 4 of this DECLARATION.

1.7 "DESIGN MANUAL" or "MANUAL" means the "THE CLOISTERS DESIGN GUIDELINE MANUAL," which is a manual of design guidelines and approval procedures which has been adopted by the DESIGN COMMITTEE, as the MANUAL is amended from time to time. The CLOISTERS DESIGN GUIDELINE MANUAL is on file with the City of Morro Bay.

1.8 "DISTRICT" shall mean and refer to the Cloisters Landscape and Lighting Maintenance Assessment DISTRICT, and/or such other DISTRICT or DISTRICTS as are formed pursuant to the Conditions of PROJECT APPROVALS.

1.9 "ELIGIBLE HOLDER MORTGAGE" shall mean a mortgage held by an "eligible mortgage holder."

1.10 "ELIGIBLE MORTGAGE HOLDER" shall mean a FIRST LENDER whose interest is secured by any residential LOT within the PROJECT.

1.11 "ELIGIBLE INSURER OR GUARANTOR" shall mean an insurer or governmental guarantor of a FIRST MORTGAGE secured by any residential LOT within the PROJECT.

1.12 "FINAL IMPROVEMENT PLANS" shall refer to the improvement plans, Cloisters Landscape, Park Plan, Dunes Restoration/Boardwalk, and Construction Documents required by the PROJECT CONDITIONS and approved by the City of Morro Bay, City approved modifications to the improvement plans, and modifications to the improvement plans showing the final as-built condition of the IMPROVEMENTS for the PROJECT upon acceptance of said IMPROVEMENTS by the City. Said FINAL IMPROVEMENT PLANS shall be kept on file with the City.

1.13 "FIRST LENDER" shall mean any bank, savings and loan association, insurance company, or other financial institution, person or entity holding a FIRST MORTGAGE as described herein, recorded mortgage or deed of trust made in good faith for value which has seniority or priority over all other mortgages and deeds of trust encumbering a specific LOT or LOTS.

1.14 "FIRST MORTGAGE" shall mean a recorded mortgage or deed of trust made in good faith for value which has seniority or priority over all other mortgages and deeds of trust encumbering a specific LOT.

1.15 "GOVERNING DOCUMENTS" shall mean and refer to this DECLARATION, together with the other basic documents used to create and govern the PROJECT, which are the MAP and the PROJECT APPROVALS.

1.16 "IMPROVEMENTS" shall mean STRUCTURES, as defined herein, substantial plants such as trees, hedges, shrubs, bushes and major landscaping of any kind. IMPROVEMENT shall also mean any excavation, fill, ditch, diversion dam or other thing or

device which affects or alters the natural flow of surface or subsurface water from, upon, under or across any portion, of the PROJECT. IMPROVEMENTS shall also mean any utility line, conduit, pipe or other related facility or equipment. IMPROVEMENTS shall also mean any curb, curb and gutter, sidewalk, and asphalt paving associated with the streets and/or parking lots within the PROJECT.

1.17 "LOT" shall mean and refer to any of LOTS 1 through 120, inclusive, as shown on the MAP, together with any IMPROVEMENTS thereon. Without a specific numerical designation, "LOT" shall be synonymous with "residential LOT." When appropriate within the context of this DECLARATION, the term "LOT" shall also include the residence and other IMPROVEMENTS constructed or to be constructed on the subject LOT.

1.18 "MAP" or "FINAL VESTING MAP" shall mean and refer to that Final Map of LOTS 1 through 124 of Tract 1996, "Being a Re-subdivision of a Portion of the Anacadero Beach in the CITY of Morro Bay, County of San Luis Obispo, State of California," as shown on said TRACT map recorded in the records of the County Recorder of San Luis Obispo County, State of California.

1.19 "MORTGAGE" means any recorded security device encumbering all or any portion of a LOT, including any deed of trust.

1.20 "MORTGAGEE" shall refer to a beneficiary under a deed of trust as well as to a mortgagee in the conventional sense.

1.21 "OFFER TO DEDICATE" shall mean and refer to that Irrevocable Offer to Dedicate Land and Improvements to the State of California, Department of Parks and Recreation as recorded in the Office of the County Recorder of the County of San Luis Obispo, and/or (as the context indicates) the Irrevocable Offer to Dedicate Land and Improvements to the City of Morro Bay, as recorded in the Office of the County Recorder of the County of San Luis Obispo.

1.22 "OWNER" shall mean and refer to the record owner as shown by the official records in the Office of the County Recorder of San Luis Obispo County, whether one (1) or more persons or entities, of a fee simple title to any residential LOT which is a part of the CLOISTERS, but excluding those persons or entities having an interest merely as security for the performance of an obligation. If a LOT is sold under a recorded contract of sale (but not under an unrecorded contract of sale) the purchaser, rather than the fee owner, will be considered the "OWNER." The term "OWNER" shall include the DECLARANTS for so long as the DECLARANTS hold fee simple title to any residential LOT within the CLOISTERS.

1.23 "PERSON" means a natural person, a corporation, a partnership, a trust, or other legal entity.

1.24 "PLANNING DIRECTOR" shall mean the duly acting Community Development Director of the City of Morro Bay.

1.25 "PROJECT" shall mean and refer to the real property comprising LOTS 1 through 124, inclusive, as shown on the Final Vesting TRACT MAP 1996, including all

IMPROVEMENTS and structures erected or to be erected thereon by the DECLARANTS as developer of the Subdivision.

1.26 "PROJECT APPROVALS" shall mean and refer to the Local Coastal Program of the City of Morro Bay set forth in the 1990 LCP Amendment (No. 2-89, approved January 22, 1990), the Tentative Final Vesting MAP TM-01-90, TRACT 1996, Conditional Use Permit No. 28-90, as amended (Concept Plan and Precise Plan approval), City of Morro Bay Coastal Development Permit No. 42-90, the California Coastal Commission Coastal Development Permit No. A-4-MRB-91-44, and Permits and Approvals given by the Regional Water Quality Control Board, United States Corps of Engineers and any other approvals required by law, ordinance, or condition. Copies of the PROJECT APPROVALS are attached as exhibits to the OFFER TO DEDICATE.

1.27 "PROJECT CONDITIONS" and/or "CONDITIONS OF PROJECT APPROVAL" shall mean and refer to all conditions imposed upon the development of the PROJECT set forth in the PROJECT APPROVALS.

1.28 "PROPERTY" shall refer to all of the real property described in Paragraph 1.25, above.

1.29 "THE CLOISTERS" shall refer to the development of the real property described in Paragraph 1.25 above.

1.30 "SINGLE FAMILY RESIDENTIAL USE" means occupation and use of a LOT or Residence for single family dwelling purposes in conformity with this DECLARATION and the requirements imposed by applicable zoning and other applicable laws and governmental regulations limiting the number of persons and the relationships of those persons who may occupy single family residential dwellings.

1.31 "STRUCTURE" shall mean any tangible thing or device to be fixed permanently or temporarily to real property including, without limitation, any building, garage, driveway, walkway, concrete pad, asphalt pad, fence, wall, pole, sign, antenna, sprinkling system, swimming pool, spa, tennis court, play structure, interpretive exhibit, boardwalk, bench, or trash enclosures.

1.32 "SUBDIVISION" and "TRACT" shall refer to LOTS 1 through 124, inclusive, as shown on the MAP, but shall not include those portions shown as "not a part" on the FINAL VESTING MAP.

1.33 "VIEW CORRIDOR" is that area including portions of residential LOTS depicted in the FINAL VESTING TRACT MAP and more particularly described in Exhibit A attached hereto, and incorporated herein by this reference.

ARTICLE 2

DESCRIPTION OF PROJECT, DIVISION OF PROPERTY AND CREATION OF PROPERTY RIGHTS

2.1 Description of PROJECT: The PROJECT is a Clustered Single-Family Residential Development created by the MAP and other PROJECT APPROVALS. DECLARANTS intend that the portions of the PROPERTY be developed, held and/or maintained as follows:

2.1.1 LOTS 1 through 120, inclusive are to be sold, leased, and owned as LOTS for the construction and subsequent enjoyment of single family residences thereon, one per LOT, except that a maximum of three (3) LOTS may be purchased by a single buyer who may build a single family residence thereon as described in Section 5 hereof. There shall be no subdivision or partition of any of these LOTS, nor shall any OWNER of such a LOT seek any partition or subdivision thereof. No LOT shall be constructed for use, or used for, multi-family occupancy. Rental units and "granny units" (and any separable living quarters) are included within this prohibition.

2.2 PERSONS SUBJECT TO GOVERNING DOCUMENTS: All present and future OWNERS, tenants and occupants of LOTS within the SUBDIVISION shall be subject to, and shall comply with, each and every provision of the GOVERNING DOCUMENTS, as the same or any of them shall be amended from time to time, unless a particular provision is specifically and explicitly restricted in its application to one or more of such classes of persons (i.e., OWNERS, tenants, invitees, etc.). The acceptance by any person of a deed to any LOT, the entering into a lease, sublease or contract of sale with respect to any LOT, or the occupancy of any Residence on a LOT shall constitute the consent and agreement of such OWNER, tenant or occupant that each and all of the provisions of this DECLARATION and the other GOVERNING DOCUMENTS, as the same or any of them may be amended from time to time, shall be binding upon said person.

2.3 Rental/Lease: Any rental or lease shall only be of a finished single family residence and the entire LOT or LOTS upon which it is located. The rental or lease may only be to a single family for single family residential use and only for a term not less than thirty (30) days. Lease and rental agreements shall be written. The rental or lease shall be subject to the provisions of the GOVERNING DOCUMENTS, all of which shall be deemed incorporated by reference in the lease or rental agreement. Each OWNER-lessee shall provide any tenant or lessee with a current copy of all GOVERNING DOCUMENTS and shall be responsible for compliance by the OWNER's tenant or lessee with all of the provisions of them.

2.4 Notification Regarding GOVERNING DOCUMENTS on Prospective Sale of LOT:

2.4.1 Seller Disclosure: As more particularly provided in California Civil Code Section 1368, as soon as practicable before transfer of title or the execution of a real property sales contract with respect to any LOT, the OWNER thereof must give the prospective purchaser a current copy of this DECLARATION.

In addition, as required by the CONDITIONS OF PROJECT approval, each potential purchaser of a residential LOT within the PROJECT is advised that future programs to enhance air quality may be required by the San Luis Obispo County Air Pollution Control District, including possible fee assessment districts which include this PROJECT, and that preliminary air quality programs are being organized with anticipated future air quality programs of the San Luis Obispo County Air Pollution Control District (SLOCAPCD). Owners of LOTS are encouraged to contact SLOCAPCD to side in the development of educational materials. Upon the completion of any purchase contract for a LOT within the development, the homeowner shall be provided by the seller an information package containing pertinent information relating to transportation and air quality as prepared by SLOCAPCD.

2.5 Joint Ownership of LOTS: In the event of joint ownership of any LOT, the obligations and liabilities of the multiple OWNERS under the GOVERNING DOCUMENTS shall be joint and several. Without limiting the foregoing, this Section 2.5 shall apply to all obligations, duties, and responsibilities of OWNERS as set forth in this DECLARATION.

2.6 VIEW CORRIDOR: Pursuant to the PROJECT CONDITIONS, the residential LOTS have been clustered at the northerly and southerly portions of the PROJECT PROPERTY, and portions of LOTS 121, 122, and 123, as well as portions of residential LOTS adjacent thereto, and more particularly as described in Exhibit A hereto, which is incorporated herein by this reference, which together comprise the VIEW CORRIDOR. There is hereby reserved for the benefit of each and every residential LOT, reciprocal scenic view easements on, over and across all portions of the PROJECT located within the VIEW CORRIDOR, and subject to the restrictions set forth hereinafter in Section 5.

2.7 Environmentally Sensitive Habitat Area: LOT 123, depicted as "Environmentally Sensitive Habitat Area" on the MAP and more particularly described on Exhibit A hereto, has been offered for dedication in fee by the DECLARANTS to the State of California Department of Parks and Recreation, subject to the terms and conditions of the Offer of Dedication. There is hereby created and reserved in favor of DECLARANTS, and the OWNER of any and each residential LOT (LOTS 1 through 120), easements for view, open space, and scenic easements across the entirety of LOT 123, which shall not be developed with any IMPROVEMENTS or STRUCTURES, unless necessary and proper for the restoration and maintenance of the Environmentally Sensitive Habitat Area.

2.8 LOTS 121 and 122: LOTS 121 and 122 have been offered in fee to the City of Morro Bay, pursuant to the terms and conditions set forth in the OFFER TO DEDICATE. The IMPROVEMENTS, including a public park, parking lot, drainage, access, causal accessways, and all other TRACT IMPROVEMENTS, as set forth on the FINAL IMPROVEMENT PLANS shall be maintained by the DISTRICT formed in connection with the PROJECT APPROVALS and PROJECT CONDITIONS.

2.9 Open Space LOTS: There is further reserved over LOTS 121 and 122 in favor of DECLARANTS and the OWNERS of each LOT, easements for view, scenic, passive recreational, and causal access purposes, reserved to the benefit of DECLARANTS and every OWNER of a residential lot within the PROJECT.

2.10 Morro Bay Senior High School: By taking title to any LOT within the PROJECT, each OWNER shall be deemed to acknowledge the pre-existence of Morro Bay High School, which shares a southerly boundary with the PROJECT, and the existence of certain unavoidable impacts from noise and night lighting associated with athletic training, games, and other events at the high school, and by taking title to any LOT, accepts these CONDITIONS as an acceptable living environment.

2.11 Pedestrian Overcrossing: By taking title to any LOT within the PROJECT, the OWNERS thereof agree to participate, as required by the CONDITIONS OF PROJECT APPROVAL, in their fair share or proportional costs for the construction of an elevated pedestrian crossing over Highway 1 in the event that such overpass is constructed between San Jacinto Street and 54th Street. Any access easements for such an overpass are reserved on, over, and across LOT 121. The participation of LOT OWNERS shall be subject to prior notice and hearing pursuant to the requirements of law at the time such pedestrian overcrossing is proposed for construction.

2.12 Development Impact Fees: By taking title to any LOT within the PROJECT, the OWNER thereof agrees to pay to the CITY their fair share of any development impact fees which may result from the lawful adoption by the CITY of development impact fees imposed on said LOTS by any lawfully adopted CITY ordinance.

ARTICLE 3

MAINTENANCE

3.1 Maintenance by LOT OWNERS:

3.1.1 Private IMPROVEMENTS: Each OWNER of a LOT shall be responsible for maintaining his or her LOT, and any IMPROVEMENTS upon it, in a clean, neat, and attractive condition. Each OWNER also shall be responsible for timely repair, replacement, and cleaning of the exterior windows and glass, screens, doors and skylights, landscaping and hardscape.

3.1.2 Private Drainage: Each OWNER shall keep drainage courses, ditches, and swales on his or her LOT free and clear of all obstructions, and shall, in cooperation with contiguous property OWNERS (including the CITY as to any contiguous lots it owns), maintain all such drainage IMPROVEMENTS common to their LOTS in good order. No OWNER or resident shall alter or obstruct a natural drainage course, or materially add to the natural water volume of said drainage course without making adequate provisions with respect to neighboring LOTS. Any such alterations, obstructions, or additions to water volume shall be considered a work of IMPROVEMENT that is subject to prior review and approval by the DESIGN COMMITTEE in accordance with the DESIGN MANUAL.

3.2 Cooperative Maintenance Obligations: To the extent necessary or desirable to the CITY's maintenance obligations hereunder, individual OWNERS shall cooperate with the CITY and their agents and maintenance personnel in the prosecution of their work.

3.3 Maintenance by CITY: Upon acceptance of the TRACT IMPROVEMENTS, the CITY shall maintain all said IMPROVEMENTS, except as provided hereinafter.

3.3.1 Public Streets, Street Lighting: Pursuant to the PROJECT CONDITIONS, DECLARANTS have paid to the CITY a fee for the maintenance of all street paving, curbs, gutters, sidewalks, and plantings within street right-of-ways until the SUBDIVISION is ninety percent (90%) built-out. Thereafter, said IMPROVEMENTS shall be the maintenance responsibility of the CITY.

3.3.2 Public Parks: The DECLARANTS have constructed a public park pursuant to their certain Public Park Improvement Plan approved by the Recreation and Parks Commission of the City of Morro Bay, as reflected in the PROJECT APPROVALS and PROJECT CONDITIONS, including a parking lot and public restroom facilities. Said IMPROVEMENTS shall be maintained by the Assessment DISTRICT.

3.3.3 Assessment DISTRICT Maintenance of All Other IMPROVEMENTS: The Assessment DISTRICT shall be responsible for the maintenance of all of the TRACT IMPROVEMENTS except as provided herein and in Section 3.3.1, located within the PROJECT, including the ESHA fencing, coastal access IMPROVEMENTS, walkways, and other IMPROVEMENTS as set forth on the FINAL IMPROVEMENT PLANS, with the exception of the public restroom, parking lot, and landscaping required by the PROJECT CONDITIONS on adjacent State Parks PROPERTY, which shall be the responsibility of the California Department of Parks and Recreation. The Assessment DISTRICT shall be responsible for the maintenance of the sound wall and landscaping on the outside thereof as shown on the FINAL IMPROVEMENT PLANS for LOTS 42-45, inclusive. The DISTRICT shall be responsible for the maintenance of the coastal accessways, landscaping, and irrigation as shown on the FINAL IMPROVEMENT PLANS within the coastal access easements on LOTS 3, 10, 18, and 65. Individual LOT OWNERS, and not the DISTRICT shall be required to maintain the slope planting and irrigation as required on the FINAL IMPROVEMENT PLANS for LOTS 1, 13-32, 46-82, inclusive. The OWNERS of LOTS 1-5, 42-45, inclusive, and the DISTRICT shall be responsible to install, maintain, irrigate, their front yard street trees as depicted on the FINAL IMPROVEMENT PLANS.

ARTICLE 4

ARCHITECTURAL CONTROL

4.1 General Limitation: Subject to the exemptions described below, no IMPROVEMENT and/or STRUCTURE may be constructed, erected, painted, altered, or changed on any portion of the PROJECT without the prior written approval of the DESIGN COMMITTEE.

4.2 Exemptions: Notwithstanding the Subsection above entitled "General Limitation," COMMITTEE approval shall not be required for the following: (a) IMPROVEMENTS constructed by, at the direction of, or with the approval of DECLARANTS, including those IMPROVEMENTS set forth on the FINAL IMPROVEMENT PLANS; (b) normal maintenance of exempt or previously approved IMPROVEMENTS; (c) repair or rebuilding of an exempt or

previously approved IMPROVEMENT; (d) changes to the interior of an exempt or previously approved STRUCTURE; (e) work reasonably required to be performed in an emergency for the purpose of protecting any person or property from damage.

4.3 DESIGN COMMITTEE

4.3.1 Number and Appointment: The COMMITTEE shall be composed of five (5) members. The initial members shall be appointed by DECLARANTS. DECLARANTS shall have the right to appoint replacements at any time to the COMMITTEE for a period of five (5) years from the date of recordation of this DECLARATION. After the initial five (5) year period, the COMMITTEE members shall have the full authority to designate a successor in the event of death or resignation of a member. Except for the power of the DECLARANTS to appoint all members during the initial five (5) year period, at any time thereafter the then record owners of the majority of LOTS shall have the power, through a duly recorded written instrument, to change the membership of the COMMITTEE.

4.3.2 Operation: The COMMITTEE shall meet from time to time as necessary to perform its duties properly hereunder. A majority of the COMMITTEE members may designate a representative of the COMMITTEE to act for it. Except as provided elsewhere herein, any decision may be made by the COMMITTEE upon an affirmative vote of two-thirds (2/3) of its members. The COMMITTEE shall keep and maintain a record of all actions from time to time taken by the COMMITTEE at meetings or otherwise, and shall maintain files of all documents submitted to it. The members of the COMMITTEE shall not receive any compensation for services rendered, but may employ independent contractors to advise and manage its affairs, and require applicants to directly reimburse those consultants for time spent on any project. All members of the COMMITTEE shall be entitled to reimbursement from fees collected by the COMMITTEE for reasonable expenses incurred by them in connection with the performance of their duties.

4.3.3 Duties: The COMMITTEE may adopt or modify THE CLOISTERS DESIGN GUIDELINE MANUAL ("DESIGN MANUAL") which shall be used by the COMMITTEE until revised or replaced by the DESIGN COMMITTEE as set forth herein and shall perform other duties imposed upon it by this DECLARATION or applicable laws and regulations.

4.3.4 Address: The address of the COMMITTEE shall be determined by resolution of the COMMITTEE. Such address shall be the place for the submittal of plans and specifications and the place where current copies of the DESIGN MANUAL shall be kept.

4.3.5 DESIGN MANUAL: The COMMITTEE may, from time to time, adopt or amend the DESIGN MANUAL. Said DESIGN MANUAL shall interpret and implement the provisions of this Article entitled "Architectural Control" by setting forth more specific standards and procedures for COMMITTEE review. All guidelines shall be in compliance with all applicable laws and regulations of any governmental entity having jurisdiction over IMPROVEMENTS in the PROJECT, shall incorporate minimum standards set forth herein, and otherwise shall be in conformity with the purposes and provisions of this DECLARATION. A copy of the current DESIGN MANUAL, if any, shall be available for inspection and copying by any OWNER at any reasonable time during customary and normal business hours.

hazards, or other possible hazards caused by conditions occurring either on or off the property.

(iii) The internal operations or functional integrity of the IMPROVEMENT, except as specifically provided in the DESIGN MANUAL with respect to potential for conversion to an impermissible use.

Neither the DESIGN COMMITTEE nor the DECLARANTS shall be responsible for the compliance by an OWNER or by an OWNER'S IMPROVEMENTS or STRUCTURES with any state or local laws, building codes, permitting processes, or other requirements. Nor shall they be responsible to anyone for faulty design, placement, or construction. All such concerns are solely the responsibility of the LOT OWNER and the LOT OWNER'S consultants, agents, and contractors. Neither shall the COMMITTEE, the DECLARANTS, or the other LOT OWNERS, or their respective successors or assigns, be liable to any person submitting plans to the COMMITTEE for approval or to other LOT OWNERS or occupants by reason of any act or omission arising out of or in connection with the approval or disapproval of any plans or specifications. Approval shall not constitute any warranty or representation by the COMMITTEE or its members that the plans satisfy any applicable governmental law, ordinance, or regulation, or that any IMPROVEMENT constructed in accordance with the plans shall be structurally sound or fit for the use for which it was intended or safe for use or occupancy. Applicants shall make their own independent verification of all of the foregoing and shall not rely on the COMMITTEE or their members or consultants, in any manner in this regard.

4.3.9 No Guarantees of View Protection: Although the COMMITTEE is to be mindful of how the IMPROVEMENTS made to one LOT may affect existing or future IMPROVEMENTS on neighboring LOTS, neither the COMMITTEE nor the DECLARANTS, nor their agents or employees, shall make any representation, guarantee, or warranty of any nature whatsoever, whether express or implied, to a LOT OWNER or potential LOT OWNER against interference with any private views anticipated by such LOT OWNER or potential LOT OWNER to exist or to be created with regard to the size or location of adjacent or neighboring single family residences. Nor shall the DECLARANTS, the COMMITTEE or their agents or employees be responsible to a LOT OWNER or to a potential LOT OWNER for how any property neighboring the CLOISTERS will be developed in the future. It shall be the responsibility of the LOT OWNER or the prospective LOT owner to independently research any such issue with which he/she is concerned and to make his/her own evaluation of the situation.

4.3.10 Interpretation of MANUAL DECLARATION: The COMMITTEE shall be responsible for final interpretation (as between the COMMITTEE, LOT OWNERS and third parties) of the DESIGN MANUAL, subject only to a written approval of the OWNERS of a majority of the residential LOTS within the PROJECT. Subject to the same limitation, the COMMITTEE is also responsible for final interpretation of this DECLARATION and the conditions and mitigations set forth in the PROJECT APPROVALS of the CLOISTERS as those documents relate to creation of IMPROVEMENTS upon the various LOTS.

4.3.11 Subjective Judgments: The DESIGN COMMITTEE shall be entitled to (and by the nature of its responsibilities must) make subjective judgments and weigh the aesthetics of the various proposals submitted to it, provided it acts reasonably and in good faith. The COMMITTEE shall base its decisions upon the criteria contained in this

4.3.6 COMMITTEE Obstruction: All actions of the COMMITTEE shall be governed by a majority vote of the members present, provided a quorum is present. Two (2) members of the COMMITTEE shall constitute a quorum. The COMMITTEE shall enforce the requirements set forth in this DECLARATION and in the DESIGN MANUAL, consistent with all of the GOVERNING DOCUMENTS, regarding the type, location, quality, size, height, use, and other matters relating to any IMPROVEMENTS or landscaping to be constructed or installed on the LOTS. Except for those specific topic areas presumed by this DECLARATION, the COMMITTEE is empowered to set its own meeting dates and places, hearing procedures, methods of notification, reporting methods, hiring of staff and consultants, delegation of authority to such personnel or to subcommittees of the COMMITTEE, and all other matters directly affecting its operations and considerations. The budget of the COMMITTEE, and any extraordinary expenditures of monies by the COMMITTEE must be fully documented. The COMMITTEE may establish rules, guidelines, and procedures which are supplemental to, and not in conflict with, those contained in this DECLARATION and the manual, and may review and revise them from time to time, provided no such adoption or revision works unfairly against an application which was pending prior to the adoption or revision. A copy of any such supplemental rules shall be supplied to any LOT OWNER upon request.

4.3.7 COMMITTEE Goals: The COMMITTEE's primary goal shall be to insure the construction and maintenance of a distinguished, quality seaside residential community. Factors that shall be considered in approving or rejecting proposed plans and specifications shall include, without limitation:

- (i) conformity with the stated goals of the CLOISTERS;
- (ii) compliance with the standards and restrictions in this DECLARATION;
- (iii) harmony of external design of the IMPROVEMENT with its setting, including topography, vegetation, overall viewshed and other IMPROVEMENTS in the SUBDIVISION;
- (iv) the effect which the location and orientation of the proposed IMPROVEMENT on its LOT will have on neighboring LOTS, including considerations of unnecessary interferences with views from existing or potential IMPROVEMENTS on other LOTS; and the
- (v) proper setback and facing of elevations with respect to nearby streets, LOTS and other physical objects and conditions.

4.3.8 Areas of Non-Responsibility: The COMMITTEE shall not specifically consider, and shall not assume any responsibility for:

- (i) The structural capacity, safety features, or building codes compliance of the proposed IMPROVEMENTS or structures.
- (ii) Whether or not the location of the proposed IMPROVEMENT or structure on the building site is free from possible geologic or natural

DECLARATION and in the DESIGN MANUAL and upon materials and statements presented to it, including the application materials. The COMMITTEE's records shall contain a brief, informal or formal statement of its decisions and the evidence supporting its decisions.

4.4 DESIGN MANUAL: DECLARANTS have prepared a DESIGN MANUAL. It is a GOVERNING DOCUMENT of the CLOISTERS PROJECT. The intent of the DESIGN MANUAL is to foster sensitive and high quality site, building, and landscape designs to complement the superb setting of the PROJECT. It is intended to set forth direct, yet flexible, design and development standards which are meant to assure compatibility of scale and character within the SUBDIVISION while encouraging expression of imagination and individuality by the LOT OWNERS and their design professionals. It is an attempt to bring together into a primary source the various policies, restrictions, standards, guidelines, and inspirations which will help shape the design and construction of Residences in the CLOISTERS. The requirements are many and vigorous. The MANUAL is intended to simplify the process for everyone involved by attempting to state the expectations for the PROJECT in a clear and concise manner. Its provisions are binding upon the construction of all IMPROVEMENTS and/or STRUCTURES within the CLOISTERS.

4.5 Activities Requiring Prior COMMITTEE Approval: None of the following activities shall take place on any LOT without the prior written approval of the COMMITTEE:

- (i) Any construction, installation, repair (including exterior painting), replacement, alteration, addition or removal of any building, outbuilding, structure, footing, foundation, slab, wall fence, garage, trash enclosure, storage area, driveway, parking area, berm, utilities (gas, electricity, telephone, water, or otherwise), boundary guidance marker or other exterior improvement or fixture, whether surface or subsurface;
- (ii) Landscaping and clearing of vegetation;
- (iii) Any grading, excavation, or site preparation; or
- (iv) Any placement or storage of building materials or temporary structures (including fill, earth moving equipment, trailers, portable toilets, tents, storage containers or construction offices).

4.6 Application to COMMITTEE for Approval to Construct IMPROVEMENTS: Approval to conduct any activity described in Section 4.5 shall require the applicant to submit to the COMMITTEE written plans and specifications in the form required by the DESIGN MANUAL and any supplemental rules of the COMMITTEE. The application shall be signed by the OWNER of the LOT to be improved, or by an agent authorized by said OWNER in writing to make such application. Not limiting the foregoing, plans and specifications shall adequately describe and show existing conditions and the proposed IMPROVEMENTS, including existing topography; a proposed site plan; easements and utility locations; grading, tree and vegetation removal; all exterior elevations, materials and colors; finish grades and finish elevations of all floor surfaces and roof lines; drainage; landscape plans (including the type and location of structural elements and sodding, seeding, trees, hedges, shrubs and irrigation); parking; storage areas; trash enclosures; animal enclosures and proposed fencing. Any

application must be accompanied by the applicable fee established from time to time by the COMMITTEE.

4.7 Consideration of Design Submittal; Notice to Neighbors: Prior to consideration of a Design Submittal as defined in the DESIGN MANUAL, the COMMITTEE shall schedule consideration of the submittal on a COMMITTEE agenda for a meeting to be held not later than 30 days after determination of completeness of the submittal. The COMMITTEE shall then mail, not less than 14 days prior to the date of the hearing, written notice of the COMMITTEE hearing to the applicant and the OWNER (at the time of submittal) of LOTS which are contiguous to the LOT in issue, plus those LOTS which are across streets fronting the subject LOT and which fall wholly or partially within the boundary lines of the subject LOT extended across the streets, plus those additional LOTS which, in the sole opinion of the COMMITTEE, may be significantly affected. The notice shall specify which LOT(s) will be considered at the hearing. The COMMITTEE shall also keep a copy of the submittal available for review at reasonable hours by interested LOT OWNERS prior to the hearing.

4.8 Application Processing Time Limitations: The COMMITTEE shall diligently pursue consideration of any application for construction of IMPROVEMENTS and/or STRUCTURES which is submitted by or on behalf of LOT OWNER.

4.8.1 PROJECT Submittal (i.e. Minor IMPROVEMENT): The COMMITTEE shall complete its action upon a complete PROJECT Submittal application, as described in the DESIGN MANUAL, within forty (40) days from the date of the COMMITTEE's initial noticed hearing unless the applicant consents to a further continuance. Failure of the COMMITTEE to act within such period shall be deemed an approval of the Design Submittal, by the COMMITTEE.

4.8.2 Design Submittal Amendment: The COMMITTEE shall complete its action upon a complete Design Submittal application, as described in the DESIGN MANUAL, within sixty (60) days from the date of the COMMITTEE's initial noticed hearing unless the applicant consents to a further continuance. Failure of the COMMITTEE to act within such period shall be deemed an approval of the Design Submittal by the COMMITTEE.

4.8.3 Construction Document Submittal: The COMMITTEE shall complete its action upon a complete Construction Document Submittal, as described in the DESIGN MANUAL, within sixty (60) days of the determination by the COMMITTEE's Representative that the Construction Document Submittal is complete. Failure of the COMMITTEE to act within such period shall be deemed an approval of the Construction Document Submittal by the COMMITTEE.

4.8.4 Time Not Included: Notwithstanding the foregoing, it is recognized that processing of an application by the COMMITTEE is closely tied to concurrent processing of the CITY's application for the same IMPROVEMENTS. It is also recognized that the COMMITTEE has little or no control over the timing of action or inaction of the CITY. Similarly, the COMMITTEE has little or no control over the time which an applicant may take to submit additional materials or otherwise perform an act. Accordingly, no provision of this DECLARATION shall be interpreted to prejudice the position of the COMMITTEE, or shorten its time for processing of an OWNER's application, because of inaction or delay on the part of

the CITY or the Applicant. No measurement of the time described in this Section 4.8 which is taken by the COMMITTEE to process an OWNER'S application shall include any period of time (a) in a circumstance requested by or consented to by the applicant or the applicant's agents or consultants, (b) during which the COMMITTEE is waiting for requested or required further materials or action to be supplied by the applicant or applicant's consultants or agents, or (c) during which the COMMITTEE or its staff or consultants are awaiting a reply or a decision from the CITY or its representatives. The COMMITTEE may adopt a method for counting the number of days chargeable to the COMMITTEE for purposes of Sections 4.8.1, 4.8.2 and 4.8.3 and for keeping the applicant and the COMMITTEE informed of the allowed time remaining.

4.8.5 Required Notice for Deemed Approval: The applicant must serve notice of impending deemed approval on the COMMITTEE at least ten (10) days prior to any submittal being deemed approved pursuant to the terms of Section 4.8.1, 4.8.2 or 4.8.3. The COMMITTEE may prevent a submittal from being deemed approved by acting within that time period.

4.9 Approval, Denial, Withdrawal, Resubmital of Application: The COMMITTEE may approve, conditionally approve, disapprove or conditionally disapprove a design Submittal or Construction Document Submittal. In addition to these options, it may tentatively approve a Construction Document Submittal, all as set forth in the DESIGN MANUAL. An applicant may withdraw from consideration or continue consideration on his/her application to a later meeting, prior to a vote on the application, for the purpose of modifying his/her submittal. After a vote of disapproval, the applicant must apply anew unless the COMMITTEE notes what changes need to be made and the applicant agrees to make them and provide them to the COMMITTEE for reconsideration within an agreed time. The COMMITTEE's allowed time to act upon changes shall then begin anew as if it were a new application.

4.10 CITY Approval Required: Before commencing construction of any alteration or IMPROVEMENT the OWNER shall, in addition to obtaining the COMMITTEE's approval of plans and specifications, be required to comply with all applicable governmental laws and regulations, including all required permits and/or approvals from the CITY.

4.11 Variances (or "Exceptions") Generally: Power to Grant: The COMMITTEE shall have the power, but not the obligation, to grant exceptions (variances) to the architectural standards set forth in this DECLARATION other than those applicable to height limitation, setbacks from property lines, and grading limitations or any other variances which would not be permissible under the PROJECT CONDITIONS, provided that the granting of such variances meets the requirements of Section 4.11.1. Any variances to the standards contained in this DECLARATION applicable to height limitation, setbacks from property lines, and grading limitations, or as otherwise required by the CITY, shall additionally require the approval of the PLANNING DIRECTOR or the CITY, and the California Coastal Commission, which may approve variances as provided by law and/or ordinance.

4.11.1 Required Findings of COMMITTEE: Subject to the requirement of approval also being obtained from the PLANNING DIRECTOR or CITY in situations described in the preceding paragraph, the DESIGN COMMITTEE may authorize variances from compliance with any of the architectural provisions of this DECLARATION, including restrictions upon height, size, floor area or placement of structures, or similar restrictions, when

it determines that circumstances such as topography, practical difficulty, hardship, unnecessary expense or other burden, aesthetic or environmental consideration may require it, and neighboring properties will not be substantially affected in an adverse way, and it makes specific written findings that the plans as a whole, including the variance(s), approved by the COMMITTEE are substantially in compliance with the requirements of this DECLARATION and the DESIGN MANUAL and provided the COMMITTEE specifically makes a written finding that 1) doing so is necessary to ensure the reasonable use of the property, or 2) such exceptions would reduce the overall grading or tree loss of the property, or 3) the exceptions will result in an aesthetically superior IMPROVEMENT. Such variances must be evidenced in writing by the COMMITTEE setting forth in detail the need for the variance, the rationale for granting it and any conditions imposed upon the granting of it. A copy of the variance, its need, rationale and conditions shall be kept as part of the permanent records of the COMMITTEE and must be signed by at least three (3) members of the COMMITTEE before becoming effective.

4.11.2 Special Hearing: If design elements which would require a variance are first proposed to be included in an applicant's plans at any time subsequent to the mailing of the notice of hearing required by Section 4.7, then such a variance may not be approved by the COMMITTEE unless new notice generally describing the proposed variance is first sent to the same neighbors required by Section 4.7 to be notified and they are provided an opportunity to be heard on the topic of that variance.

4.11.3 Effect of a Variance: If a variance is granted pursuant to this Section 4.11, no violation of the covenants, conditions and restrictions contained in this DECLARATION nor the standards contained in the DESIGN MANUAL shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive any of the terms and provisions of this DECLARATION or the MANUAL for any purpose except as to the particular LOT and particular provision covered by the variance, nor shall it affect in any way the OWNER'S obligation to comply with all governmental laws and regulations affecting his or her use of the LOT including, but not limited to, zoning ordinances and LOT set back lines or requirements imposed by any governmental or municipal authority and not specifically relaxed by the variance granted. Any variance granted, whether obtained from the COMMITTEE or the COMMITTEE and the PLANNING DIRECTOR or CITY shall remain valid only so long as the need for the exception persists through the refinement of the design.

4.11.4 Documentation of Variances: All such variances granted by the COMMITTEE must be (a) evidenced in writing, (b) set forth a statement of the appropriateness for such variance, (c) describe the variance(s) granted and the extent to which they are granted, (d) state any CONDITIONS to attach to the variance(s), (e) be approved by the CITY as required by law and/or ordinance, and (f) signed by an authorized member of the COMMITTEE. An original of the signed variance shall be kept in the COMMITTEE'S permanent files.

4.12 OWNER'S Responsibility During Construction: It shall be the responsibility of the OWNER of the LOT to promptly bring to the attention of the COMMITTEE any changes, sought to be made during construction, from the plans and specifications previously approved or deemed approved by the COMMITTEE. The changes proposed to be made shall be clearly demonstrated in writing and shown on a copy of the previously approved plans and delivered

to the COMMITTEE. The COMMITTEE shall expeditiously consider such proposed changes and, unless disapproved by the COMMITTEE within fifteen (15) business days of receipt, or unless said time limitation is extended in writing, signed by the OWNER, the plans and specifications shall be deemed approved as changed; provided however, that no change deemed as approved by the COMMITTEE's failure in this manner to act shall be effective to increase the overall height of any portion of a structure, materially change its external openings or the external materials, colors, elevations, roof materials or slope, drainage, minimum or maximum size or any specific requirements or restrictions set forth in Articles 4 and 5 of this DECLARATION. No completion of the changes nor approval by an agency or employee of the CITY shall relieve the OWNER of complying with this Section 4.12. The OWNER must also obtain approval of the PLANNING DIRECTOR or CITY where required by any applicable law.

4.13 Failure to Complete Work: Unless the OWNER has been granted an extension of time to complete his or her work of IMPROVEMENT by the COMMITTEE, construction, reconstruction, refinishing or alteration of any such IMPROVEMENT must be complete within one year after construction has commenced, except and for so long as such completion is rendered impossible or would result in great hardship to the OWNER because of strikes, fires, national emergencies, natural calamities or other supervening forces beyond the control of the OWNER or his or her agents. If the OWNER fails to comply with this section, the COMMITTEE may proceed in accordance with the provisions of Section 4.14.6, et seq., below as though the failure to complete the IMPROVEMENT was a noncompliance with approved plans.

4.14 Inspection of Work by COMMITTEE: Inspection of the work relating to any approved IMPROVEMENT and correction of defects therein shall proceed as follows:

4.14.1 Right to Inspect: During the course of construction, representatives of the COMMITTEE shall have the right to inspect the jobsite to confirm that the IMPROVEMENT PROJECT is proceeding in accordance with the approved plans and specifications. The COMMITTEE's right to inspect shall extend through any time period during which a notice of Noncompliance remains unresolved in the view of the COMMITTEE.

4.14.2 Notice of Completion: Upon the completion of any work of IMPROVEMENTS for which COMMITTEE approval is required under Section 4.5, the OWNER shall give the COMMITTEE a written Notice of Completion.

4.14.3 Inspection: Within 30 days after receipt of the Notice of Completion, the COMMITTEE, or its duly authorized representative, and any member of the COMMITTEE, shall inspect the IMPROVEMENT to determine whether it was constructed, reconstructed, altered or refinished in substantial compliance with the approval plans. In the event that any member or representative of the COMMITTEE is denied entry at a reasonable hour when requested (without a reasonable time substitute in the near future) being arranged at the time entry is denied, the time limitation on inspection shall be extended and the COMMITTEE shall so notify the OWNER in writing. No time limitation as to inspection shall apply in the event of any action enumerated in Section 4.5, above, which was conducted without previous approval by the COMMITTEE of the plans and specifications therefor. If the COMMITTEE finds that the IMPROVEMENT was not erected, constructed or installed in substantial compliance with the OWNER's approved plans, then within the 30-day inspection

period the COMMITTEE shall give the OWNER a written Notice of Noncompliance detailing those aspects of the IMPROVEMENT PROJECT that must be modified, completed or corrected. If the violation or nonconforming work is not corrected, the DESIGN COMMITTEE shall have the enforcement rights and remedies set forth in Section 4.14.6, below.

4.14.4 Deemed Compliance: If the COMMITTEE fails to notify the OWNER of any noncompliance within 30 days after receipt of the OWNER's Notice of Completion, the IMPROVEMENT shall be deemed to have been constructed in accordance with the approved plans for the PROJECT, unless it can be demonstrated that the OWNER knew of the noncompliance and intentionally misled the COMMITTEE with respect thereto or the OWNER performed activities described in Section 4.5, for which no approval was obtained from the COMMITTEE.

4.14.5 Landscaping: Landscaping shall include landscape structures, landscape furniture, hardscape, irrigation and related infrastructure, as well as lawns, ground cover, shrubs, hedges, trees and flowers, and shall be deemed a work of IMPROVEMENT requiring COMMITTEE approval and subject to COMMITTEE inspection hereunder. No Estoppel - Construction Compliance Form, as described in Section 4.14.9, shall be issued for any new residence unless either the installation of the landscaping has been completed as of the date stated in the OWNER's Notice of Completion or unless adequate, in the opinion of the COMMITTEE, security is first provided for completion of the approved landscaping. The COMMITTEE, may, in its discretion, require an OWNER-Applicant to post security in an amount not to exceed the estimated cost of the landscaping work to ensure the applicant's timely completion of the landscaping work. The form of security may be a bond or such other form of security recognized by Section 66499(a) of the California Government Code and acceptable to the COMMITTEE. Alternatively, and in the discretion of the COMMITTEE, it may allow the OWNER to make a cash deposit to the DESIGN COMMITTEE in an amount not to exceed \$10,000 in lieu of the bond or other security.

In the event that the OWNER fails to properly maintain his or her landscaping or to install landscaping in connection with initial construction of the OWNER's Residence within the time limits set forth above, the DESIGN COMMITTEE may either cause the appropriate work to be done at the OWNER's expense (recoverable through security posted by the OWNER or any other remedy in law or equity). If the DESIGN COMMITTEE deems to undertake landscape maintenance work on an OWNER's behalf, then notice must be personally served on the OWNER as described in Section 4.14.7. The notice shall recite the nature of any work to be performed, the reasons therefor, and the date, time and place at which the OWNER may be heard either orally or in writing, regarding the propriety of the work. The hearing shall be conducted in accordance with Section 4.14.8 hereof. In no event shall the hearing be held less than five days prior to the date the work is scheduled to commence.

Each and every OWNER shall be responsible for the maintenance of landscaping within the area of their individual LOTS as shown on the IMPROVEMENT PLANS. More specifically, the OWNERS of LOTS 1, 13-32, and 44-82, inclusive, must install and maintain consistent with the IMPROVEMENT PLANS rear slope plantings and irrigation concurrently with the installation of their private landscaping; provided, however, that prior to the sale of said LOTS to individual owners thereof, the DECLARANTS shall be responsible for maintaining the rear slope plantings and irrigation consistent with the IMPROVEMENT plans. The OWNERS

of LOTS 1-5, and 42-45, inclusive, must install and maintain their front yard street trees consistent with the IMPROVEMENT PLANS. For LOTS 42-45, inclusive, the DECLARANTS are responsible for installing the vines and hydroseeding as shown on the FINAL IMPROVEMENT PLANS. On and after the date of the purchase of any of LOTS 42-45, inclusive, the maintenance of vines on the inside of the sound wall shall become the responsibility of the OWNER of such LOT. The maintenance of the vines on the outside of the sound wall and the hydroseeded area for LOTS 42-45, inclusive, shall be the responsibility of the ASSESSMENT DISTRICT. The ASSESSMENT DISTRICT shall be responsible for the maintenance of landscaping in the Coastal Access Easements across LOTS 18 and 65, and LOTS 3 and 10. Except as provided in this section, the OWNER of each LOT shall be responsible for the installation, maintenance, and irrigation of all landscape improvements as shown on the FINAL IMPROVEMENT PLANS.

4.14.6 Enforcement: In addition to other enforcement remedies set forth in Article 7 of this DECLARATION, the COMMITTEE shall have enforcement rights with respect to any matters required to be submitted to and approved by the COMMITTEE, and may enforce such architectural control by any proceeding at law or in equity. In addition, the COMMITTEE shall have the authority to order an abatement of any construction, alteration or other matter for which approval is required, to the extent that it has not been approved by the COMMITTEE or to the extent that it does not conform to the plans and specifications which were submitted to the COMMITTEE and approved by it. No work for which approval is required shall be deemed to be approved simply because it has been completed without a complaint, notice of noncompliance, or commencement of a suit to enjoin such work. If any legal proceeding is initiated to enforce any of the provisions hereof, the prevailing party shall be entitled to recover reasonable attorneys' fees in addition to the costs of such proceeding.

4.14.7 Notice of Hearing: If the OWNER fails to remedy any noticed noncompliance within 30 days from the date of such notification, the COMMITTEE shall notify the OWNER in writing of such failure. The COMMITTEE shall then set a date on which a hearing before the COMMITTEE shall be held regarding the noncompliance alleged by the COMMITTEE. The hearing date shall not be more than 30 days nor less than 15 days after notice of the hearing is issued by the COMMITTEE to the OWNER, and in the discretion of the COMMITTEE, to any other interested party.

4.14.8 Hearing: At the hearing, the OWNER, a representative(s) of the COMMITTEE or any other interested person may present information relevant to the question of the alleged noncompliance. After considering all such information, the COMMITTEE shall determine whether there is a noncompliance and, if so, the nature thereof and the estimated cost of correcting or removing the same. If a noncompliance is determined to exist, the COMMITTEE shall require the OWNER to remedy or remove the same within such period or within any extension of such period as the COMMITTEE, at its discretion, may grant. If the OWNER fails to take corrective action after having a reasonable opportunity to do so, the COMMITTEE, at its option, may either remove the noncomplying IMPROVEMENT or remedy the noncompliance and the OWNER shall reimburse the COMMITTEE for all expenses incurred in connection therewith upon demand. If such expenses are not properly repaid by the OWNER to the COMMITTEE, the COMMITTEE shall recover such expenses through any means legally available to the COMMITTEE in law or equity.

4.14.9 COMMITTEE's Issuance of Estoppel - Construction Compliance Form: Two original copies of an Estoppel - Construction Compliance Form, identifying the related work, shall be provided by the COMMITTEE to an OWNER when:

(i) Within thirty (30) days after delivery of a Notice of Completion by the OWNER with regard to any activities which were subject to COMMITTEE approval, the OWNER had obtained such approval, and has completed the construction of the IMPROVEMENT to the satisfaction of the COMMITTEE; or

(ii) On demand of an OWNER, thirty (30) days have elapsed since the OWNER's delivery to the COMMITTEE of a Notice of Completion with regard to any activities which were subject to COMMITTEE approval, the OWNER had obtained such approval, and no Notice of Noncompliance has been delivered to OWNER; or

(iii) Upon demand of an OWNER upon the elimination of any noncomplying IMPROVEMENT, in which event the Estoppel - Construction Compliance Form shall reference any previously recorded Notice of Noncompliance, recited said notice and confirm that the LOT is in compliance with all applicable Government Document provisions referenced in the Notice of Noncompliance.

4.15 Noncomplying Use of Properties: Establishment of Noncomplying Use: Notice Requirements. In addition to its jurisdiction over the review and approval of new IMPROVEMENTS and regulation of the timely and proper completion of such IMPROVEMENTS, the DESIGN COMMITTEE shall also be vested with authority and responsibility to regulate continued compliance on LOTS with the provisions of this Article 4 and Article 5 of this DECLARATION. To this end, the DESIGN COMMITTEE may appoint or hire a compliance officer who shall periodically tour the CLOISTERS from time to time and report to the COMMITTEE any apparent violations of said articles ("architectural/land use violations"). If the DESIGN COMMITTEE agrees that the compliance officer has identified an architectural or a land use violation on any LOT, the COMMITTEE shall so notify the OWNER, in writing. The notice shall detail the nature of the alleged violation and advise the OWNER of his or her right to be heard on the matter in accordance with Sections 4.14.7 and 4.14.8. If the OWNER fails to attend a hearing which has been set to hear the matter, the COMMITTEE shall be entitled to make its own determination of whether a violation exists. If a violation is determined to exist, the COMMITTEE shall be entitled to create and record against the subject LOT a Notice of Noncompliance With Recorded Use Restrictions, which shall identify the subject LOT, describe the noncomplying use and specify the Section number of the GOVERNING DOCUMENTS which is being violated. It may then use all remedies available to it in order to bring the non-complying use into compliance.

4.16 COMMITTEE's Estoppel Certificate: Within 30 days after written demand is delivered to the COMMITTEE by any OWNER, and upon payment to the COMMITTEE of a reasonable fee (as fixed from time to time by the COMMITTEE), the COMMITTEE shall execute an Estoppel Certificate, executed by any two of its members, certifying with respect to any LOT owned by the applicant OWNER that as of the date thereof, either (i) all IMPROVEMENTS made and other work completed by said OWNER with respect to the LOT comply with this DECLARATION and the DESIGN MANUAL; or (ii) that such IMPROVEMENTS or work do not so comply, in which event the certificate shall also identify

the noncomplying IMPROVEMENTS or work and set forth with particularity the bases of such noncompliance. Any purchaser from the OWNER, or anyone deriving any interest in said LOT through the OWNER, shall be entitled to rely on said certificate with respect to the matters therein set forth, such matters being conclusive as between the COMMITTEE, all OWNERS and any persons deriving any interest through them.

4.17 Liability: Neither the DECLARANTS, the COMMITTEE, nor any COMMITTEE member thereof shall be liable to any OWNER or to any third party for any damages, loss, or prejudice suffered or claimed on account of (a) the approval or disapproval of plans, drawings and specifications, whether or not defective, (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, (c) the development of any property within the PROJECT, (d) the execution and filing of an encroachment certificate pursuant to Section 4.16, or (e) the execution and filing of a notice of noncompliance or noncompletion pursuant to Section 4.15, whether or not the facts therein are correct, if the DECLARANTS, the COMMITTEE or such COMMITTEE member has acted in good faith on the basis of such information as may be possessed by and available to them. Specifically, but not by way of limitation, it is understood that plans and specifications are not approved for engineering design, and by approving such plans and specifications the DECLARANTS, the COMMITTEE, nor any COMMITTEE member thereof, assumes liability or responsibility therefor, or for any defect in any structure constructed from such plans and specifications.

ARTICLE 5

DESIGN CRITERIA, ARCHITECTURAL AND USE RESTRICTIONS

In addition to all of the covenants contained herein, the right of an OWNER to construct, reconstruct, refinish, alter or maintain any IMPROVEMENT upon, under or above any LOT, or to make or create any excavation thereon, or to make any change in the natural or existing surface drainage thereof, or to install any utility line (wire or conduit) thereon or thereover, or to destroy or remove any tree or planting therefrom, shall be subject to the following limitations and conditions of this section.

5.1 Intent: The following restriction for IMPROVEMENT design at the CLOISTERS shall be interpreted as a set of restrictions established for the purpose of creating a unified architectural and aesthetic consistency and tone for the CLOISTERS, so that each residential dwelling unit in the two residential clusters will harmonize with the beauty of the natural surroundings, the coastal nature of the CLOISTERS property, and early twentieth century California neighborhoods through the utilization of the California Bungalow, Craftsman and Cape Code vernaculars. Within the limitations of these restraints, the DESIGN MANUAL guidelines promulgated by the DESIGN COMMITTEE, each individual owner is encouraged to utilize designs which are responsive to their individual needs, while being a complimentary and harmonious part of a small community clustered upon a portion of the California coastline.

5.2 Minimum and Maximum Size: A Residential Dwelling Unit constructed upon an individual LOT shall not exceed 45% of such LOTS area and shall not be less than 1,600 square feet in size. The second floor level of the home built on one LOT, where allowed, shall

not exceed 50% of the ground floor footprint area. The size of a Residential Dwelling Unit constructed upon more than one (1) LOT shall not exceed 45% of one LOTS area and 22-1/2% of the second LOT area. The second level of a multi-lot home, where allowed, shall not exceed 50% of the combined floor area. This site coverage standard may be increased to 65% as provided in the City's Local Coastal Program, paragraph 2(b), "Alternative Water Supplies" (1990 LCP Amendment).

5.3 Height Limitations:

5.3.1 No STRUCTURE in the south cluster (LOTS 46 through 120, inclusive) shall exceed twenty-five (25) feet in height above finished grade. Further, on LOTS 49 through 58, inclusive, 89, 90, 93, 95, 101, 104, 108, 110, 112, 113, 115, 116, 118, 119, and 120, no STRUCTURE shall exceed twenty-five (25) feet in height above finished grade. On LOTS 91, 92, 94, 96 through 100, inclusive, 102, 103, 105, 106, 107, 109, 111, 114, and 117, no STRUCTURE shall exceed seventeen (17) feet in height above finished grade. On LOTS 46, 47, 48, and 59 through 88, inclusive, no STRUCTURE shall exceed fourteen (14) feet in height above finished grade.

5.3.2 On LOTS 1 through 45, inclusive, no STRUCTURE shall exceed fourteen (14) feet above the finished grade.

5.3.3 LOTS 91, 92, 94, 96 through 100, inclusive; 102, 103, 105, 106, 107, 109, 111, 114 and 117, are limited to structures not exceeding 17 feet in height above the finished grade.

5.3.4 The finished grade shall not exceed the minimum elevation necessary to flood-proof residences and shall not, in any event, exceed the finished grade as shown on the grading plan for the PROJECT approved by the CITY of Morro Bay on December 9, 1991.

5.4 Fences: To preserve the view of Morro Rock, the ocean, dunes, and open spaces, no private fences exceeding four (4) feet in height, or STRUCTURES or above-grade patios are allowed within the VIEW CORRIDOR. The maximum height for a fence in a back or side yard is five (5) feet six (6) inches. The maximum height for a fence in a back or side yard the front yard is three (3) feet if solid and three feet six (6) inches if fifty percent (50%) open to light. Variances for gates and arbors may be granted, except when located within the VIEW CORRIDOR. Side yard fences must be set back five (5) feet from the nearest streetside building face before returning into the building. Flush fences may be approved when the same building material and design is used on the fence and house. Chain link, precision block, and slumpstone in particular are prohibited fence materials. Fencing material shall complement the architectural style.

As part of the FINAL IMPROVEMENT PLANS for the CLOISTERS, fencing is installed on various LOTS as shown in said PLANS. It is the intention of the PROJECT to maintain said fencing as installed, in order to preserve a uniformity of appearance and design consistency. The OWNERS of LOTS on which said fencing has been constructed by DECLARANTS shall not be allowed to alter or paint said fencing, except in its original colors, and to be consistent with adjoining fences on adjacent properties. The intent of this restriction is to prevent each OWNER of a LOT from repainting the original fencing to interfere with the

visual harmony and uniformity of said fencing. The OWNERS shall be required to maintain said fenced areas. Without limitation, said fencing includes: for LOTS 46-58, inclusive, a six foot LOT fence; for LOT 59, a three foot LOT fence; for a portion of LOT 46 and along the LOT boundary for LOTS 59-82, inclusive, a picket fence; for LOT 46 and LOTS 83-88, sound wall fencing; for LOT 1 and LOTS 13-32, inclusive, picket fencing; along the Coastal easements between LOT 65 and 66, and LOTS 18 and 19, a picket fence; along the southerly edge of LOT 45 a picket fence.

5.5 Building Setbacks:

5.5.1 Street Yard Setbacks: A minimum setback of fifteen (15) feet from the back of the sidewalk to main building; a minimum setback of twenty (20) feet from the back of the sidewalk to garage front.

5.5.2 Side Yard Setbacks: For interior side yards, a five (5) foot minimum setback from property line to building is required. Further, side yard fences must be set back five (5) feet from the nearest building face before returning to the building. Flush fences may be acceptable when the same building material and design is used on the fence and house.

5.5.3 Corner LOT Side Yards: For corner LOTS, a ten (10) foot setback where side yards are adjacent to the street.

5.5.4 Rear Yard Setbacks: LOTS along the view corridor are to use the view setback from the rear property line to building setback. Setbacks are to be a ten (10) foot minimum setback from property line to main structures and a five (5) foot minimum setback from property line to garage structure.

5.6 Garage STRUCTURES: In order to promote a functional and attractive arrangement of structures that will de-emphasize the automobile dominance and garage presence along local streets, garage structures must be set back behind the front of the house a minimum of four (4) feet, and driveway width is limited to a maximum of sixteen (16) feet. Garages may either be attached or detached to the main structure and must not dominate the street facade. The maximum size shall be a three-car garage structure.

5.7 Roof Forms and Materials: Roof overhangs and eaves must be carefully detailed. However, roof forms such as mansard roofs, A-frames, flat roofs, and trendy architectural elements are prohibited. Suitable roofing materials include flat, unglazed concrete or clay roofing tiles, slate and dimensional asphalt shingles, all of which must be non-combustible. Wood in roofs of any form, glazed tiles off any kind, metal singles, metal tiles, or terra cotta mission tile is prohibited, except as a pedicline accent on bungalow houses. Wood, shake or wood shingle roofs shall be not permitted within the PROJECT.

5.8 Gutters and Downspouts: Gutters and downspouts should either be concealed or designed as a deliberate architectural feature. Any exposed gutters and downspouts should be painted to match the surface to which they are attached (unless the gutter and downspout material is copper or other architecturally desirable character).

5.9 Skylights: Roof articulation with dormers and skylights is encouraged. Skylights, if used, should be designed as an integral part of the roof with their form and color blending into the building.

5.10 Doors and Windows: Doors and windows, including garage doors are a critical visual element. Garage doors should be multi-paned with subtle adornment detail to provide shadow relief. The use of multi-paned or french doors is encouraged with true divided light glazing with exterior mullions being preferred over internal mullions at doors and windows. To diminish noise infiltration, exterior doors should be 1-3/4 inch solid core with perimeter weather stripping. All exterior door frames and seal should be thoroughly caulked and weather-stripped to prevent air intrusion. Wood, painted metal or clad windows with divided lights and clear glazing are most desirable. Silver or gold metal frames with large expanses of glazing and dark tinted, or reflective glass are prohibited. Windows should be vertically oriented panes.

According to the Conditions of Project Approval, with regard to the dwellings on LOTS 42-45, inclusive, and LOTS 79-83, inclusive, in order to mitigate highway noise, the windows should generally be operational but should be kept closed, by the residents in the dwellings located on those LOTS, with mechanical ventilation provided in accordance with the uniform building code.

5.11 Exterior Lighting: Outdoor lighting shall be directed away from areas supporting dune lupines and fore dunes areas, within Lot 123, "Environmentally Sensitive Habitat Area," so as not to disturb the development physiology of the Morro Bay Blue Butterfly. Light fixture selection must be compatible with the architectural character of the building. The color, size, and number of fixtures should be carefully considered to enhance the residential environment, rather than overpower the desired sublimness of the neighborhood. Fixtures should be selected and arranged so that they directly illuminate downward and not into the sky. Security lighting where necessary shall be hooded, recessed and located in such a manner that lighting illuminates only the intended area, avoiding off-site glare or spilling over of unnecessary illumination. Bright lighting of any kind is prohibited on LOTS adjacent to open space areas or the view corridor. No lights will be allowed on top of any structure. The use of low voltage lighting is encouraged wherever possible. All lighting and electrical work must be constructed to meet the most recent edition of PG&E's Energy Conservation Home Standards.

5.12 Mechanical Equipment and Utilities: Mechanical equipment such as air conditioners, water softener tanks, solar collectors, duct work and meters, weather part of the structure or elsewhere, shall be screened from neighboring LOTS and public view with materials that are architecturally compatible with the main structure. Solar heaters, if used, should be carefully located to minimize any negative visual impacts to neighboring properties and public areas. Though hidden from public view, the utility equipment and meters must be accessible to the utility companies and meet all utility company requirements. Areas for trash container storage shall be incorporated into the building design and/or suitably screened with walls and landscaping. They should be located at the rear or interior side yards. All flashing, sheet metal, vents and pipe stacks should be painted to match the adjacent roof or wall material. No satellite dishes larger than 3 feet in diameter are permitted. Any antennas or permitted satellite dishes shall be screened from public and neighboring view. Visible short wave radio antennas are prohibited. All residences shall have residential fire sprinkler systems.

5.13 Wood Stoves and Fireplaces: All wood stoves and fireplaces must be the most air pollution free units available at the time of home construction. EPA approved inserts or the equivalent shall be installed on all fireplaces and wood stoves. All boilers, burners, heaters, or water heaters using natural gas as a fuel source should reduce NO_x emissions by the greatest amount possible, by using existing technology, and should reduce NO_x emissions by at least sixty percent (60%).

5.14 Water Efficiency: The design and maintenance of Residential Dwelling Units on individual LOTS shall seek to reduce consumption of water pursuant to CITY standards by, among other things: (1) installing low flow toilets, shower heads, and faucets; and, drought tolerance planning is required. Water collection and proper and healthy reuse is strongly encouraged.

5.15 Special Utility: In order to promote long term energy conservation and pollution reduction by installing outlets for electric vehicles, every owner is strongly encouraged to provide a dedicated 240/120 volt, 30/20 amp branch circuit which shall be terminated in an approved manner for a future electric vehicle charging outlet, in a location acceptable to the building official at the CITY of Morro Bay.

5.16 Fire Protection/Suppressions: All dwelling units shall be provided with residential fire sprinklers. All provisions for fire suppression shall be in accordance with the Uniform Fire Code of the CITY. Address numbers shall be prominently displayed with a contrasting background.

5.17 Hardscape: Hardscape including patios, courtyards, driveways, and any other paved outdoor surface, should be of high quality and complement the other elements of the residence. All hardscape should receive a special treatment. No plain concrete paving will be allowed. Patio areas may be paved in a similar material or color to the adjoining room to strengthen the relationship between interior spaces and the outdoor environment. Large areas of rock, groundcover or "rockscapes" are prohibited. This includes the use of lava rock, or reflective white rock. Rocks or gravel should be used as an accent only and not as a groundcover for very large areas over 100 square feet. The use of outdoor paving as an activity area will minimize unnecessary impermeable surfaces. For example, a carefully located garage may have a driveway that can also act as an outdoor entertaining area. Hardscape in the front yard should be limited to an entry walk and front porch and driveway. The soft landscape should be the most predominant feature in the front yard. Small patios and expanded entry walks may be appropriate to create usable seating space.

5.18 Landscape Planting: In order to promote water conserving planting design which enhances the character of the CLOISTERS and complements the surrounding natural environment:

5.18.1 All property within a LOT and adjacent sidewalk rights-of-way, and view corridor areas must be landscaped and maintained by the OWNER consistent with the FINAL IMPROVEMENT PLANS.

5.18.2 Plant material should be used to soften structural edges, define outdoor spaces, and for screening and may not be used for screening in lieu of good building design.

5.18.3 Plants should be arranged in groups and spaced to allow them to develop into masses unless the plants are used as an accent or other function in which massing does not work well;

5.18.4 Formal planting designs may be appropriate when designing garden structure for perennial plantings in conjunction with bungalow or craftsman buildings;

5.18.5 Ninety percent of the selected plant material must be drought tolerant;

5.18.6 Careful consideration must be given to the plant selection and design of landscape areas bordering open space areas which should act as a transition from the domestic landscape to the natural;

5.18.7 Planting areas must be covered with an appropriate bark mulch at installation (approximately 2-3" thick) to increase the soil's ability to hold water and reduce water requirements, as well as to provide a clean finish to planting areas.

5.18.8 Planting may be used to screen less desirable areas from public view (e.g., trash can enclosures, parking areas, storage areas, and utilities);

5.18.9 A maximum of 400 s.f. of turf is allowed per lot;

5.18.10 Turf use is discouraged in the front yard and should only be used when the applicant is demonstrating a functional use for the turf; and

5.18.11 All turf areas must be a minimum of 8' wide.

5.19 Irrigation: In order to provide for each resident an efficient and long-term water system for the establishment and maintenance of a drought tolerant landscape:

5.19.1 All planting areas shall include efficient, permanent, automatic or manual irrigation to ensure proper plant health, except when the applicant can demonstrate that other irrigation techniques are effective and/or plant material does not need regular water;

5.19.2 All irrigation systems shall separate turf areas from shrub and ground cover areas, as well as separate all planting according to water requirements and sun exposure. The concept plan submittal must identify exposure zones and how irrigation will be separated;

5.19.3 All irrigation shall include back flow prevention (consistent with local code);

- 5.19.4 All spray head systems shall be designed to have head-to-head coverage;
- 5.19.5 All irrigation schedules are to be adjusted at least quarterly to meet changing plant requirements and seasonal weather demands;
- 5.19.6 All irrigation systems are to be routinely adjusted to minimize runoff and discharge of water onto adjacent landscape or properties;
- 5.19.7 Irrigation clocks must be programmed to operate during low water demand periods of the day, such as early mornings;
- 5.19.8 Rain sensors are required to be linked to the clock to avoid irrigating during rainfall;
- 5.19.9 Run times for all stations are to be adjusted to reduce runoff;
- 5.19.10 LOT owners are encouraged to conserve water by collecting or diverting building runoff water through gutters and using it on landscape areas;
- 5.19.11 All irrigation systems, to the maximum extent feasible, shall be designed to apply water slowly in order to reduce runoff;
- 5.19.12 Drip irrigation and stream spray systems are encouraged; and
- 5.19.13 Pop-up irrigation heads should be used rather than fixed risers, along walks and landscape to avoid damage to heads and prevent accidental hazards to pedestrians.
- 5.20 Landscape STRUCTURES: In order to encourage the use of landscape structures (benches, trellises, arbors, gazebos, etc.) in proper scale and character:
- 5.20.1 Landscape structures should be used to provide entry accents, shade, shelter, focal points, or gateways;
- 5.20.2 These elements may be integral parts of the buildings or freestanding structures;
- 5.20.3 All structures must be appropriate scale within the site design;
- 5.20.4 All structures must be constructed of wood or wood with other compatible materials (e.g., stone, concrete, etc.) approved by the DESIGN COMMITTEE;
- 5.20.5 Metal (except as hardware for wood construction) and plastics are prohibited as materials for landscape structures;
- 5.20.6 Any colors applied to these structures must be complimentary to the buildings and be approved by the DESIGN COMMITTEE; and

- 5.20.7 Placement of structures must conform to all setbacks and must consider visual impacts to neighboring properties and public property.
- 5.21 Landscape Lighting: Subject to the limitations in Section 5.11, in order to encourage dramatic, yet subtle, landscape lighting and prohibit excessive outdoor lighting schemes:
- 5.21.1 Adequate outdoor lighting should be provided to ensure a reasonably safe environment, but light levels must not be a nuisance to adjacent properties;
- 5.21.2 Light fixtures must be complementary to the architecture and neighborhood character;
- 5.21.3 Quality and well directed light is the goal;
- 5.21.4 Light source for wall washing and tree lighting shall be hidden;
- 5.21.5 Light should be used to accent focal points; not the entire yard;
- 5.21.6 Colored lights are prohibited;
- 5.21.7 Lights which are activated by a motion sensor will not be permitted if lights are activated from a distance greater than 20 feet;
- 5.21.8 Lighting should not cast glare or "spill over" onto adjacent LOTS or into the Environmentally Sensitive Habitat Area;
- 5.21.9 Path lighting must be subtle, without being excessive, while allowing pedestrians to find their way;
- 5.21.10 Light fixtures used as bold ornaments on masonry columns are prohibited; and
- 5.21.11 Low voltage lighting conserves energy and must be used in the landscape whenever possible.
- 5.22 Maintenance: In order to assist homeowners in diligently caring for an approved and implemented landscape for the benefit of the entire neighborhood:
- 5.22.1 LOT owners should design and install long lasting and low maintenance plantings and outdoor space IMPROVEMENTS;
- 5.22.2 Regular and necessary care of wood products, including painting and water sealing, is required;
- 5.22.3 Repairs to landscape items and replacement of expired plantings shall be timely and not exceed 3 months without approval by the DESIGN COMMITTEE;

5.22.4 All landscaped areas shall be maintained diligently to ensure proper health, growth and appearance of all landscaping.

5.22.5 All areas shall be kept free from debris, trash, and noxious weeds;

5.22.6 LOTS which have not yet been built upon must be maintained by the lot owner, and shall be kept clean of trash and mowed periodically (at least two (2) times per year) if weeds are present.

5.23 Exterior Finishes and Materials: In order to establish criteria for the selection of materials and finishes that will integrate into and complement the natural landscape and desired coastal architectural character for the CLOISTERS neighborhood:

5.23.1 Natural materials that harmonize and blend with the surrounding environment are encouraged, including materials such as brick, stone, wood, light textured stucco, and split faced concrete block are suitable when used on the appropriate architectural style;

5.23.2 The materials and finishes selected should be consistent with the architectural style chosen; and

5.23.3 Inappropriate materials include highly reflective or sleek surfaces, T-11 siding, precision block, metal or plastic siding, and large unbroken expanses of stucco or glazing.

5.24 Wells: No water wells, other wells, or an independent water supply system shall be constructed or maintained on individual LOTS.

5.25 Utilities: Utility services to individual LOTS shall be underground.

5.26 Use of LOT: No LOT shall be occupied or used except for single family residential dwelling purposes, not more than one per LOT, by the OWNERS, their tenants, and social guests. No guest houses, "granny units" or detached structures or portions of an attached structure which, in the opinion of the COMMITTEE, are readily convertible to a guest living use shall be allowed upon any LOT. Plumbing shall be prohibited in any detached structure, except in approved greenhouses, pool cabanas and unenclosed barbecue areas.

5.27 Temporary STRUCTURES: No tent, shack, trailer, mobile home, motor home, boat, recreational vehicle, camper, basement, garage, outbuilding or structure of a temporary character shall be used on any LOT at any time as a residence, either temporarily or permanently. The DESIGN COMMITTEE may make rules for the permissibility, location and control of construction trailers, portable toilets and other facilities used during construction on any LOT.

5.28 Nuisances: No noxious, illegal, loud, or seriously offensive activities shall be carried on upon any LOT, nor shall anything be done thereon which may be or may become a nuisance to, or which may in any way interfere with the quiet enjoyment of any LOT.

5.29 Vehicle Restrictions: No trailer, camper, mobile home, recreational vehicle, off-road vehicle, animal transportation vehicle, motorcycle, motorbike or motor driven cycle, truck or commercial vehicle, boat, inoperable automobile, or similar equipment shall be permitted to remain upon any area within the SUBDIVISION, unless placed or maintained within an enclosed garage. No off-road vehicles shall be used anywhere on the property for purposes of recreation. The restriction of "truck or commercial vehicle" as used in this Section 5.29 shall not include standard size automobile, standard size pickup truck or standard size van, provided that any signs or markings of a commercial nature on such vehicles shall be unobtrusive and inoffensive as determined by the COMMITTEE. No noisy or smoky vehicles shall be operated within the SUBDIVISION. No unlicensed motor vehicles shall be operated within the SUBDIVISION or kept within the SUBDIVISION except within an enclosed garage.

5.30 Vehicle Sales: No vehicle, as described in Section 5.29, shall be displayed for sale (i.e., parked for more than a day at a time, with "for sale" or similar signs visible) prominently upon any LOT, or on any street in the SUBDIVISION.

5.31 Removal of Offending Vehicle: The owner of a vehicle described in Section 5.29 which is parked, stored, or maintained on the premises in violation of the provisions of this DECLARATION shall be conclusively deemed to have consented to the removal of said vehicle from the PROJECT twenty-four (24) hours after notice has been both placed on the windshield or other obvious place on the vehicle and personally delivered to the owner of the vehicle by an agent of the COMMITTEE, or seventy-two (72) hours after such a notice has both been mailed to the address of the registered owner of the vehicle and placed on the windshield or other obvious place on the vehicle. The COMMITTEE or its agent or employees shall then, subject to any constraints contained in CITY ordinances or the California Vehicle Code, have the authority to tow away and store such vehicle, whether said vehicle shall belong to a LOT OWNER, his/her tenant, a member of his/her family, or his/her guest or invitee. Charges for such towing and storage shall be paid by the LOT OWNER responsible or vicariously responsible for the presence of such vehicle. No such vehicle, however, shall be towed under this authority from a residential LOT in the CLOISTERS.

5.32 Commercial Activity: No business, professional manufacturing, storing, vending or commercial activity (Commercial activity herein) earned or upon a LOT or within a Residence, including outbuildings, within the CLOISTERS shall be allowed, except as provided in this Section 5.32:

5.32.1 Sales: No garage sale, yard sale, or other similar sale activity shall be allowed on any LOT more often than twice per year.

5.32.2 Employees: No commercial activity of a LOT OWNER or tenant shall be allowed to have any employees working on-site who do not reside on the LOT, unless there is an applicable exemption provided by a competent legal authority. This shall not be interpreted to expand the definition of single family residential use of the CLOISTERS.

5.32.3 Inventory: No commercial activity shall be allowed which involves the keeping of wholesale or retail stock-in-trade upon the LOT.

5.32.4 Health Care Facilities: No health care facilities, operating commercially or as a charity, shall be permitted in the CLOISTERS.

5.32.5 Traffic: No commercial activity shall be allowed which involves delivery or pickups to or from the LOT either by a vehicle larger than a standard-size passenger vehicle, nor which involves pickups and/or deliveries on the average of more than once per day.

5.32.6 Equipment: No commercial activity shall be allowed which incorporates the use of electrical or mechanical equipment detachable from any place off of the LOT. This prohibition shall not apply to any street-legal motor vehicle.

5.32.7 Parking: No commercial activity shall be allowed which decreases the availability of parking within the garage located upon the LOT or decreases street parking or makes parking unavailable for neighboring properties.

5.32.8 Commercial Activity: No commercial activity shall be allowed which violates any CITY zoning or other ordinance. Professional license Occupation permits must be obtained from the CITY prior to engaging in any commercial activity within the CLOISTERS.

5.32.9 Intent: The intent of this Section 5.32 is to recognize the modernization of communications which increasingly allows people to operate their professions and occupations from remote locations and to accommodate such uses within the CLOISTERS, provided they do not cast any burden upon other LOT OWNERS by such means as increased traffic, noise, unsightliness, unsafe or unhealthy conditions. No commercial or charitable activity shall be allowed which does so.

5.33 Signs: Signs advertising LOTS for sale or rent may be displayed, one on a LOT, without prior approval of the COMMITTEE, provided, that such signs are, in the opinion of the COMMITTEE, of reasonable and customary size (not to exceed 4 square feet). Such signs may also be displayed at such additional location or locations, if any, as shall be specifically designated for such purpose by the COMMITTEE, provided they meet any restrictions for such signs also set by the COMMITTEE. In addition, a single modestly sized and useful, as determined in the sole discretion of the COMMITTEE (in any event not to exceed 16 square feet), sign may include designation of the architect, general contractor, subcontractors, suppliers, construction lender, etc. may also be placed without prior approval on any LOT upon which a dwelling is then actually being constructed. The COMMITTEE may develop nonprejudicial rules allowing for the display of political signs. Except as expressly permitted by this Section 5.33, no signs shall be displayed to the public view on any LOT, or on any other portion of the Property unless first approved by the COMMITTEE. Any signs placed in the SUBDIVISION which do not conform with the provisions of this Section 5.33 shall be subject to removal pursuant to Section 5.33. DECLARANTS, pursuant to Section 11.5, shall be exempt from the provisions of this Section 5.33.

5.34 Prohibition on Domestic Pets: Pursuant to the PROJECT CONDITIONS, no domestic pets shall be allowed or kept within the PROJECT which may have access to LOT 123, "Environmentally Sensitive Habitat Area" or adjacent State Parks PROPERTY where the Spooky Plover or their habitat is located. No animals, birds, insects or reptiles of any kind shall be

raised, bred or kept on any LOT for any food consumption or commercial purpose, unless such use complies with all applicable laws, ordinances and regulations of all governmental entities. Notwithstanding the foregoing sentence, or any use permitted by law, no OWNER shall be permitted to keep any of the following on any LOT: goats, pigs, sheep, horses, cows (or other bovine or equine animals), poultry, foxes, peacocks, or wild animals of any kind.

5.35 Garbage and Refuse Disposal: All rubbish, trash and garbage shall be regularly removed from the LOTS, and shall not be allowed to accumulate thereon. Trash, garbage and other waste shall not be kept except in sanitary containers. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition, and shall be screened from view of neighboring LOTS and streets. Burning of tree prunings and other waste is prohibited.

5.36 Antennas for Radio, Television, Etc.: No external antennas, towers, poles, dishes, or any structure to be used for the purpose of transmitting or receiving radio, television or similar electromagnetic signals with the exception of equipment installed by a duly licensed cable television franchisee shall be installed, affixed, mounted or constructed on a LOT so as to be visible to the public view or to another LOT OWNER. All citizens band and amateur broadcasting equipment shall not be used so as to interfere with any activities whatsoever of occupants of other LOTS.

5.37 Clothes Lines: No exterior clothes lines shall be erected or maintained which are visible to any other LOT or public place in the CLOISTERS.

5.38 Leasing of LOTS: All rentals and leasing of real property in the CLOISTERS shall be subject to the restrictions set forth in Sections 2.3.

5.39 Security: Crime prevention measures recommended by the Morro Bay Police Department shall be implemented whenever feasible. Compliance with said provisions shall be subject to review and recommendation by the CITY Police Chief. Residential construction shall include appropriate security hardware, implement construction techniques which comply with the Model Security Ordinance and the Uniform Building Code relating to residential security, and utilize appropriate site design and building layout that provide crime prevention. Door and window locking devices shall provide adequate security without hindering emergency egress.

5.40 Drainage: LOTS shall drain into a street or approved drain in such a manner that there will be no undrained depressions. The design of all such drains shall be subject to the review and approval of the Public Works Director of the CITY. There shall be no material change in grade or ground level nor interference with the established drainage pattern over any property within the CLOISTERS unless adequate provision is first made for proper drainage, and which provision is first approved by the DESIGN COMMITTEE and the CITY. For purposes of this Section, "established drainage" is defined as the drainage which existed at the recording of the MAP in the Office of the County Recorder of San Luis Obispo County and that which is shown on any plans which comply with the DESIGN MANUAL and are hereinafter approved by the DESIGN COMMITTEE and the CITY of Morro Bay. Each LOT is required to accept surface water from those neighboring LOTS which are adjacent to it, provided that the water is discharged upon it pursuant to the established drainage and provided that the water is not discharged in an undue concentration or velocity. It shall be the duty and responsibility (and

expense) of the discharging LOT OWNER to not discharge said waters in undue concentration or velocity.

Questions of undue concentration or velocity and other questions involving the relative drainage rights and obligations of neighboring properties shall be determined in the sole and reasonable judgment of the DESIGN COMMITTEE, whose decision shall be final and conclusive. If, for any reason, the DESIGN COMMITTEE should fail to make a decision on such a question, the question shall be finally and conclusively decided by the Public-Works Director of the CITY of Morro Bay. It shall be the duty of the accepting LOT OWNER to construct and maintain at his or her own cost all drainage structures required to convey surface waters across his or her LOT, including those which have been offered for dedication but whose dedication has not been accepted by the CITY of Morro Bay.

The provisions of this Section 5.40 are intended to provide freedom to each OWNER to deal with surface-waters upon the OWNER's LOT in any way the OWNER wishes, provided that (a) the OWNER shall not interfere with structures which have been offered for dedication to a public entity, (b) the OWNER's plan complies with the DESIGN-MANUAL, and is first approved by the COMMITTEE and (c) the OWNER's plan does not work to the detriment or potential detriment of a neighboring property without the OWNER of that property's prior written permission.

ARTICLE 6 EASEMENTS

6.1 Easement to Accompany Conveyance of LOT: Easements that benefit or burden any LOT shall be appurtenant to that LOT and shall automatically accompany the conveyance of the LOT, even though the description in the instrument of conveyance may refer only to the fee title to the LOT.

6.2 Easement for Utilities (including access): The rights and duties of the OWNERS of LOTS within the SUBDIVISION with respect to access, sanitary sewer, water, electricity, gas, television receiving, telephone equipment, cables and lines (hereinafter referred to, collectively, as "utility facilities") shall be as follows:

6.2.1 Whenever utility facilities are installed within the SUBDIVISION, which utility facilities or any portion thereof lie in or upon a LOT or LOTS owned by other than a particular OWNER of a LOT served by the utility facilities, then that particular LOT OWNER shall have the right of reasonable access for himself/herself or for the utility companies to go upon such other LOTS to repair, to replace and to generally maintain such utility facilities as and when the same may be reasonably necessary.

6.2.2 Whenever utility facilities are legally installed within the SUBDIVISION, which utility facilities serve more than one (1) LOT, the OWNER of each LOT served by the utility facilities shall be entitled to the full use and enjoyment of such portions of the utility facilities as service his LOT.

6.2.3 All utilities easements shall be exercised by the dominant tenement(s) so as to damage, restrict or interfere with the use of the servient tenement(s) in the least way reasonable. Said easements shall be deemed non-exclusive to the dominant tenement(s). Cost of maintenance shall be upon the dominant tenement(s), which shall include the obligation to repair any damage caused to the servient tenement(s). The servient tenement(s) shall build no dwelling or substantial permanent structure (not including paving or retaining walls) over any such easement, and the loss of any large tree or shrubbery within such easement shall be at the risk of the servient tenement.

6.2.4 In the event of a dispute between the OWNERS with respect to the repair or rebuilding of said utility facilities, or with respect to the sharing of the cost thereof, then, upon written request of one (1) of such OWNERS addressed to the COMMITTEE, the matter shall be submitted to the COMMITTEE, which shall decide the dispute, and the decision of the COMMITTEE shall be final and conclusive on the parties.

6.3 Maintenance Easement: A right of way over and under each LOT is reserved by DECLARANTS, for the purpose of entering upon the LOT to perform such maintenance, if any, as the DECLARANTS elect to do in accordance with the provisions of this DECLARATION, or as may otherwise hereafter be required to service any portion of the Property for the installation, repair, or maintenance of sanitary sewer, water, electricity, gas, cable, telephone, television, drainage, landscaping, or coastal accessway.

6.4 Right of Entry and Use: In addition to the foregoing, all LOTS shall be subject to the following rights of entry and use:

6.4.1 The right of members of the DESIGN COMMITTEE or their authorized agents to enter the property for inspection purposes as described in Section 4.4.1.

6.4.2 The rights of the DECLARANTS during the construction period as described in Section 11.4.

6.5 Other Easements: LOTS 1 through 174, inclusive, are subject to all easement dedications, and rights of way granted or reserved in, on, over and under the property as shown on the MAP and/or the Final MAP. Without limitation as to the foregoing, the following specific easements are established with regard to the following LOTS:

6.5.1 Each LOT within the PROJECT shall be subject to sidewalk and public utility easements as shown on the Final MAP.

6.5.2 Public access and landscape easements are reserved in the area depicted on the final MAP on LOTS 5, 6, and 32, which shall be maintained by the DISTRICT. The OWNERS of said LOTS may not alter, damage, or make any improvements within the area of the public access and landscape easements as shown on the Final MAP for said LOTS.

6.5.3 Public access easements are reserved on, over, and across LOTS 18 and 19 as shown on the Final MAP. No structures shall be placed in the areas of said public access easements on said LOTS.

6.5.4 There is reserved on, over, and across LOT 65 public access and drainage easement thereunder as shown on the Final MAP. The OWNER of LOT 65 shall not place any structures within the area of said public access easement.

6.5.5 There is reserved on, over, and across, LOT 19, as shown on the Final MAP, a ten foot by ten foot public utility easement over which no improvements or structures shall be placed, including, but not limited to driveways.

6.5.6 There is reserved on, over, and across, LOTS 51, and 65, as shown on the Final MAP, ten foot by ten foot public utility easements for above ground transformers. No structures or other improvements may be shall be made within the area of said easement.

6.5.7 There is reserved on, over, and across the common lines between LOTS 49 and 50, three feet on each side of the common line between LOTS 49 and 50 public utility easement as shown on the Final MAP.

6.5.8 There are reserved on, over, and across LOTS 46-59, inclusive, a twenty foot wide public utility, drainage and slope easements along the southerly line of said LOTS as shown on the Final MAP. There shall be no fencing across said easement areas or the placement of any structures thereon. Landscaping in said areas may be allowed provided that they do not interfere with the use of said easements. The OWNERS of said LOTS shall be responsible to maintain the easement areas.

6.5.9 There is reserved on, over, and across, LOTS 42, 43, 44, 45, and 124, drainage easements as shown on the Final MAP varying from 30 to 40 feet. No fencing or other structures shall be allowed to cross the said easement areas, and the OWNERS shall not be allowed to alter or obstruct said drainage areas. The OWNERS of said LOTS shall be responsible to maintain the slope landscaping thereon.

ARTICLE 7

ENFORCEMENT BREACH AND DEFAULT

7.1 Remedy at Law Inadequate: It is hereby expressly declared and agreed that the remedy at law to recover damages for the breach, default or violation of any of the covenants, conditions, restrictions, limitations, reservations, grants of easements, rights, rights-of-way, liens, charges or equitable servitudes contained in this DECLARATION are inadequate and that the failure of any owner, tenant, occupant or user of any LOT, to comply with any provision of the GOVERNING DOCUMENTS may be enjoined by appropriate legal proceedings instituted by any OWNER, or by their respective successors in interest.

7.2 Nuisance: Without limiting the generality of the foregoing Section 7.1, the result of every act or omission whereby any covenants contained in this DECLARATION or provision in the DESIGN MANUAL is violated in whole or in part is hereby declared to be a nuisance, and every remedy against nuisance, either public or private, shall be applicable against every such act or omission.

7.3 Costs and Attorneys' Fees: In any action brought because of any alleged breach or default of any OWNER or other party hereto under this DECLARATION, the court may award to any party in such action such attorneys' fees and other costs as the court deems just and reasonable.

7.4 Cumulative Remedies: The respective rights and remedies provided by this DECLARATION and the DESIGN MANUAL or by law shall be cumulative, and the exercise of any one or more of such rights or remedies shall not preclude or affect the exercise at the same or at different times, of any other such rights or remedies for the same or any different default or breach or for the same or any different failure of any OWNER or others to perform or observe any provision of this DECLARATION or the DESIGN MANUAL.

7.5 Failure Not a Waiver: The failure of any OWNER, the DESIGN COMMITTEE to enforce any of the covenants, conditions, restrictions, limitations, reservations, grants or easements, rights, rights-of-way, liens, charges or equitable servitudes contained in this DECLARATION or the DESIGN MANUAL shall not constitute a waiver of the right to enforce the same thereafter, nor shall such failure result in or impose any liability upon the or the DESIGN COMMITTEE.

ARTICLE 8

NOTICES

8.1 Mailing Addresses:

8.1.1 LOT ANY OWNER: To the street address of his or her LOT or to such other address as he or she may from time to time designate with the County Tax Collector.

8.2 Personal Service Upon Co-OWNERS and Others: Personal service of a notice or demand to one of the co-OWNERS of any LOT, to any general partner of a partnership which is the OWNER of Record of the LOT, or to any officer or agent for service of process of a corporation which the OWNER of Record of the LOT, shall be deemed delivered to all such co-owners, to such partnership, or such corporation, as the case may be.

8.3 Deposit in United States Mails: All notices and demands served by mail shall be by first-class, express, certified or registered mail, with postage prepaid, and shall be deemed delivered four days after deposit in the United States Mail in San Luis Obispo County, California or upon actual receipt, whichever is earlier.

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ARTICLE 2

AMENDMENTS OF GOVERNING AND OTHER TRACT DOCUMENTS

9.1 Amendment of DECLARATION:

9.1.1 Amendment - Revocation: Unal conveyance of the first LOT, DECLARANTS shall have the unilateral right to amend or revoke this DECLARATION. After the first conveyance of a LOT, this DECLARATION shall be (a) amended only upon the written approval of the then record OWNERS of at least sixty-six and two-thirds percent (66 2/3%) of the LOTS, or (b) revoked only upon the written approval of the then record OWNERS of at least seventy-five percent (75%) of the LOTS. If co-OWNERS of a LOT are unable to agree among themselves as to how their vote shall be cast in the matters addressed in this Subsection, they shall forfeit the vote on the matter in question. If only one OWNER exercises the vote of a particular LOT, it shall be conclusively presumed for all purposes that he/she was acting with the authority and consent of all other OWNERS of the same LOT. An amendment or revocation shall be effective when it has received the required percentage approval and has been recorded in the Office of the County Recorder. Written approval of the CITY of Morro Bay will be required for any amendments or revocation of any provision of this DECLARATION if such amendment or revocation would affect any of the PROJECT CONDITIONS or any applicable law.

9.1.2. CITY CONSENT: If the consent of the CITY is required pursuant to this Section, a copy of the text of the proposed amendment, change, modification or termination, and a written request for the City to approve the text shall be mailed by certified or registered mail, postage prepaid, return receipt requested, to the Planning and Building Division of the CITY. Within sixty (60) days after receipt of the text, the CITY shall notify the Sender in writing that it has either approved the request or that the request has been set for a public hearing by the Planning Commission. If the latter action is taken, the notification of public hearing shall include the reason(s) why the request was not approved and the date, time and location of the hearing, as well as any other relevant information that will assist the Sender in preparing for the hearing. In the event that a public hearing is set regarding the request and the Planning Commission does not approve the request, there shall be a right of appeal to the City Council if filed within ten (10) days after the public hearing at which the Planning Commission denies the request. The appeal will be noticed and placed on future agenda for a Regular Meeting of the City Council and shall take place within ninety days from the date the appeal is filed.

ARTICLE 10

MORTGAGEE PROTECTION

10.1 MORTGAGES Permitted: Any OWNER may encumber his LOT with MORTGAGES.

10.2 Priority of MORTGAGE: Notwithstanding any other provision of this DECLARATION, it is hereby provided that a breach of any of the CONDITIONS contained in this DECLARATION by any OWNER or of any re-entry by reason of such breach, shall not defeat or render invalid the lien of any MORTGAGE or deed of trust made in good faith and for value as to said LOT or any part thereof.

10.3 Effect of Breach: No breach of any provision of this DECLARATION shall invalidate the lien of any MORTGAGE made in good faith and for value, but all of the covenants, CONDITIONS, restrictions, DECLARATIONS, easements and limitations of this DECLARATION shall be binding on any OWNER whose title is derived through foreclosure sale, trustee's sale, or otherwise.

ARTICLE 11

GENERAL PROVISIONS

11.1 Enforcement: The DECLARANTS or any OWNER, or at the request of any OWNER, the CITY of Morro Bay or other public entity with appropriate authority, shall have the right to enforce any provisions of this DECLARATION, by any proceeding at law or in equity, or by permitting processes, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this DECLARATION, and in any such court action shall be entitled to recover reasonable attorneys' fees as are ordered by a Court of competent jurisdiction.

11.2 Invalidity of any Provision: Should any provision or portion hereof be declared invalid or in conflict with any law of the jurisdiction where this PROJECT is situated, the validity of all other provisions and portions hereof shall remain unaffected and in full force and effect.

11.3 Term: Subject to the provisions of Section 9.1, which permit amendments and revocations of this DECLARATION under certain limited circumstances, the covenants, conditions, restrictions, easements and other provisions of this DECLARATION shall run with and bind the PROJECT as both equitable servitudes and covenants running with the land pursuant to California Civil Code Section 1468 or any similar statute then in effect, and shall inure to the benefit of and shall be enforceable by the DECLARANTS, the DECLARANTS or the OWNER of any LOT subject to this DECLARATION, their respective legal representatives, heirs, successors, and assigns, for a term of fifty-nine (59) years from the date this DECLARATION is recorded, after which time they shall be automatically extended for successive periods of ten (10) years, unless an instrument in writing, signed by a majority of the then OWNERS of the LOTS has been recorded within the year preceding the beginning of such a successive period of ten (10) years, agreeing to change said covenants, conditions, restrictions, easements and other provisions in whole or in part, or to terminate the same.

11.4 Limitation of Restrictions on DECLARANTS: DECLARANTS are undertaking the work of construction of planned development subdivisions and incidental IMPROVEMENTS upon the Property and other portions of the CLOISTERS PROJECT. The completion of that work and the sale, rental, and other disposal of the LOTS and other portions of the CLOISTERS

is essential to the establishment and welfare of the Property as a residential community. In order that said work may be completed and the Property be established as a fully occupied residential community as rapidly as possible, nothing in this DECLARATION shall be understood or construed to:

- (i) Prevent DECLARANTS, their contractors, or subcontractors from doing on the Property or any LOT, whatever is reasonably necessary or advisable in connection with the completion of DECLARANTS' work; or
- (ii) Prevent DECLARANTS or their representatives from erecting, constructing and maintaining on the Property (except upon LOTS owned by others), such structures as may be reasonable and necessary for developing the Property and other portions of the CLOISTERS PROJECT as a residential community and disposing of the same by sale, lease or otherwise; or
- (iii) Prevent DECLARANTS from conducting on the Property (except upon LOTS owned by OWNERS) their business of completing the work and of establishing a plan of residential ownership and of disposing of said Property in LOTS by sale, lease or otherwise or of disposing of other portions of the CLOISTERS PROJECT in similar manner; or
- (iv) Prevent DECLARANTS and their designated agents from maintaining an office and such sign or signs on the Property (excluding LOTS owned by others) as may be necessary for the sale, lease or disposition of any portion of the CLOISTERS PROJECT and any incidental purposes.

The foregoing rights of DECLARANTS shall terminate upon sale of DECLARANTS' entire interests in the CLOISTERS PROJECT or five (5) years after the date of recordation of the deed of the first LOT to be sold in the CLOISTERS; whichever occurs first. So long as DECLARANTS, their successors and assigns, owns one (1) or more of the LOTS described herein DECLARANTS, their successors and assigns, shall be subject to the provisions of this DECLARATION. DECLARANTS shall make reasonable efforts to avoid disturbing the use and enjoyment of LOTS by their OWNERS, while completing any work necessary to said LOTS and while completing its sales activities.

11.5 Termination of Any Responsibility of DECLARANTS: In the event DECLARANTS shall convey all of their rights, title and interest in and to the property to any partnership, individual or individuals, corporation or corporations, then and in such event, DECLARANTS shall be relieved of any further duty or obligation hereunder, and such partnership, individual or individuals, corporation or corporations, shall be obligated to perform all such duties and obligations of the DECLARANTS.

11.6 Fair Housing: No OWNER shall, either directly or indirectly forbid or restrict the conveyance, encumbrance, leasing, or mortgaging, or occupancy of his LOT to any person of a specified race, sex, sexual preference, adultness, marital status, color, religion, ancestry, handicap, or national origin.

11.7 Binding Arbitration: In case of any claim or dispute the DECLARANTS, general contractor, or broker, or their agents, or employees, on the one hand, and the OWNER(s), on the other hand, which claim or dispute relates to the rights and/or duties of the parties under the GOVERNING DOCUMENTS, or relates to the design of the PROJECT or any part thereof, the procedure shall be as follows: The aggrieved party or parties shall notify the other party or parties of the grievance, in writing. When such a notice is received by DECLARANTS, they shall promptly respond with an investigation, meeting, discussion, or other action reasonably appropriate to the circumstances. Appropriate action shall include, without limitation, prompt communication between the aggrieved party or parties, and a proposed course of action to resolve the problem. All parties involved in the matter shall negotiate in a good faith attempt to amicably resolve the problem. If the parties are unable to resolve the problem within a reasonable period of time (not to exceed ninety (90) days after the first notice of claim or dispute) the matter shall be submitted to binding arbitration pursuant to the rules of the American Arbitration Association, provided that if the dispute or claim involves a claim not in excess of the jurisdictional limit of the Small Claims Court, the LOT OWNER shall have the option to taking the matter to Small Claims Court in lieu of binding arbitration.

11.8 Construction of DECLARATION:

11.8.1 Restrictions Construed Together: All of the covenants, conditions, and restrictions of this DECLARATION shall be liberally construed together to promote and effectuate the fundamental concepts of the development of the Property as set forth in the Recitals at the beginning of this DECLARATION. Failure to enforce any provision hereof shall not constitute a waiver of the right to enforce that provision in a subsequent application or any other provision hereof.

11.8.2 Restrictions Severable: Notwithstanding the provisions of Section 11.8.1 above, the covenants, conditions, and restrictions of this DECLARATION shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision.

11.8.3 Singular Includes Plural: The singular shall include the plural and the plural the singular unless the context requires the contrary, and the masculine, feminine or neuter shall each include the masculine, feminine and neuter, as the context indicates or requires.

11.8.4 Captions: All captions or titles used in this DECLARATION are intended solely for convenience of reference and shall not affect the interpretation or application of that which is set forth in any of the terms or provisions of the DECLARATION.

11.8.5 Exhibit: All exhibits to which reference is made herein are deemed to be incorporated herein by reference, whether or not actually attached.

IN WITNESS WHEREOF, the undersigned, being the DECLARANTS herein, has executed this DECLARATION this 12 day of September, 1976

KEYOTO-MORRO BAY, INC.,
a California corporation

By Pierre Merat
Pierre Merat, President

MORRO BAY-NATALIE, INC.,
a California corporation

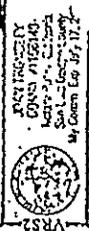
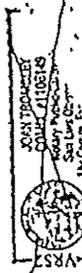
By Pierre Merat as attorney-in-fact
Pierre Merat, President
by: Pierre Merat as attorney-in-fact

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

On SEPTEMBER 10, 1996 before me, JOAN TROMBLEY, Notary Public personally appeared Frances Merz personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and Official Seal

Joan Trombley
Signature



LEGAL DESCRIPTION FOR VIEW CORRIDOR EASEMENT

All that real property situate in the City of Morro Bay, County of San Luis Obispo, State of California, being a portion of Lots 18 through 32 (inclusive), Lot 42, Lots 57 through 83 (inclusive), Lot 123, Lot 122, and Lot 123 of Tract 1936, a map of said subdivision being recorded in Book 111 of Maps at page 82 in the office of the County Recorder of said County; said portion of said Lots being more particularly described as follows:

Beginning at the southwesterly corner of said Lot 123 of said Tract; Thence, along the westerly line of said Lot 123, N 8° 52' 24" W 120.00 feet to the True Point of Beginning; Thence, leaving said westerly line, N 31° 38' 58" E 1177.33 to the most northerly corner of said Lot 74 of said Tract; said point being 165.00 feet easterly of a point that is 1015.00 feet northerly along said westerly line of said Lot 123 from said southwesterly corner of said Lot 123; Thence, S 52° 03' 45" E 832.72 feet to a point on the easterly line of said Lot 121 of said Tract; said point being 410.00 feet northerly along said easterly line from the southwesterly corner of said Lot 121; Thence, along the southeasterly line, N 17° 14' 55" W 2319.15 feet to a point on said easterly line, said point being southerly 360.00 feet along the easterly line of said Tract from the northwesterly corner of Lot 124 of said Tract; Thence, leaving said easterly line, S 33° 14' 45" W 281.46 feet to the most southerly corner of said Lot 23 of said Tract; said point being 470.00 feet easterly of a point that is 162.00 feet southerly along said westerly line of said Lot 123 from the northwesterly corner of said Lot 123; Thence, N 58° 57' 13" W 631.65 feet to a point that is 340.00 feet southerly along said westerly line of said Lot 123 from the northwesterly corner of said Lot 123; Thence, along said westerly line of said Lot 123, S 8° 52' 24" E 2429.66 feet to the True Point of Beginning.

Except therefrom Lot 32 of Block 19F, Lot 1 of Block 19Q, and Lot 35 of Block 19H of Atascadero Beach as shown on said Map of said Tract 1936.

EXHIBIT A
PAGE 1 OF 1

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
Hearing or Action Ready							
1	Todd Schnack	2248 Emerald	9/30/09	New Guesthouse Cloisters , 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	
2	Cathy Novak	560 Embarcadero	12/3/09	Height & Setback Exception for Fence/Windscreen . Applicant working with staff on project details.	GL	PC	
30 -Day Review, Incomplete or Additional Submittal Review							
3	Dan Reddell	1 Jordan Terrance	7/25/08	New SFR . 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. Resubmittal 2/16/10.	JH/KW	PC	3/16/10
4	Kleinhammer	160 Anchor	7/29/08	Parcel Map 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	Convert commercial space to residential use . 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	Addition to Nonconforming SFR . 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. Resubmittal 2/16/10.	GL	PC	
7	John Christie	2330 Hemlock	4/27/09	CUP for 2nd unit to nonconforming site. No scaled plans submitted. Comment letter sent 11/3/09. No response to date. Parking is an issue	GL	PC	
8	Studio Design Group	962 Piney	10/15/09	Preapplication Demo. , addition and remodel of existing church., application taken to DRT. Incomplete letter sent 12/4/09. Resubmittal 2/8/10.	KW	PC	
9	Les & Larri Deedon	3044 Ironwood	10/21/09	New SFR . 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. Incomplete letter 2/8/10. Resubmittal 2/9/10. complete for processing. Noticed on 2/19/2010	SD	Admin	2/18/10
10	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 2/5/2010. Permit issued 2/17/2010	SD	Admin	2/18/10
11	Robert Romero	3033 Ironwood	11/18/09	New SFR . Incomplete Letter sent 12/11/09. Resubmittal 2/8/10.	SD	Admin	3/10/10
12	Robert Tefft	395 Acacia	11/10/09	Demo SFR & Carport . Incomplete letter sent 12/31/2009.	GL/SD	Admin	
13	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.	KW		
14	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	
15	Valley and Crafton	430 Olive	11/23/09	Lot Line Adjustment . Incomplete letter sent 12/23/09. No response to date	GL/SD	Admin	

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
16	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	
17	Roy Cinowalt	3100 Main	2/11/10	Sign Permit. "Breaker View Apartments" Applicant notified that he needs a site plan showing where the sign is to be placed.	SD	Admin	
18	Ann Traven	595 Anchor Street	2/12/10	Variance: to allow a swimming pool within the front yard setback.	KW	PC	
Projects in Process							
19	Great American Fish Co.	1185 Embarcadero	1/6/05	GAFC, 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	
20	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. Met with applicants on 2/19/2010	KW	PC	
21	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	
22	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	
23	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. Applicant resolving issues of having stated project includes wetland area.	KW	PC	2/20/10
24	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	
25	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.	SD/KW	PC	
26	Chevron	3072 Main	12/31/08	Remove Underground Pipes. 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	

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
27	Smith Held	575& 591 Embarcadero	04/21/09	Demo existing retail and vacation rentals, construct 2 retail units and a 6 unit hotel. 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	
28	Candy Botich	206 MainWater Lease Site 34 Main & Oak St.	6/17/09	New Parking. 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	
29	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	
Environmental Review							
30	Ron McIntosh	190 Olive	8/26/08	New SFR. 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.	KW	PC	
31	Chevron	3072 Main	12/31/08	Remove Underground Pipes. 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	
32	Imani	571 Embarcadero	5/14/09	Remodel of Salt Building to include new public walkway and additional piling for support. Eel grass study submitted. Initial Study in process.	SD/GL	PC	
Coordinating with Other Jurisdictions							
33	Burt Caldwell	801 Embarcadero	5/15/08	Conference Center. 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	
34	City of Morro Bay	887 Atascadero	3/9/09	Nutmeg Water Tank Upgrade (City of Morro Bay CIP project). Oversight of County of San Luis Obispo application process. Preapplication meeting 3/9/09. Consultant coordination meeting 3/12/09.	KW	SLO County	
35	John King	60 Lower State Park	7/2/08	Lower parking lot resurface and construction of 2 new stairways. Submitted 7/02/08, PC Tent 10/6, PC Date TBD Applicant coordinating w/ CCC 10/20/08.	KW	PC	
Projects Continued Indefinitely or No Response to Date on Incomplete Letter							
36	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	
37	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	
38	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	

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
39	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	
40	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	
41	Nicki Fazio	360 Cerrito	08/15/07		KW	PC	
42	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	
43	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. Approved	KW	Admin	
Projects in Building Plan Check							
44	Don Doubledee	360 Morro Bay Blvd	5/15/09	Mixed Use Project. Ciano project	GL	N/A	
45	Travis Leage	1155 West	11/17/09	SFR. Incomplete Letter sent 12/22/09. Resubmittal 1/19/10. Incomplete Letter 2/8/10.	SD	N/A	
46	Robert Fiori	2655 Koa	11/25/09	SFR Demo/Reconstruction. Incomplete letter sent to applicant. Resubmittal 2/1/10. Incomplete letter 2/11/10.	KW	N/A	3/1/10
47	Tricia Knight	1245 Little Morro Creek	2/2/10	MetroPCS Telecom Site on PG&E tower. Incomplete letter pending.	GL	N/A	3/1/10
48	Billingsley	300 Fairview	2/8/10	SFR Addition. Demo and addition. Incomplete letter 2/11/10. resubmitted 2/22/10. applicant did not address all concerns. 2nd letter sent 2/24/10	SD	N/A	
49	Valori	2800 Birch Ave	2/10/10	Remodel/Repair. Sunroom, garage, and study. Under review. Comments sent 2/24/10	SD	N/A	3/10/10
50	John & Alair Hough	285 Main	2/16/10	SFR Addition. Second unit over detached garage. Under review.	KW	N/A	3/16/10
51	Jon Wickstrom	401 Panay	2/5/10	SFR Addition. 1,000 sf. addition. Under review.	KW	N/A	3/5/10
52	Costanzo Addition	1202 Bolton Dr	1/25/10	SFR Addition. Add stairs to the existing house. Incomplete letter 2/11/10.	GL	N/A	
53	Todd Schnack	2248 Emerald	2/17/10	New Guesthouse Cloisters. Project awaiting Planning permit approval.	GL	N/A	3/19/10
	Dan Yates	221 Main	2/22/10	Single Family addition	SD	N/A	
55	Kent Snowden	2570 Nutmeg	2/22/10	New SFR. Incomplete letter sent 2/23/10.	SD	N/A	
Approved Permits							
56	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	
57	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	
58	Gerald Luhr	540 Atascadero	1/15/10	Sign Permit. "Kitchen and Bath Works". Approved	KW	Admin	
59	Dan Yates	221 Main	12/11/09	SF added to NCS and Parking Exception. 2/1/2010 P.C. approved	KW	PC	
60	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	
61	Wayne Colmer	485 South Bay	4/28/05	17 Lot Subdivision. 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. Project approved on 2/16/2010.	KW	PC	

	Applicant/Property Owner	Project Address	Date	Project Description/Status	Project Planner	Approval Body	30-Day Review
62	Cathy Novak	585 Morro	12/23/09	As-Built Review of Community Housing Project. In progress. Project completed	KW	N/A	2/19/10
63	Gary Christensen	600 Morro Bay Blvd	1/21/10	Tenant Improvement. Pharmacy / Retail. Project approved	GL	N/A	3/19/10
64	Michael Garman	680 Paula	2/17/10	SFR Addition. 55 sf Master Bath addition. Approved	KW	N/A	
65	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. project approved	GL	N/A	2/18/10
66	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 2/5/2010. Permit issued 2/17/2010	SD	Admin	
67	Mark Hoppe	2840 Cedar	11/18/09	Demo SFR. 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. Permit issued 2/17/2010	SD	Admin	
68	Gene Doughty	201 Main	7/24/09	Subdivide one lot into three. Comment letter sent 8/19/09. Resubmittal 12/22/09.	KW	AD	
69	City of Morro Bay	235 Main	10/20/09	Demolish Wharf. 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. Environmental review complete	KW	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			